



Rapporto - MATRIFOR ***Analitical report – MATRIFOR***



Forced Marriage in Italy: a qualitative research

Matrimonio Forzato in Italia: una ricerca qualitativa

Le Onde Onlus – Aprile 2014



**Project "MATRIFOR - Approching forced marriages as a new form
of trafficking in humans beings in Europa"
Co-financed to European Commission
DG Home Affairs
Directorate A - Internal security
Programme Prevention of and Fight against Crime**



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The writing of this report implicated a great involving and linking work with many subjects that work in Palermo and in Italy in the field of violence against women even when this appears in harming traditional practices. We want to thank and nominate them all for the courtesy, the helpfulness, the attention given not only to the research work but also to the matter of violence against women in their jobs. We sincerely thank the associations that locally provided us with information and interviews, also facilitating the contact with women that asked them an help: ARCA – EXTRA; the social cooperatives La Panormitana, No Colors, UMIP Palermo; the Higher School Regina Margherita; the Medina project; the Regional Education Office, Department school dropout (MIUR); Municipality of Palermo U.O. Interventions for Immigrants, Refugees and Roma; ASP Palermo U.O. Healthe immigrants and Roma. The legal advice service Udipalermo that gave us its experience on penal interventions on the subject and have been representing a reference point to the women of the city for over 20 years. The Municipality of Palermo, represented by the Assessor of Education Barbara Evola for her kindness and the attention she gave to our survey work. The hospital A.R.N.A.S. Civico Di Cristina Benfratelli - Palermo in the person of Dr. Tullio Prestileo that it has made available its experience in the field of medicine and of migration on the health of immigrants. The Police Headquarters of Palermo, represented by the Sex crimes section Officer Rosaria Maida who helped us to understand how the phenomenon could be considered relevant for migrants as well as natives. The Public Prosecutor's Office at the Court represented by Prosecutor Alessia Sinatra who contributed to explain us which tools can be used to face the problem. The Juvenile Court represented by Judge Antonella Pardo, who led us through the complex management of the phenomenon in those cases regarding underage people. Tiziana Dal Pra of association Trama di terre that provided us with their experience on the matter. Tiziana Zannini of the Department of Equal Opportunities of the Prime Minister's Office for her helpfulness and the attention she gave to the subject and to the research. Thanks to the Anti-violence network of Palermo, that gave us the basis to be able to analyze the phenomenon in the city with the trust and the experience on the subject developed in this 15 years of cooperative work.

Thanks also to Maura Misiti, Maria (Milli) Virgilio, Giorgia Serughetti, who shared with us their knowledge to improve and integrate the results of this survey.

But we particularly have to thank the young and less young women that provided us with their life experience, their story, their suffering and the will of independence and freedom. They are the protagonists of this report with the stubborn request to live in the world as they wish and to build a world where their daughters don't have to suffer anymore for whatever form of violence.

1. Introduction

Forced marriage is defined as a violation of human rights, particularly of the rights of women and girls, at the core of which is the notion of consent, declined as freedom of self-determination for women and girls.

According to the UK Forced Marriage Unit, “a marriage in which one or both spouses do not (or, in the case of some adults with learning or physical disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure”. While maintaining a clear distinction between “arranged marriage” and FM, this definition regards the former as a form of domestic violence when at least one of the spouses is pressured or forced to it by means of physical as well as psychological, sexual or economic violence.

Strictly connected to FM is the issue of early and child marriages, celebrated before the age of consent to marriage (18 years, according to the latest UN directives).

Social forces that have a special impact on FM are:

- the social norms prevailing in a country or in a community;
- economic and family structures;
- gender inequalities that assign women to a subordinated role, curtailing their rights within the family and in the wider social and cultural systems.

In countries and communities where arranged marriages are widespread, cultural factors that increase the risk of forced marriages are:

- the control over women's sexuality (masculine “honor”);
- the protection of cultural and religious traditions against the transformations of contemporary life;
- the importance of kinship, affiliation and family honor.

Quite different is the case of FM in European Union countries when it concerns more often families of immigrant origin and young people of the second/third generation: “the driving forces may be a wish to prevent children from becoming ‘Europeanised’, or a need to reaffirm identity, perpetuate the migratory process or repay a debt to one’s own community. Additional factors may include deteriorating relations between the sexes, the rise of religious fundamentalism, the impact of urban social policies, difficulties with regard to marriage and sexuality, and a concern to prevent one’s children from entering into a mixed marriage” (COE, 2005).

Victims of FM in EU countries predominantly:

- a) come from countries (or regions) where the custom of arranged marriage

- and early marriage is widespread;
- a) belong to cultures in which the decisions of parents and relatives tend to prevail over individual choice;
 - b) live in territories where strong national, cultural or religious communities give support to their parents' decisions or put pressure on their families themselves.

Victims of FM often suffer further domestic violence as a consequence of unwanted marriage.

1.1 MATRIFOR Project

This report presents the analysis of the qualitative research, i.e. interviews with professionals, performed as part of the multi-country MATRIFOR project, led by the Universitat Autònoma de Barcelona. The MATRIFOR project aims at studying forced marriages as a new form of trafficking in human beings in Europe. The main objectives of the study are:

- To study the characteristics of FM in the participation countries, in order to better understand the factors, victims' profile, and possible instruments to identify FM's cases.
- To study the main obstacles and difficulties in seeking legal redress in cases of FM in the participating countries.
- To propose specific legal mechanisms to address FM within context of the European Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.
- To analyze the way the participating countries are transposing into their national law the obligations imposed under the above cited EU Directive.
- To develop training and awareness raising materials specifically addressed to target groups and beneficiaries.

The study started on November 16th 2012 and will finish November 15th 2015 (36 months).

There are 3 countries involved in the study: Belgium (project partner), Italy (project partner) and Spain (project coordinator). The institutions involved are: Universitat Autònoma de Barcelona (Barcelona, Spain), International Centre for Reproductive Health – Ghent University (Ghent, Belgium) and Le Onde Onlus (Palermo, Italy).

The study is financed by the European Commission's programme "Prevention of and fight against crime" (DG Home Affairs).

1.2 The present report

The following text is the outcome of a first processing of information and data collected during the interviews and it is divided into three fact-finding areas:

1. Analysis of data available in Italy (Chapter 2)
2. Analysis of Italian law on the subject (Chapter 3)
3. Analysis of the interviews to privileged witnesses and victims or potential victims (Chapter 4 – 5 – 6)

This report is available in the Italian version (which keeps a more colloquial text) such as in the English version. It relates the information collected on the basis of reading patterns shared with the project partners in order to have a comparative view of the European situations (Italy, Belgium and Spain). On the website above mentioned it is possible to find all the national reports. A deeper analysis (in Italian) will follow this first brief report; it will also feature an international bibliography that will be public and available online starting from fall 2014.

In the implementation phase of the project the researches available in Italy were found; the present report wishes to add a contribution to them. In particular it was quoted the research carried out in Emilia Romagna *Per forza, non per amore. I matrimoni forzati in Emilia Romagna* by Daniela Danna for the association Trama di Terre. Furthermore articles on the subject published in Italy were acquired, as well as the international literature in the field, that will be mentioned on the fall publication.

Le Onde Onlus established a Work Group for the surveys considered in the project. It involves different professionals in the different phases of in-depth analysis:

- on the law analysis aspects two lawyers collaborated, Elvira Rotigliano and Monica Palazzo, mixing the criminal analysis aspects to marriage and immigration law aspects;
- on the achievement of the interviews, their reading and analysis Maria Grazia Patronaggio and Natalia Milan collaborated;
- the general text revision was carried out by Maria Rosa Lotti and Maria Grazia Ruggerini.

Special thanks go to the two precious consultant Maura Misiti and Maria (Milli) Virgilio who gave their contribution on the data analysis and the legal parts.

2. Some data on forced marriage in Italy

In Italy the phenomenon of forced marriages has grown exponentially with the increasing immigration of the families coming from the Indian subcontinent and other arabic countries, even if no official census nor a legislation take this matter into account.

For methodological reasons, it is difficult if not impossible to accurately quantify the phenomenon of FM. Victims of this form of violence represent a "hidden population", and belonging to a hidden population often involves the perception of a social stigma which induces reticence in talking about their private sphere and the refusal to give reliable information. In particular, there is a strong resistance in FM victims to denounce members of their family or community, contributing to maintain such phenomenon invisible.

It has recently been observed that even if the arranged marriage is a practice which is normally tolerated by the different cultures in the above mentioned countries of origin, there is a kind of "short circuit" when the families migrate and they try to reproduce it in the host country. So with the second generation born in Italy arranged marriage has become a "forced marriage combined," from the simple proposition of the partner, there is now also the coercion, the menaces and violence. The latter should not be intended as only physical, that is easier to identify, but it can be exercised also in subtler psychological forms, that can be expressed by stigmatizing, banning, marginalizing the "non compliant" member of the family and religious community. This custom is a consolidated practice and the religions do not play a central role in this regard.

The distinction between the two practices is significant both with regards to the public action and on the legal grounds. For instance even in Italy, just until some decades ago, the custom was that it was the family that introduced the suitors to the daughter or to the son. This habit was related to a conception of family whose members were much more united among them than nowadays. There was a trust in the experience of the adults and therefore in their choice of the life partner, and the importance of the falling in love was decreased in favour of more substantial criteria referred to an enduring marriage (economic certainty above all).

In Italy there are no statistics on Forced Marriage. The Department for Equal Opportunities has mandated Le Onde non-profit organization to implement a investigation on forced marriage in Italy, with the aim of identifying useful indicators to identify the target of the victims and potential victims.

In this research, in addition to forced marriage, we also consider the arranged marriage (which families are making the choice), or the marriage of convenience and early marriage. It is proposed a problem of definition of the phenomenon, from the international literature on the subject.

Data provided by Unicef (2013) about the percentage of children married before 15 and before 18 years in different countries can prove helpful to estimate the population at risk if combined with the data provided by Istat and Ministry of Interior about non-EU residents in Italy: country of origin, gender, age. Among the communities most at risk (as measured by Unicef indicators and empirical research), we find at the first places:

- South-East Asian countries (Bangladesh, Pakistan, India, Sri Lanka), which are nonetheless characterized by a limited percentage of women;
- some African countries (Senegal, Ghana, Nigeria, Egypt) which - apart from Nigeria - are similarly characterized by a low female presence.

The disaggregation of these data for different regions allows specific local insights, because the national overall weight of these communities is not high, but is concentrated in specific regions or local areas.

- Morocco and Albania are reported in the list of countries at risk and represent two of the largest migrant communities, where both the female component and the “second generations” have an important numerical weight.

Other sources of data (European Roma Rights Center, 2011) indicate a high risk of early and forced marriage for Roma girls and women in Italy, 64% of which have married before 18 years, and 30% before 16.

More detailed information about the prevalence of FM in Italy are likely to be provided in the next future by two national surveys currently carried out by Istat:

- a) *Condition and social integration of foreign citizens*: a statistical research on the living conditions of foreign citizens (including naturalized citizens);
- b) *Research on violence against women and family abuse*: new survey on violence against women in Italy, developed in continuity with the one realised in 2006, with investigation extended to a sample of foreign women living in the country.

Important information to estimate the prevalence and incidence of FM could be provided by the Ministries of Interior, Justice, Health etc., if the information currently available were disaggregated: eg data on residence permits for family reunification.

Given the lack of official statistics, we can use as a reference the data collected by UNICEF on child marriage as an indicator of populations that may be present even forced marriage. In the report on the UNICEF State of the World - 2013 will indicate the geographical areas and the states in which it is used the practice of early marriage or child. From this mapping we can identify some populations for which there is a risk of forced marriage. We chose to use this indicator to show the extent of the risk in Italy.

The two table shows the UNICEF data for populations living in Italy in conjunction with the prevalence of early marriage, Table A with the 20 highest- prevalence countries in the world, and Table B with the 20 highest-prevalence population resident in Italy (official data ISTAT 2013)

Table A: UNICEF 20 highest-prevalence countries in the world (%) – Population in Italy

Country	Resident in Italy		Married by 15	Married by 18
	M	F		
Niger	32.675	33.956	16%	75%
Centrafricana Rep	79	59	29%	68%
Ciad	568	120	29%	68%
Bangladesh	80.106	33.705	32%	66%
Guinea	3.106	1.581	20%	63%
Mozambico	164	237	21%	56%
Mali	3.697	539	15%	55%
Sud Sudan	6	1	9%	52%
Burkina Faso	10.287	5.375	10%	52%
Malawi	32	32	12%	50%
Madagascar	412	989	14%	48%
India	93.872	56.590	18%	47%
Eritrea	5.830	5.663	20%	47%
Somalia	5.591	3.077	8%	45%
Sierra Leone	811	578	44%	18%
Zambia	140	134	9%	42%
Etiopia	3.535	5.885	16%	41%
Nicaragua	192	448	10%	41%
Nepal	775	448	10%	41%
Domenicana rep	10.219	18.908	12%	41%

Child marriage prevalence is the percentage of women 20-24 years old who were married or in union before they were 18 years old (UNICEF State of the World's Children, 2013). It is based on Multiple Indicator Cluster Surveys (MICS), Demographic and Health Surveys (DHS) and other national surveys, and refers to the most recent year available during the period 2002-2011.

Table B: non-EU citizens resident in Italy and% UNICEF Early Marriage

COUNTRY	M	F	TOT	Married by 18	Married by 15
Marocco	288.242	225.132	513.374	16%	3%
Albania	261.632	236.129	497.761	10%	1%
Cina Rep. Popolare	155.800	148.968	304.768		
Ucraina	45.325	179.263	224.588	10%	1%
Filippine	66.838	91.470	158.308	14%	2%
India	93.872	56.590	150.462	18%	47%
Moldova	49.333	99.898	149.231		
Egitto	87.592	35.937	123.529	17%	2%
Tunisia	77.525	43.958	121.483		
Bangladesh	80.106	33.705	113.811	32%	66%
Peru'	43.578	65.796	109.374	19%	35%
Serbia/Kosovo/Montenegro	57.401	49.097	106.498		
Sri Lanka	54.984	43.695	98.679	12%	2%
Pakistan	65.595	32.326	97.921	24%	7%
Senegal	68.401	23.970	92.371	33%	12%
Ecuador	37.162	53.138	90.300	22%	4%
Macedonia ex Rep. Jugoslava	46.077	37.371	83.448	7%	1%

Nigeria	32.675	33.956	66.631	16%	75%
Ghana	33.452	22.569	56.021	21%	5%
Brasile	12.321	34.643	46.964	36%	11%

Child marriage prevalence is the percentage of women 20-24 years old who were married or in union before they were 18 years old (UNICEF State of the World's Children, 2013). It is based on Multiple Indicator Cluster Surveys (MICS), Demographic and Health Surveys (DHS) and other national surveys, and refers to the most recent year available during the period 2002-2011.

Unable to obtain specific statistical data on FM, it is difficult understand which is the effect of the phenomenon in populations on the Italian territory.

In addition, a specific reflection should be done for the peoples Rom, Sinti and Travellers, for which you can only refer to a research conducted by the Basso Foundation. In this survey (qualitative) it identifies the tradition of combining marriage as a strategy communities.

3. Legal and policy framework on forced marriage in Italy

According to the Italian law the marriage is a “juridical act” of negotiable type. It is a complex family-law institution composed by two elements. The first is an exchange of consents between two people of different sex; the second is the declaration of the civil officer. It shall be distinguished in:

- Civil marriage; it is celebrated by a civil officer according to article 107 et seq. of the Civil Code;
- “Matrimonio Concordatario” according to the canon law it is celebrated by a Catholic minister. The State recognizes the civil effects of this type of marriage, if it is entered in the records of Registry Office;
- “Non Catholic marriage” is celebrated by a different minister of one of the other religions recognized by the State and it can have civil effects according to the law regulating the relationships between that religion and the State.

The relationship deriving from the marriage is regulated by the law and it lasts until:

1. The death of one spouse
2. The judicial dissolution of the bond caused by the divorce (in case of catholic marriage it is named : “cessation of the civil effects of the marriage” because the religious bond is indissoluble)
3. The judicial declaration of nullity (due to different causes such as the mental incapacity at the time of the celebration or the consent following a violence or a mistake, particularly when the consent has been extorted through the violence or determined by an exceptional severe fear due to factors external to the spouse (article 122 Civil Code).

The Italian law also provides for the personal separation of the spouses (Article 150 Civil Code) which determines the cessation of the cohabitation, that can end with the de facto reconciliation (Article 157 Civil Code) and –above all: after three years it permits to apply for the divorce.

The above mentioned separation can be:

- Judicial (Article 151 Civil Code) when it is pronounced by a sentence of the Tribunal on the instance of one or both the spouses, presupposes the establishment of facts that would render the continuation of married life

intolerable or that can have a serious and damaging impact on the upbringing of the children. It can be stated with a charge to one or to both of the spouses when it is ascertained that it has been caused by a behavior which is contrary to the duties of marriage (fidelity, cohabitation, support etc as to Article 15, subsection 2 of the Civil Code);

- Consensual (by mutual consent) as to Article 158 of the Civil Code, when the spouses agree on the separation and on the conditions settling their lives after the separation; it is a negotiated agreement that must be submitted to the control of the Tribunal, which takes into account also the interest of minors as to Article 158, subsection 2 of the Civil Code;

The consequences of the divorce are: patrimonial, with the obligation to provide maintenance by periodical payments according to the means of the spouses as to Article 5, subsection 6 of the Law 898/1970; loss of the inheritance rights; right to a percentage of the severance payment of the former spouse as to Article 12 bis of the Law 898/1970; the dissolution of the joint estate. On the other hand, as to the personal consequences, they are: change in the civil status as to Article 89 Civil Code; loss of the surname of the husband added by the wife to her own as to Article 5 subsection 2, Law 898/1970; retaining of the right of healthcare by the mutual insurance fund of the other spouse as to Article 5, subsection 11, Law 898/1970.

The most critical factor which impedes an effective protection to the victims of a Forced Marriage lies in the impossibility to verify the consent given to a marriage in order to recognize its validity in Italy.

The marriage which has been validly contracted abroad is deemed to be recognized in Italy by virtue of the principle of the *favor matrimonii* (Law 218/1995). To this end the original marriage act issued by the local police officer must be translated and legalized. Then the spouses must transmit it to the Italian Consolar authority abroad which provides to forward it to Italy in order enter the certificate in the civil registers of the competent municipality.

Alternatively the Italian spouse can present the act, translated and legalized, directly to the Italian municipality where he lives (as to Article 12 subsection 11, Decree of the President of the Italian Republic 396/2000). So in Italy the validity of the consent to the marriage given by the woman in the country of origin it is not tested.

The acts by issued by the countries adhering to the Vienna Convention of the 8th

September 1976, that provides for the issuance of a multilingual form are exonerated from the legalizing and traduction. Those countries are: Austria, Belgium, Bosnia and Herzegovina, Croatia, Estonia, France, Germany, Italy, Lithuania, Luxembourg, Macedonia, Moldavia, Montenegro, the Netherlands, Poland, Portugal, Serbia, Slovenia, Spain, Switzerland and Turkey.

The woman victim of Forced Marriage who wants to apply for the annulment for a defect in consent is obliged to follow the normal jurisdictional procedure through the action for the annulment of the marriage, which implies long times and relevant costs without receiving an adequate protection.

The status of spouse derives from the institution of “marriage”, the only legal instrument recognized by the Italian legal system for the relationship of a couple formed by a man and a woman, which is considered by the Italian Constitution (Art. 29) a requirement for legitimate filiation. The Italian legal system does not recognize the status of family members to more uxorio cohabiting couples (the so-called “de facto couples”), as repeatedly stressed by the Constitutional Court. In several judgments, in fact, the Court specified that Article 19 of the Consolidated Act on Immigration is not unconstitutional insofar as it does not prohibit the expulsion of third-country nationals cohabiting more uxorio with an Italian citizen (Constitutional Court, ord. 313/2000; Constitutional Court, ord. 481/2000).

The non-recognition of the “spouse” or “family member” status to more uxorio cohabiting couples was also reaffirmed by the Supreme Court (judgment 6441\2009, First Civil Division), even when the union is registered and recognized in the country where it was contracted, as in Italy registered unions are not considered a marriage.

The Italian legislation does not provide for a crime of “forced marriage”. The sentences which have taken into consideration the conducts of relatives who the victims to a psychological and physical violence to oblige them to “live according to the tradition” and so to accept the non agreed marriage have used the crime of “family maltreatments” (article 572 of the Penal Code).

The problem of the future regulation and sanction of the forced marriage as a crime fits into the wider problematic of the regulation of the “culturally motivated crimes”, that are the conducts of a member of a cultural minority that is outlawed by the legal system of the majority culture. Nevertheless the same conduct may not be considered as illegal inside the group of the agent, that in some circumstances can even foster it.

In Italy this matter is subject of intense debate. Among the studies it can be mentioned: *Luca Monticelli "Le cultural defences (esimenti culturali) e i reati "culturalmente orientati", possibili divergenze tra pluralismo culturale e sistema penale" in L'Indice Penale 2003; Cristina de Maglie "Multiculturalismo e diritto penale. Il caso americano" in Rivista Italiana di Diritto e Procedura Penale 2005; Fabio Basile "Società multiculturali, immigrazione e reati culturalmente motivati (comprese le mutilazioni genitali femminili" in Rivista Italiana Diritto e Procedura Penale 2007.*

3.1 Migrant law in relation to forced marriage

The entry of the foreign national in Italy is regulated by Title II Dispositions on the entry, the residence and the removal from the territory of the State, I Chapter - Dispositions on the entry and residence - art. 4 of the Consolidated Act on Immigration - entry in the territory of the State. The entry in the territory of the State is allowed to the foreigner who is in **possess of a valid passport or an equivalent document and of the entry visa**, except for the exemption cases, and it can take place, except for cases of force majeure, only through the institutional boarder crossings.

The **entrance visas** is issued by the Italian diplomatic or consular posts in the place of origin or habitual residence. For visits up to a total of three months they are equalized to those issued by the Italian diplomatic and consular authorities as issued on the basis of specific agreements by the diplomatic and consular authorities of the other States. Contextually to the issuance of the entrance visa the Italian diplomatic or consolar authority give to the foreign national a communication written in a language he/she can understand, or otherwise in English, French, Spanish or Arabic, that illustrates the rights and obligations of the foreign national related to his/her entry and residence in Italy. If the requirements provided by the regulation are not met the diplomatic or consolar authority communicate the denial to the applicant in a language that the foreign national understands, or, otherwise in English, French, Spanish or Arabic. Derogating the provision of the Law 241/1990 in cases of public order and national security the refusal must not be motivated except for the visa requests regulated by articles 22, 24, 26, 27, 28, 29, 36 and 39. The submission of false documents or false informations with the application entails, in addition to a penal responsibility, the rejection of the application as inadmissible. For the foreign national holding the residence permit it is sufficient to issue a communication to the boarder authority

in order to reenter the territory of the State (subsection substituted by the Law 189/2002).

Without prejudice for the provisions of Article 3 subsection 4 Italy, in compliance with the obligations assumed upon adhering to specific international agreements, will allow the entry in its territory to the foreign national who provide the **adequate documentation to confirm the end and the conditions of the residence, as well as the disponibility of sufficient means of subsistence to cover the intended stay and, except for the business permits, aslo the return to the origin country.** The means of subsistence are established by a specific directive issued by the Minister of the Interior, pursuing the criteria indicated by the planning document provided by the article 3 subsection 1.

The foreign national who does not meet these requirements or who is considered to be a threat to public order, national security, public health, or international relations or who has been definitively sentenced through a for one of the crimes provided by the article 380 subsection 1, and 2 of the Criminal Procedure Code or for crimes related to drug trafficking, sexual freedom, facilitation of the illegal migration to Italy or from Italy to other countries or for crimes directed to the recruitment of persons to coerce them into prostitution or to the exploitation of the prostitution or to the exploitation of minors to use them in illegal activities (sentence introduced by the Law 189/2002).

The foreign national is banned from entry Italy also when there is an irrevocable criminal conviction for the crimes provided by the dispositions of Title III, section II, of the Law 633/1941, regarding the copyright, and the articles 473 and 474 of the Penal Code (disposition introduced with the Law 94/2009). The foreign national who has requested the family reunification, according to article 29, is not allowed entry the State when considered to be a threat to public order, national security, public health, or international relations (disposition introduced with the Legislative Decree 5/2007). The entrance to Italy may be allowed with short stay visas, valid up to 90 days and with long stay visas, that imply the concession for its holders of a stay permit which motivation is identical to the one mentioned in the visa. As to the stays shorter than three months the reasons expressly indicated in the visas issued by the diplomatic and consular authorities of other States will be considered valid on the basis of specific international agreements subscribed and ratified by Italy or of the Community legislation. The Minister of Foreign Affairs takes the appropriate and opportune measures to review or amend the list of the countries whose citizens are subject to the visa requirements, also in

implementation of the obligations deriving from the current international agreements.

The foreign nationals who have been expelled cannot enter the territory of the State and they are refused at the border, except for the cases when a special authorization has been given or the entry ban is expired, and the foreign nationals that must be expelled or those for whom an alert has been issued also on the basis of current international agreements or conventions, as to the refusal for reasons relating to serious public order or public safety or international relationships. In any case the entry is subject to the respect and fulfillment of the requirements and formalities provided by the implementing regulation.

As it has been said it must be specified **that foreign citizens can enter the territory of Italy for tourism, studies, family reunification and business.**

The entry of the EU citizen is governed by the Schengen agreements which have made possible the creation of a common area in which the free movement of persons is ensured and the abolition of checks at the common borders. In this case the foreign national holder of a valid resident permit shall be exempt from a resident permit for a period non exceeding three months, provided that the entry is not for the purposes of work experience and trainings, self-employment and employment. On the other hand the foreign national who wants to enter Italy from a third country must hold a visa authorizing the entry and must be affixed to the page of the passport or of any other valid travel document. Some countries are exempt from the visa requirements. The visa is issued by the Italian diplomatic mission or consular representation in the country of departure or where the foreign national has a fixed residence. The foreign national legally entering Italy, within 8 working days must apply for a residence permit. The document will have the identical statement of reasons of the ones mentioned by the visa.

Aliens arriving from a non-Schengen country declare their presence at the Border Police and obtain a stamp in their passport on the day of arrival. This stamp is considered the equivalent of the declaration of presence.

Aliens arriving from countries which apply the Schengen Agreement will submit the statement of presence, within eight days from arrival at the Police Headquarters. For those staying in hotels copy of the statement made at the hotelkeeper constitutes the declaration of presence. A copy of these statements is given to the foreign national and must be available to the public security authorities. The non-compliance of this procedure, except for cases of force majeure, entails the removal; this sanction is applied even if the alien is not detained in Italy for a time superior to three months or to the time limit indicated in the visa.

An application for a visa related to reasons of study can be issued to the Italian Embassy in the home country of residence. Its validity is determined by the followed curriculum and it

self-renews every year until the end of the planned course. This renders them fit to work part time, with an employment contract for a period not exceeding the 20 hours per week. The foreign national entering the territory of the Italian State for reasons related to work must hold a clearance issued by the competent “one stop” shop. The work permits regard the **employment**, the **self-employment** and the **seasonal work**.

To clarify in order to establish an employment relationship of indeterminate duration, or with fixed-terms or seasonal with a third-country national residing abroad, the employer, Italian or third-country national residing legally in the Member State, must submit an application for a clearance to work for a named worker to the “one stop” shop competent for the workplace.

But if the foreign national wants to pursue as a non casual self-employed person an activity of trade, business, craft or profession, or the formation of a capital company or of a partnership or to access the senior management, he must meet the professional and moral requirements in accordance with the Italian law and he must address the request of an entry visa to the competent diplomatic mission.

3.2 Family reunification between third-country nationals

According to the regulations on family reunification between third-country nationals, the term “family” only refers to the so-called nuclear family, consisting of the spouse and minor children, i.e. those younger than 18 years of age (Article 29, paragraph 1, letters a) and b) of Legislative Decree No. 286\1998, Consolidated Act on Immigration). The law also provides for family reunification in cases of “dependent” children over 18 and “dependent” parents over 65 (Article 29, paragraph 1, letters a) and b) of the Consolidated Act on Immigration) only in particular situations of disability or lack of economic means of support.

As regards, however, the reunification between a third-country national and an EU citizen who has exercised his/her right to free movement (a “mobile EU national”), pursuant to art. 2 of Legislative Decree No. 30\2007 which implements Directive 2004\38\EC, there is a slight widening of the above definition of “family”: in addition to the spouse, in fact, direct descendants under the age of 21, children still dependent on parents (including children of the spouse), as well as dependent direct ascendants (including ascendants of the spouse) are also considered “family members”.

The right to seek the reunification with third country family members is recognized, in addition to nationals and EU nationals, to nationals of third Countries holding in Italy a EC long-term residence permit or holding a residence permit valid for a period not less than one year issued for subordinate employment or self employment, or for asylum, study, religious grounds or family reasons.

Although there are no specific sanctions against the misuse of the law on reunification, the request for reunification is refused when it is established that the marriage (or adoption) has taken place for the sole purpose of enabling the person to enter and reside in the territory of the State. Moreover, the immediate withdrawal of the permit is envisaged if it is ascertained that there is no “actual cohabitation” after marriage. In both cases, of course, the measure is followed by a report to the competent authorities.

With regard to family reunification it should be recorded the acknowledgment of the illegality, based on the Italian Constitution and the European Convention for the Protection of Human Rights and the Fundamental Freedoms, of the ban to marry for a third country national without a valid residence permit, a power which enables the foreigner to regularize his/her status.

To prevent misuse in requests for residence permits on the basis of false statements of family kinship, the national law provides that, when requiring the entry visa, if family ties cannot be documented with certainty by means of certificates or certifications issued by competent foreign authorities, the Italian consular/diplomatic office may provide, at the expense of the interested parties, to issue certificates based on the examination of DNA.

To prevent misuse of the permit required for reunification with family members already residing in Italy, the application shall be accompanied by foreign certification translated and legalized; and if the acts giving rise to the family ties occurred in Italy (marriage, birth) it is required both a copy of the passport and the document issued by the office of civil status. In particular, in case of application for a residence permit in favour of the child born in Italy, it is generally required that the birth certificate has affixed a photograph of the child.

Italian law forbids polygamy; therefore it does not allow the reunification of the second or third wife in polygamous marriages recognized in the country of origin. However, the reunification of spouses in a polygamous relationship is often allowed not due to the marriage but to their status as “parent of a minor” (biological or legal). This reunification is entitled to the best interests of the minor, not for the right to family unity.

Categories of persons entitled to enter Italy for reunification: art. 29 of the Consolidated Act on Immigration determines that a third-country national may ask for reunification with (a) the spouse not legally separated and no younger than 18 years of age, (b) the minor children, including those of the spouse or born outside of marriage, unmarried, on condition that the other parent, if alive, has given his/her consent (children adopted, fostered, subject to protection plans are also included), (c) the dependent children aged over 18, if for objective reasons they are unable to support themselves because of their health conditions causing total disability, (d) the dependent parents, if they have no other children in their

country of origin or provenance, or parents aged over 65, if their other children are unable to support them for serious health reasons.

The **necessary requirements for a visa** (Article 29, paragraph 3, Consolidated Act on Immigration) are:

- Availability of accommodation complying with hygienic and sanitary as well as dwelling suitability requirements, as certified by the relevant Technical Office of the Municipality.
- Availability of adequate income: the third-country national applying for reunification needs to provide evidence of a minimum annual income deriving from legitimate sources and not lower than the annual social allowance, increased by half for each family member to be reunited. For the reunification of two or more children younger than 14, or with two or more family members who were granted social protection, it is necessary to give evidence of an income not lower than twice the annual social allowance.
- In the sub-case d), availability of health insurance or other suitable title is required, in order to ensure coverage of all risks in the national territory in favor of the ascendant over 65 years of age or his/her registration in the National Healthcare System.

Furthermore, although the Italian legislation, as was previously mentioned, does not recognize any form of de facto union, Art. 29, par. 5 allows the biological parent (who has not been expelled or reported for expulsion for reasons of public order under art. 4, par. 6 of the Consolidated Act on Immigration) to enter for family reunification with a minor child who is already regularly residing in Italy with the other parent, provided that either parent proves to meet the above-mentioned requirements. This is due to the legislative recognition of the higher interests of the child.

The third-country national regularly residing in Italy for other reasons may request the conversion of the residence permit for family reasons if the following 3 requirements are met (Art. 30, par. 1, letter c) of the Consolidated Act on Immigration):

- the family member is regularly residing in Italy,
- the third-country national applicant meets all the above-mentioned requirements;
- the conversion request is made within one year from the date of expiry of the permit originally owned by the family member.

Article 30, par. 2 of the Consolidated Act on Immigration allows the holders of a residence permit for family reasons access to social services, enrollment in courses of study or vocational training, registration for unemployment, exercise of employment or self-employment activities. The residence permit for family reasons has the same duration of and is renewable with the residence permit of a third-country family member who is eligible for reunification (Art. 29, par. 4 of the

Consolidated Act on Immigration). In the Italian legislation the reunification with a spouse and minor children is governed by the same legislative sources.

Although specific rules sanctioning the abuses of the law on family reunification (as called for by the directives 86/2003/EC and 38/2004/EC) have not been issued in Italy, there are however some prevention measures. In particular, art. 29 par. 9 of the Consolidated Act on Immigration provides for that the request for family reunification has to be rejected when it is established that the sole purpose for the marriage or the adoption was to allow the person to enter and reside in the territory of the State. Moreover, par. 1-bis of art. 30 of the Legislative Decree no. 286/1998 provides for the immediate revocation of the residence permit when it is established that the marriage was not followed by “actual cohabitation”. A possible exception to such provision is allowed only if children were born from that marriage.

Finally, to avoid the so-called chain reunification and discourage forced marriages between or with minors intended to contravene the rules on entry of nationals of third countries, the Consolidated Act on Immigration provides that the spouse is allowed to the reunification only if s/he is at least 18 years old and the minor child enjoys reunification with the parent only if unmarried (ex Art. 29, paragraph 2 letter a) and b)).

To prevent misuse when applying for a residence permit on the ground of forced marriage or false declaration of parenthood, the Italian law provides:

Marriage: if celebrated abroad, the certificate translated and legalized by Italian authorities abroad is always requested, except in cases of exemption under international conventions; whether the marriage was celebrated in Italy, the third Country national must make a statement. The police office that receives the declaration is required to request the certificate directly to the civil registrar.

In addition to the control of the certificate of marriage, before issuing a residence permit for family reasons, the police office carries out checks at the applicant's home to ensure the effective cohabitation and marriage relationship.

Family relationships: Where in the stage of application for an entry visa family ties cannot be documented with certainty by means of certificates or certifications issued by competent foreign authorities, Italian consular representatives request the examination of DNA, at the expense of the parties concerned. To prevent misuse of the permit required for reunification with family members already residing in Italy, the application shall be accompanied by foreign certification translated and legalized; and if the acts giving rise to the family ties occurred in Italy (marriage, birth) it is required both a copy of the passport and the document issued by the office of civil status. In particular, in case of application for a residence permit in favour of the child born in Italy, it is generally required that the birth certificate has affixed a photograph of the child.

Italian legislation contains no express references to "forced marriage". However, it allows to address this offence through other legal instruments. Italy has ratified the Istanbul Convention on June 27, 2013 (Law n.77). Moreover, FM is mentioned in the ministerial decree regarding a "Charter of Values of Citizenship and Integration" (2007) (paragraph 18). In regional legislations you can find two references to FM in recent laws on gender-based violence (Molise Regional Law n.15/2013, Art. 1, and Lombardy Regional Law n.11/2012, Art. 1).

4. Fieldwork – Interviews in Palermo

The methodology of the project consisted of qualitative research and combines in-depth interviews (fieldwork) and a legal analysis (desk study). Prior to the fieldwork, guidelines were developed to support the fieldwork in the 3 countries, and to make sure that the methodology in each country was similar. The main objectives of the fieldwork were:

- to study the characteristics of FM in the participating countries in order to better understand the factors, victims' profiles, and possible instruments to identify cases of forced marriage; and
- to study the main obstacles and difficulties in seeking legal redress in cases of FM in the participating countries.

Both professionals and (potential) victims of forced marriages were interviewed. The project stipulated that 20 face-to-face interviews with stakeholders (professionals) and 10 face-to-face interviews with (potential) victims of forced marriage in the local language of the country, should be conducted. The interviews, were semi-structured. After conducting the fieldwork, the researchers drafted an analytical report to integrate the information collected during the interviews, following a format for the analytical report that was agreed upon by all partners. The present report is the result of the whole research.

Stakeholders were selected to include all sectors, as agreed by all partners at the beginning of the project. The professionals set forward to be included were: policy makers, lawyers, judges, prosecutors, police, health services, social services, school teachers, and NGO, specialized in the issue of forced marriages, violence against women, and migrant women's associations.

Based on prior experience gained during a project on forced marriage, a list of possible respondents was compiled. By using the snowballing technique, this list was updated with names that were suggested by the respondents. The recruiting of stakeholders and setting a date for the interview was slowed down, because the start date of the field work was situated at the beginning of the summer holiday period (July/August 2013).

Stakeholders interviewed in Palermo were working in social services, health services, schools, police and courts. In particular we have interviewed: the charge

of Center for women affected by violence, an advocate, social workers, psychologists, cultural mediators and teachers. The roles played by these respondents within organizations are of an operational nature but, in some cases, even coordination.

We have also interviewed the Councilor of the City of Palermo with responsibility for school, a public prosecutor of the Public Prosecutor Office of Palermo, a Judge of the Juvenile Court and a Vice *Questore*, Police of Palermo.

Finally, to have a look at the national level, were interviewed Tiziana Zannini (Department of Equal Opportunities of the Presidency of the Council of Ministers) and Tiziana Dal Pra president of *Trame di Terre* (Imola), which specializes in hospitality girls and women victims of forced marriage.

Summary table of interviews

N	SEX	Function	Category	Language	Date
1	F	Criminal lawyer	Social sector Women association	Italian	11.09.2013
2	F	Social worker	Social services	Italian	18.09.2013
3	F	Cultural mediator	Social sector	Italian	23.09.2013
4	F	Public prosecutor	Judicial sector	Italian	25.09.2013
5	F	Cultural mediator	Social sector	Italian	27.09.2013
6		President of non profit association	Social sector	Italian	14.10.2013
7	F	Social worker	Health Sector	Italian	22.10.2013
8	F	Psychologist	Social sector	Italian	11.12.2013
9	F	Teacher	Education sector	Italian	13.12.2013
10	F	Psychologist	Social sector	Italian	16.12.2013
11	F	Manager Office of General Affairs, International and interventions in the social field	Policy maker	Italian	19.12.2013
12	F	President	Social sector Women association	Italian	15.10.2013
13	F	Teacher	Education sector	Italian	11.12.2013
14	F	Coordinator of Center for women affected by violence	Social sector Women association	Italian	13.09.2013
15	F	Judge	Judicial sector	Italian	16.10.2013
16	M	Executive	Health Sector	Italian	17.10.2013
17	F	Vice Questore	Judicial sector	Italian	7.10.2013
18	M	Coordinator of mediation services	Social service	Italian	12.12.2013
19	F	Psychopedagogue	Education sector	Italian	12.12.2013
20	F	City Councillor for education	Policy maker	Italian	6.09.2013

The women interviewed are of different age, ethnicity and culture. They are victims or potential victims of forced marriage, have been or are at risk of being subjected to an arranged marriage, come from Bangladesh, Sri Lanka, Mauritius, Eritrea, their age is included between 16 and 55 and they were interviewed mainly in the Palermo area. Their educational levels are high-school diploma and master degree (except for young women who are still studying for the diploma).

Summary table of interviews

N	ID name	Language	Nationality	Date
1	Sopna	Italian	Bangladesh	24.10.2013
2	Anna	Italian	Sri Lanka	13.12.2013
3	Marie	Italian	Bangladesh	13.12.2013
4	Scilla	Italian	Mauritius	10.01.2014
5	Nicoletta	Italian	Eritrea Ethiopia	22.01.2014
6	Simona	Italian	Sri Lanka	4.10.2013
7	Gabriella	Italian	Bangladesh	4.10.2013
8	Honey	Italian	Bangladesh	11.11.2013
9	Anna II	Italian	Sri Lanka	22.01.2014
10	Shirine	Italian	Bangladesh	05.02.2014

4.1 Short notes on methodology

The envisaged methodology has been used and applied to individual cases. The interviews were calibrated on witnesses and victims; tools (questionnaires, informed consent, presentation of the project, etc..) have been translated and adapted.

The parameter adopted to establish the stakeholders sample to be interviewed was the availability of a representation of figures that can intervene on the matter (of forced marriages), from lawyers to police officers to officials to Ngo representatives.

In the stakeholders case such as in the victims case, the identification of names was made possible by the knowledge of the territory, by the practice in networking and by the experience of interventions on the matter of gender violence, also in the specific case of forced marriages.

This choice was facilitated by the existence of an anti-violence network since 1998, coordinated by Le Onde. It is composed of Municipality of Palermo, Social Citizenship Department and School Department; Palermo Regional District, Social Policies, Youth, Education and Equal Opportunity Departments; Carabinieri Department; Police headquarters in Palermo; Public Prosecutor's office at Juvenile and Ordinary Courts, A.R.N.A.S. Civico Di Cristina Benfratelli Hospital; Provincial Department of Health; Palermo University COT; A.O.U.P. Paolo Giaccone Hospital; A.O. O.R. Villa Sofia – Cervello Hospitals;

USR Sicilia - Observatory for the Educational Dispersion; Counselor on Equal Opportunity Regional Department; Le Onde Onlus; Di.Stu.ri. Association of pediatrics ; Centro Sociale Laboratorio Zen Insieme; EdA "A. Ugo" school; Ecap Palermo; I Siciliani Coop. Sociale.

With respect to the victims and the potential victims, further questions with respect to the transnational questionnaire were asked and, in a few cases, the interview has become a space to do storytelling, to tell a life story, getting almost a "tranche de vie".

In particular, from our fieldwork we report that:

- Two witnesses were subsequently interviewed as victims / potential victims; in fact, in the interview, important information about their personal lives and communities came out; we thought these information are very important in the research and so we have decided to interview them also as victims / potential victims.

We point out some difficulties in Palermo in obtaining the consent to the interview because it seems indicative of the situation : poor perception by operators (eg. operators feeling they have little information), difficulty in finding solutions to problems when emerge (eg a teacher has triggered an intervention but it failed and she would rather not talk about it). Councillor decided not to release the complete interview because she has little data (we have had a preliminary interview with her).

Respect to the victims and potential victims , the interview was sought in several women who for various reasons have not released :

- Woman previously followed by the domestic violence agency (she came in the seat of the center and she said the situation has improved for the arrival of her brother in Italy; she can work and she does not intend to reopen the question) ;
- Woman previously followed by the domestic violence agency, through the translation of her daughter; she said she prefers not to grant an interview ;
- Woman previously followed by the domestic violence agency: she is not be found by mobile known ;
- Young Indian woman sent by a public service, she does not speak Italian , she came with her husband who wants to traslate the interview.

Relationships with migrant women, associations and communities are to resume: eg , when we have asked to a mediator (female) references of women to interview, she proposed the contact with the President of the Council of cultures. Contacting him would have required additional time.

The reading and the analysis of interviews kept separated the stories of "stakeholders" and these of "victims" and followed the thematic areas of the questionnaire for each of the two groups. The summary of what emerged from the interviews is in some cases accompanied by the exact words of witnesses, in order to express better not only the information collected but also the perceptions and emotions of people involved.

5. Analysis from the interviews with “stakeholders”

5.1 Definition of forced marriage

None service aims specifically to prevent and fight FM. The domestic violence agency run by Le Onde Onlus Association is the only one dealing with the prevention and the conflict to gender based violence. The workers interviewed have a good knowledge of the communities living on the territory. They offer clients help and support on accessing benefits and going through procedures.

None service adopted a specific definition or work protocol for FM since in Italy there are not regulations or guidelines available. *We don't have any protocol, we try to solve problems from time to time referring to professionals collaborating with us, to other services on the territory and to the police. (mediator)*

Broadly FM is considered a kind of gender based abuse. *It strongly is a gender based abuse (DPO manager). Except for the case of a cultural mediators service manager who considers FM basically as the precondition of gender based abuse. Nevertheless there can be an attitude of almost tolerance among foreigners that say: More than a gender based violence, I'm convinced it is a condition which women should be aware of and we should fight to raise that awareness. It sounds unusual that I say that. It is difficult to put it into words, it is like in my DNA. (mediator)*

A magistrate highlights: *.... if we mean gender based violence as the male violence against women, then forced marriage will be included on definition but we should remember that men are subjected to that selection as well.*

5.2 Marriage practices encountered in their working environment

According to all the interviewed witnesses (men and women), FM are widespread matrimonial customs strictly linked to the foreign communities culture (also Rom and Sinti communities with the Italian citizenship) even if with different modalities, reasons and results. It is widespread custom that families make agreements on the marriage between a boy and a girl, sometimes both underage, or between an old men and a girl. But it happens also for 30/35 years old women who risk to remain a burden for the family.

It is a habit to use social control on the community itself through women: with FM can be guaranteed the membership to the caste, family reunions can be guaranteed after migration and family financial resources are increased with the deposit to the women's family. In the worst cases forced marriages are used to recruit victims of trafficking and hard labor. Migration creates changes and transforms feelings and perspectives, sometimes causes diseases that affect mainly women.

Refusal leads to isolation not only from family but also from the whole community. The legal advice service solicitor says: *I take for granted that women can't oppose. They say "It is not considered because it is a tradition, it would be like going against tradition, the possibility to say no is not even considered. Girls often don't perceive the imposition it is like the children protection would be included in the parental capabilities to ease the children's achievements... Only few girls don't accept, probably they have their own fears, but once there they say they showed him to me I liked him, he was nice, he was young, he wasn't too old.* (mediator)

The likelihood of a refusal by boys/girls to parent's choice depends on how long they have been living in Italy, on the integration level of the community and the education level of parents.

Nevertheless it happens that the arranged marriage goes well.

Some of the interviewed workers notice a difference between arranged marriage and forced marriage. Forced marriages are considered as the deviance from arranged marriage.

In my opinion if it's either arranged or forced it will threaten the freedom of choice anyway.. the individual's freedom to choose whom, when and where to get married is compromised. Maybe there can be a deterioration due to the modality of the proposal, that can imply a greater violence and a total lack of consent. (psychologist)

According to other interviewed people, instead, there isn't any difference between forced marriage and arranged marriage: both are forced. *It is usually carried on with a betrayal, the girls is brought in that space, in that place and is married. It is a forced marriage to all intentions and purposes, because she hadn't expected it. Maybe she expected it within familiar dynamics, but it is forced by, how to say, a forced practice. "Just do it or I'll kill you". In the girl's perspective it is likely to happen. But in our experience the time is never given. There is an acceleration at some point. You know it is in your destiny, but usually if the wedding takes place in July, they tell you ten days before. And there is another word we never use: rape! The first night for us is a rape. It isn't just a forced marriage, it is a forced sexual intercourse. Stories on it are terrible* (President of women association).

The president of no profit association that works with immigrants exhorts to consider other practices like the multiple marriage among Tamil community and the psico-educationalist highlights the cases of marriages between underage people within Rom and Sinti communities.

The practice of arranged marriage is not completely unknown in Sicily. Even nowadays some girls, even if aged 16, use to marry their partner after the "fuitina" with a mending marriage that represents the result of a strategy for legitimize a union of two teenagers; sometimes it is arranged by families themselves. The mending marriage is anticipated by an agreement between families, regardless the children's wish, just like the FM.

At school girls are reluctant to talk about that topic although it happens that some classmates are forced to retire from school and are brought to countries of origin without a plausible reason or are subjected to heavy pressure if they start any relationship without the consent of family. Girls rarely speak to teachers. Both boys and girls *say to have the possibility to choose, to be able to say yes or not* (teacher).

5.3 Description of their work in relation to forced marriages

To describe the work on MF carried out by the services of interest, we distinguish among them on the basis of the mission, starting from the domestic violence agency and going on with other health, social and cultural mediation services operating in the territory, to conclude with the police and courts.

To the domestic violence agency and legal advice service turn women, arrived in Italy through family reunions, who married men already living and working in Palermo and abusing them. These services offer advice, advocacy and support, job orientation and job placement, individual and group counselling, legal advice, accommodation in refuges.

The other territorial services basically just refer FM cases to the network of services, formal and informal. Abuse cases are referred to the domestic violence agency, which has a specific protocol and an inter-institutional network, to the police for reporting and to refuges for safety housing. In only one case it has been told that sometimes girls opposing to their family's decisions are supported with family mediation.

The work carried out by courts and police regarding forced marriages is strictly linked to other types of offence.

If there had been sexual, physical or emotional abuse, Italian regulations are exerted which state that crimes must be charged and punishment must be inflicted. In these cases the proceeding goes on, the perpetrator is prosecuted, removed and the victim is referred to other supporting services. This is the basis of our network path (Judge). About Italian people, it still occurs that at the practical level the mending marriage leads to a reduction on the penalty. *The criminal proceeding won't stop but obviously the crime won't be charged with the maximum of penalty (prosecutor).*

When the FM is taken out between underage people (not imputable) the only thing that can be done is an advisory first of all to the Public prosecutor's office of Juvenile Court, but also to social service, to family counseling service, to children safeguarding service, to the network against non-completion of school, to child neuropsychiatry service. Individualized educational paths are also activated, that can be followed both from home and attending some hours at school to achieve the objective of mandatory education.

5.4 Risk factors

All interviews reveal that policies of immigrants rejection increase the risk of FM. Foreign communities react to those policies closing themselves into their own traditions and customs as a part of their identity. This would lead to an increased use of FM. At the same time, regulations that charged FM as an offence wouldn't be effective without any sensitizing and educational activities. *It would be experienced as a violation of their rituals, costumes and traditions* (social worker).

At the same way all people interviewed state to be convinced that real and authentic integration policies based on sharing and exchange could contribute to reduce FM. *Integration is fundamental. Only citizenship and inclusion policies could hit the culture of origin* (president of no profit association). *Also, services capable of giving some help should be funded, like domestic violence agencies, schools, hospitals.*

The judge's opinion is more articulated: *It should be distinguished, among the different hypotheses, the forced marriage with a young girl under 10, that is a serious crime supposed to be charged regardless religion or cultural factors before it could lead to the child's death because of the consumption. Over a certain age maybe other interventions could be considered, but regarding the whole category prevention is fundamental* (prosecutor).

5.5 Opinion about laws and policies on forced marriages

Even if in Italy there is not a specific policy nor a law for preventing and fighting FM, the interview to DPO manager highlights that a peculiar attention to the topic raised within the application of the law on FGM (L. n. 7/2006). Several have been solicitations in order to a regulation on the topic also because many problems raise from a non-comparison between legislations of different nations. *The Italian state has difficulties on the implement, for instance, of the divorce law if two people are married and live in Italy but they took out the marriage through an Islamic ceremony: it is impossible to intervene in a properly manner in order to protect the woman. Foreigners do understand that the mechanism is muddled and it is far easier to turn to the consulate, to their community, to the imam* (mediator).

According to all the people interviewed, a law which considers forced marriage as an offence probably will not solve the issue but could contribute to give a strong message from institutions and become a deterrent. In that case it should be included in a framework law which provides for human and financial resources to fund prevention and counter measures.

The DPO manager highlights: *honestly we should proceed gradually: fist the understanding and studying of phenomenon, then seeing if there is room for the development of a specific law... We don't know exactly its profile, boundary, features*

and implications; the need to deepen it through a research indeed comes from the necessity to delineate the phenomenon.

5.6 Support services available for forced marriages

Difficulties that services deal with are various. Cultural mediation professionals work only under temporary contracts, their presence is considered precious but there is not continuity on their support, since financial resources and open competitive exams fail.

The lack of an operational protocol is a great problem. Cases are solved using offhand solutions that can't be connected within one framework.

There are not specific measures and forms of protection and safety. It is noticeable the lack of information and of awareness raising campaigns in foreign languages that could ease the access to services of women member of different communities. It is noticeable the necessity of Italian learning programs, job orientation and job placement.

It is noticeable the necessity of a feedback on cases referred to other services to be able to assess the effectiveness of procedures carried out.

It would be necessary a specific training for workers operating in services with a high percentage of foreign users, and also for police officers to facilitate the emersion of the phenomenon, the risk assessment and the identification of the protection measures available.

To the answer if FM should be considered linked to trafficking, forced labour or other forms of exploitation, the DPO manager doesn't have any doubt: *Absolutely yes*, but at a local level we don't have significant facts.

Only the psychologist of one no profit cooperative, who deals specifically with trafficking, gives more precise information on FM cases as a result of trafficking. Young women turning to the service are victim of trafficking, sexual exploitation and are used also as means to obtain the permit to stay for family and children support reasons, if they got pregnant. Some of them are aware. They are underage girls, mainly Nigerian; they are bought in their country knowing what they are going to do, but that doesn't mean that they are able to escape from it. *So there is physical, sexual, domestic, psychological violence, all included!* The cooperative company has a methodology based on the creation of a trust relationship which leads to safety planning to make them escape from the trafficking system.

5.7 Final overview

Many foreign women don't recognize for themselves the freedom of choice and self-determination. They accept a forced marriage with all the consequences it can lead to. Aside from exceptions in some communities, spotted in the last years and in the new generations, in their countries of origin it is normal that the woman must submit to her husband's or father's will. In this sense there is the legitimisation by community: the man is the family leader, he can take away children from the woman if she decides to go away, he can repudiate her. Many foreign women in Palermo experience strong constraint and threat conditions – they tell: *if I don't do that he threatens to burn my face with acid, he threatens to cut my tongue*, these consequences are somehow tolerated because the family honor is placed in the male figure.

They are women that live isolated, hostage of these men, often the only thing they know is the bus route from home to workplace, there they get off, work, come back home and don't know what there is around, they don't know the streets of the city, they can't buy anything alone, they can just go with their husband at the dedicated shops to purchase the items they need in the everyday life. None of them has got a mobile. They live in a small community where there are their shops, their butcher shops, their grocery stores, they don't have the opportunity to get in contact with our community. They are affected by the pressure of their community that closes ranks with the man because he is the guardian of traditions, even more so if they are in Italy.

From a reading of the foregoing can be seen as the critical issues in the work of prevention and combating of FM are:

- the lack of a key to understanding the phenomenon
- the lack of specific laws, guidelines, and / or intervention protocols
- the lack of prevention activities shared with foreign communities
- the lack of specific protection measures and protection

From the interviews it also notes that an authentic approach to the resolution of these problems cannot do without a real integration policy and a specific cognitive activity of this phenomenon through surveys and qualitative research.

Are needed specific political choices by government bodies. And in fact the manager of the DPO highlights: *Honestly, we should move step by step: first understand the phenomenon and study well, then figure out if there is scope for developing a specification legal provision ... I do not know the boundaries, perimeter, the connotations, the implications; the need to further develop by searching arises from the need to define the phenomenon.*

6. Analysis from the interviews with (potential) victims

Under the project, were interviewed ten women victims or potential victims of forced marriage. The interviews have collected the narrations of the personal stories of women, configured almost like “tranche de vie”.

The women interviewed (see the table on chapter 4) come from Bangladesh, Sri Lanka, Mauritius, Eritrea, are aged between 16 and 55 years and were intercepted and interviewed mainly in Palermo. Their qualifications are higher diplomas or degree (except for the young women who still studying for the diploma).

6.1 Marriage expectations

Answers vary from expectations of free choice to worries of making a choice according to parents' wishes. Someone is experiencing or experienced a love affair with a person chosen by her and someone else accepts or accepted her parents' choice. For some of them, close to the need of a free choice, there is still the strength of a cultural model in which the capability of deciding for the children's wellness is a part of parental competencies, even for what concerns the choice of a husband.

The first ones answer:

I got married here in Italy [...] it was a free choice. I felt free from everybody and everything, above all from my community [Honey];

I think that the boy I should marry must be of my height, [...] of the background where I work or live [...] And of course I should know him very well! [...] He should be a friend as well [...] pretty nice [...] and the difference between our ages shouldn't be too great [Marie].

The second ones, that trust on their parents' choice, are expecting a better life or are relying on that choice after the failure of the relationship they previously wanted.

For instance Sopna: *I married him because we have a different culture [...] parents decide the person you must marry... I was expecting my life to change. [...] I used to dream to change country and to find a wealthy and beautiful life .*

The third group shows to have interiorised a confidence on their parents' capability of choice, even those girls who received an education based on a greater freedom: *“I have a very strong model, the one related to my origin, so Ethiopia and Eritrea. My parents got married with an arranged marriage! [...] 'if in these last years I had*

received a different education [...] I had come back to my country more often, then would I have accepted those implicit requests?' Yes, probably I would" [Nicoletta].

6.2 Marriage circumstances

Women that got married in their country of origin met their husband in the same day of the wedding or a couple of week before.

Sopna (Bangladesh) tells: *The same day, I saw him with all the other people [...] I saw him like that [covered by a coat and the face half hidden]. He sees me and says it's fine. But I couldn't look at him in front of everybody [...] I didn't like him but at that point... It is fine. When his mother saw me our engagement started.*

Usually the ethnical, cultural, religious features are the same of the woman.

Two of them define their marriage as a "free choice" and a "love marriage", one as forced, two as arranged but one specifies: *They had already made everything and at that point what could I say* [Sopna].

Regarding the difference between forced and arranged marriage: there are three clusters of answers:

- there isn't any difference between forced and arranged marriage: arranged marriage already includes a forcing; two of these women state that forced marriage only regards the country of origin and the past generations; I)
- arranged marriage is the normality (the marriage for financial interests could be included on it; II)
- forced and arranged marriage are scarcely discernible for the interiorised consent of the women on what parents do and their assent to implicit requests of parents. III)

I) Honey: *It is the same thing, that is you act against the children's will.*

III) Nicoletta: *In the Horn of Africa culture if she says no, it is no, but it is difficult to say no because that represents a lack of respect!*

On the 8th question, about how spouses use to meet themselves in the country of origin, the main positions are:

I) Parents introduce someone to their children.

II) Children know someone and introduce them to their parents, but must receive their approval

Modalities of meeting and introduction are various, they depends also on culture, religion and children's gender.

In respect to daughters, concerns on finding a good husband are greater, because women are considered as individuals to be protected and it is important to avoid

that they could dishonor their family. In the cultures of origin the engagement doesn't exist.

Other decisive factors about matrimonial strategies of families emerge: financial factors, sustenance of families, interests in the remittances of migrations.

Family reunions are means of the matrimonial strategies of families.

Some statements collected in groups:

I) Honey: *The father or the mother as soon as children, or more exactly daughter, is 18 years old [...], bring her to the country or look for a husband without the approval of the girl ... only few girls manage to meet the boy before.*

Sopna: *At first parents make arrangements, the mother comes home to see the girl [...] and if she agrees the boy and the girl meet and get married the same day.*

Scilla: *In Mauritius all the marriages are arranged by families.*

II) Anna: *You can meet a boy and engage with him [...]. Just the caste and the religion are important to them! [...] they let you date him for a certain period and if you like him you can continue the relationship or be free.*

Marie: *There aren't arranged marriages anymore, [...] there are people who know each other, are introduced to the families and then children decide.*

6.3 Risk factors

According to the women interviewed, factors/reasons that lead to a forced marriage are cultural, traditional (I) and financial (II).

I) Sopna: *It's our culture. When I say no then my mother says: 'for me it was that way, for my mother it was that way and for you will be that way as well*

II) Scilla: *Cultural and financial factors are strictly linked.*

Nicoletta: *...Among parental capabilities there is also the capability of providing for the children's position.*

In regard to factors that increase the risk of forced marriage, someone identifies behavioural factors and someone else identifies system factors:

I) The girl's behaviour: if for example daughter engages when she is still young;

II) The isolation of communities and the need of reaffirm the identity elements linked to the culture of origin: *Who emigrates, who experiences the frustration of the lack of a recognition, hangs on traditions [Nicoletta].*

In regard to factors that decrease the risk of forced marriage, there is who identifies them in a personal and generational change still in progress (frequent divorces, change of attitudes in people who born and grow up in Italy) (I) and who identifies some system factors which would help them (II):

- I) Honey: *It should be us to change [...]. Young people of second generation. [...] if we don't oppose, nobody else won't do anything for us.*
- II) Scilla: *...There is need to encourage families to attend meetings to explain that you should change because guys grew up here [...] after this awareness a law comes up.*
Nicoletta: *A review of policy [...] of acknowledgement of foreign citizens, this could help.*

6.4 Support received and desirable

On the best way to help who is forced into marriage there are three clusters of answers:

- I) Asking the intercession of influential people: relatives, the priest...;
- II) Knowing the language to be able to ask for help;
- III) Sensitize to raising greater awareness and critical sense toward cultural models.

For the II group, Sopna: *It is necessary to understand the language and to learn Italian to be able to ask for an help ad say it immediately, [...] ad to speak to the police as well.*

For the III, Nicoletta: *The aim of the integration process [...] should be [...] to know the cultural elements and [...] be capable to compare them and take the positive things that benefit to you.*

In regard to the presence of means to help either who is being forced into a marriage or who already is in a condition of forced marriage, almost all answer that they aren't enough (someone suggests the recourse to trusted people); who appealed to the police, to public health services and to the domestic violence agency says them were very good.

In regard to the way to prevent a forced marriage, answers reveal:

- I) Self-determination, personal revolt
- II) Strict law
- III) Awareness, increasing on consciousness

According to I group:

Sopna: *It is important to understand before getting married [...] my parents were wrong. But also me, I said yes.*

For the III group:

Sopna: *A girl is supposed to have the possibility to date a boy she likes... [...] my country is too ignorant... Even nuns hit [...] because it is a use doing so. [...] it is necessary to study above all”.*

In regard to the possibility of an help and the role the community may have, answers are poor and about the community emerges the fact that often inside that there is scarce listening because member tend to avoid contrasts. An aspect of control around the way of living and dressing employed by the community emerges.

Simona says: *They are not people who give help. Even if they do so, they never remain silent. [...] begin to spread rumors everywhere.*

6.5 Support desirable

In the matter of a law, one group agrees (I), another one notices the necessity to set awareness interventions before that (II).

The I group proposes, for instance, the ban of marriage between cousins, the pointing of the Embassy as a reference institution for potential victims to get information and help: *If I leave with my daughter, as soon as she is 18, or 17, or 19 I should immediately communicate it to the Embassy, if I am going to arrange the marriage, with whom [Honey].*

Women who turned to the police, to public health services and to the domestic violence agency found it very helpful; services were free.

In regard to the possibility to turn to the police, one group doesn't consider it helpful (even less in the country of origin), one group recognizes the importance to do that when it is necessary to report abuses and offences, appealing to doctors and DV agency as well; some young woman expresses her confidence on the police: *I think the police would help her, wouldn't them? Because it is against her will [Gabiella].*

In regard to the possibility to turn to services, women interviewed split themselves in a half: who knows the existence of the services considers the possibility to turn to them; who doesn't know them prefers to seek help among trusting people, even if scared by abuses from the family or the community if the help request comes out.

6.6 Final Observations

Several reports highlight that processes of change are still in progress in marriage cultures and in feminine roles. They go through the stories of single women in a bidirectional movement in which women themselves think to be able to act on their personal and community conditions, through the acquisition of knowledge (linguistic first of all), through awareness, (personal and second generation) self-

determination, community awareness, interventions on the system (legislative, in policies towards foreign people).

Witnesses with a higher level of education highlight processes of social-economical development in progress in their countries of origin and the effect of migration on individuals' lives:

Scilla: The woman of Mauritius [...] suffers so much and it become almost an habit of the family if the man rises his hands on you [...] what had been of most of these things with the global development: my country had a jump, a high development and for instance, separations increased [...] women [...] go to work ...

Nicoletta: It is like when we talk about a mutilation; beyond the act itself, its meaning, [...] when it happens inside a community [...] the trauma is somehow restricted. When does it really become traumatic? When there is the transfer and the woman begin to compare herself with a different model.

7. In brief...

This text tried to offer an introductory overview on a subject nowadays discussed little, if not completely ignored in our country, sometimes reduced to the partial segment of early marriages, which is serious anyway, highlighted particularly in international researches.

Materials reported here are generally referred to the whole country, whereas the field research, and the witnesses' voice, come mainly from the area of Palermo. This involves under certain aspects a "case analysis" that is however indicative of the phenomenon trend regarding the whole national territory, on the basis of some validation gained.

We particularly took care of the choice of privileged witnesses, in order to make use of voices coming from a wide range of services, that include associations (of women, migrants or addressed to migrants), social, health and legal services.

As can be inferred in various chapters:

- ✓ There aren't in Italy dedicated statistical researches able to provide information on forced marriages; nevertheless even if it is a phenomenon not easy to be surveyed for its complex and "liquid" features information could be acquired in the future from two Istat surveys still in progress
- ✓ Italian legislation contains no express references to "forced marriage". However, it allows to address this offence through other legal instruments. Italy has ratified the Istanbul Convention on June 27, 2013 (Law n.77). Moreover, FM is mentioned in the ministerial decree regarding a "Charter of Values of Citizenship and Integration" (2007) (paragraph 18).
- ✓ From interviews to privileged witnesses emerges as a limit for the possibility of intervention the absence of a type of offence ascribable to FM. After all it is spotted even more strongly the necessity to organise interventions of awareness raising, prevention and involvement of young generations, as well as of families and foreign communities, to start an intercultural path able to create trust in institutions and particularly in services addressed to welcome in the hosting country.
- ✓ From the interviews to victims who experienced Forced Marriage, or talked about the atmosphere of traditions that can lead to this, appears a complex and ambivalent context. Clearly emerges from this the necessity to

accept, to understand and to help; services must be able to express it starting from a specific knowledge of risk of FM and from the adoption of a not non-judgmental approach. Another basic element emerged, the strengthening of the empowerment of young generations, gainable offering them occasion of exchange and enrichment capable of highlighting the various opportunities of life paths.

In the matter of the law, it is important to highlight that Italy must provide specific regulations based on the entry into force of the Istanbul Convention on the 10th August 2014. Italy will make the necessary changes to its domestic legislation in order to the Convention to be applied in its entirety.

We finally want to highlight, at the end of the introductory information on the subject provided in these pages, that Forced Marriage is included among forms of male violence toward women and it is an indicator of the heavy imbalance still existing in relationships between genders, caused by a patriarchal culture still predominant both in traditional forms and in others forms more “adequate” to the modernity.

To put the problem into this perspective means not to observe the phenomenon as too far or completely separated from us (white Western women), also it means to be able to read it as an aspect of relationships between women and men and of power dynamics that still exist between genders.

Hence the possibility to put the interventions on the subject among strategies that involve migrants and natives, addressed to an overall change of relationships of genders, in a new perspective characterized by the female wish of freedom and happiness. A dimension that can improve the life of women and men, girls and boys.