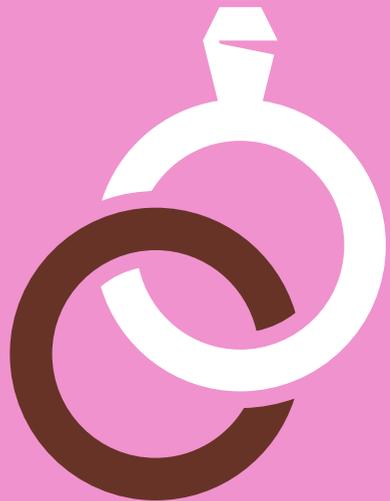




Ministry of Justice and Security

Information about religious marriages

Marriage, divorce and marital captivity



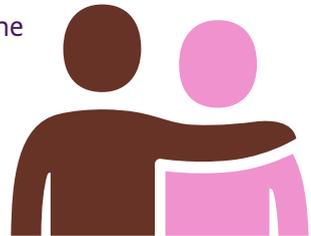


Who is this information leaflet for?

This information is intended for people who want a religious marriage or divorce. Do you know someone who wants a religious marriage or divorce? Then this leaflet is also for you.

In the Netherlands, everyone has the right to live his or her life as she or he sees fit. Everyone is entitled to freedom of choice and security. Women and men have equal rights. Sometimes these rights are violated, for example through marital captivity.

Marital captivity means that two partners who are religiously married cannot have a religious divorce. Someone is then stuck in her/his marriage and is not free. Women are the main victims of this.



In this leaflet you will find information about:

- how to recognise marital captivity
- what help is available if you or someone close to you experiences this.

You will also find information about:

- religious and civil marriages
- your rights and what is punishable by law
- divorce.

How do you recognise marital captivity?



Do you recognise one or more of the following in your life or in that of someone close to you?

- You want a divorce, but your partner refuses to cooperate.
- You are afraid that (after the divorce) your ex-partner or your ex-partner's family will not allow you to see your children.
- You want to divorce because you and your partner fight all the time, but you feel trapped in your marriage.
- You cannot start a new relationship because those around you disapprove.
- In your community / country of origin, people see you as an unfaithful partner. As a result, you can no longer visit your family.
- You cannot apply for your own travel document (ID-card, passport) without the consent of your (ex-)partner.
- You cannot move freely or you are confined at home.
- You feel more and more pressure, danger or you feel increasingly threatened.
- Your family (in-law) controls what you do: they collect you from school or work while you do not want them to.
- You are threatened and/or suffer from violence.
- You have no understanding of your right of residence.



If you recognise one or more of the above situations in your life or in that of someone else, it may be a case of marital captivity. There are people who would like to help you. You can read more about this on the next page.

Help and advice in the Netherlands



Immediate danger

Always call 112 when there is immediate danger and/or violence. You can call 24/7 and it is free of charge.

Information, advice and support Veilig Thuis

They know a lot about domestic violence, child abuse and marital captivity. You can ask questions, get advice and/or support for yourself or someone else. You can always call (24/7) free of charge from within the Netherlands.

You can also call anonymously.

 0800-2000

Legal aid Het Juridisch Loket

 www.juridischloket.nl/familie-en-relatie/

Do you have questions about, for example, divorce, alimony, children or a residence permit?

You can call for personal advice:

 0900 8020 (€ 0,10 per minute)

You can also drop by or send an email (free of charge):

 www.juridischloket.nl/email-ons/

Shelter, support and treatment in case of violence

Fier

Fier gives advice and offers assistance, a safe haven and treatment.

 www.fier.nl/english

 Click on the “Chat hier met Fier” button on the bottom right.

 088 20 80 000

Sterk Huis

Sterk Huis offers advice, help and shelter.

 www.sterkhuis.nl/contact

 You can chat online with them.

 013 543 30 73

Police

Call **112** in case of immediate danger and violence. They can immediately send a police car or ambulance.

Is there a less immediate danger?

 Call 0900-8844.

Do you want to remain anonymous?

 Then call 0800-7000.

Help and advice from abroad



The Dutch embassy of the country where you are:

 <https://www.netherlandsworldwide.nl/urgent-assistance/forced-marriage-or-forced-to-stay-abroad>



The embassy can help you find the right local (legal) assistance.

The 24/7 Contact Centre at the Ministry of Foreign Affairs.

 +31 247 247 247

 On Whatsapp: +31 6 8238 7796

If you are abroad and need help, you can always contact the Ministry of Foreign Affairs.

Landelijk Knooppunt Huwelijksdwang en Achterlating (LKHA) (English: Dutch Centre of Forced Marriage and Abandonment)

 +31 70 345 4319

 LKHA@veiligthuisshaaglanden.nl

Veilig Thuis for questions, advice and help:

 +31 703 119 007



Open your phone's camera and point it at this picture. Click on the link that appears.



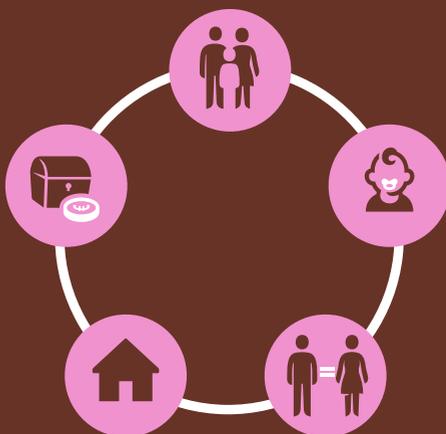
Information on religious marriages and marital captivity

A religious marriage or a civil marriage?

In the Netherlands, there are two ways to get married: one is a civil marriage and the other is a religious marriage. If you want to have a religious marriage, you always have to get married before the law first. Civil ceremonies take place at the municipality with a civil servant and at least two witnesses. This is required by Dutch law.

A civil marriage (before a religious marriage) is compulsory because it protects the married partners. It legally establishes their rights and obligations. For example, about money and other possessions, such as a purchased house. Or about any children. Who owns the house and other property? Who can take decisions regarding the children? The civil marriage gives the married partners and their

children legal protection, even if the partners want to divorce later on. That is why it is important to have a civil marriage before a religious marriage.





Risks in case of divorce

Risks may be involved when your marriage is dissolved, but not accepted by the (religious) community, especially when you enter into a new relationship. The family and/or (religious) community may see this as infidelity or adultery and this can lead to (honour-related) violence. There are also risks involved if you divorce in the Netherlands and the divorce is not accepted in your country of origin. You may be at risk of persecution in your country of origin for adultery or (honour-related) violence.

Do you recognise this? Then ask for help.

There are people who can help and support you.

See **'Help and advice'** for more information.



What is punishable by law?

In the Netherlands, you always must have a civil marriage before you have a religious ceremony. A clergyman (a priest, rabbi or imam) is punishable by law if a religious marriage is performed before the civil marriage has taken place.

If things are not going well in your marriage, if you have many problems and/or you no longer want to be married to your partner, you can divorce under Dutch law. If the partner in a religious marriage does not want to cooperate in the divorce, a person is trapped in his/her marriage.

This is called marital captivity and is punishable by law in the Netherlands.



Other things related to marriage that are punishable by law:

Forced marriages, confinement and any form of physical, psychological or sexual violence inside or outside the home.

For more information and assistance, please visit the webpage on marital captivity:

 www.rijksoverheid.nl/onderwerpen/huwelijkse-gevangenschap



(Religious) divorce without cooperation

A civil marriage can be dissolved under Dutch law, but the dissolution of a religious marriage can be difficult. For example, if your religious and/or social community does not accept the divorce. Or if the religion does not recognise divorce, but also when one of the partners does not want to divorce.

However, even if your partner does not want to cooperate, you can get a divorce. Are you afraid to seek help (on your own) to start the divorce process? Then tell your story to someone you trust. Ask her/him to go with you or help you in asking advice from organisations that can help you.

Partners can make arrangements about, for example, work, place of residence and also about the possible end of their religious marriage before they get married. It is important to have these agreements drawn up by a civil-law notary or lawyer. If one of the

partners does not comply with the agreement later on, the other partner can go to court.

If you are already in a religious marriage but you have not made any agreements at the civil-law notary, you can still go to court and ask the judge to order the refusing partner to cooperate in the divorce.

It is best to ask a lawyer for advice on your situation. You can find more information under 'Legal aid'. Let the expert tell you about your options under the law, as well as about the risks to your safety and other consequences of the divorce, such as the costs. More information is available under '**Help and Advice**'.



More information

See explanatory videos and read more information about marital captivity and available help at:

www.rijksoverheid.nl/onderwerpen/huwelijkse-gevangenschap.

This information leaflet is a result of the (H)echt Verbonden trajectory of the municipality of Rotterdam and research into marital captivity by the University of Maastricht in cooperation with the National Working Group Mudawwanah and Atria. Representatives of various religions, lawyers, experts by experience, social workers and researchers also participated in the fight for freedom of choice in relationships.

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