



Civic Integration and Forced Marriage

Comparison Paper

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Foreword

This paper has been prepared as part of an international knowledge exchange project on civic integration and forced marriage, initiated by the Dutch Government and co-organised by Panteia and the Maastricht Graduate School of Governance. The project has sought to develop networks for information exchange between relevant actors working on issues of civic integration and forced marriage in the Netherlands, Germany, France and the United Kingdom. To achieve this, between October and February 2013 three working visits were made by a delegation of policy officers from the Dutch Ministry of Social Affairs and Employment, the Ministry of the Interior and Kingdom Relations and the Ministry of Security and Justice to their counterparts and other experts working on integration and immigration issues in Berlin and Nürnberg, Germany; Paris, France; and London, United Kingdom (UK). In March 2013 a seminar of the network was held in The Hague, the Netherlands. Experts from the four countries, Flanders (Belgium), Austria and Denmark attended this seminar.

This paper brings together key findings and discussions points that emerged from the project. The paper has been written by Elaine McGregor (Maastricht Graduate School of Governance), Auke Witkamp (Panteia), Suzanne Bouma (Panteia) and Susan van Klaveren (Panteia). The project team is grateful to the Dutch Ministry of Social Affairs and Employment who funded this study.

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1 Introduction

International Knowledge Exchange Project

This paper has been prepared as part of an international knowledge exchange project on civic integration, initiated by the Dutch Government and co-organised by Panteia and the Maastricht Graduate School of Governance. The project has sought to develop networks for information exchange between relevant actors working on issues of civic integration and forced marriage in the Netherlands, Germany, France and the United Kingdom. To achieve this, between October 2012 and February 2013 three working visits were made by a delegation of policy officers from the Dutch Ministries of Social Affairs and Employment and of Security and Justice to their counterparts and other experts working on integration and immigration issues in Berlin and Nürnberg, Germany; Paris, France; and London, United Kingdom (UK). In France and the UK, the experts were divided into three thematic working groups: civic integration; civic integration abroad (including policy on family reunification) and forced marriage. In Germany the schedule differed slightly covering civic integration; civic integration abroad and a discussion of work done by the Federal Office for Migration and Refugees (BAMF). In March 2013 a seminar of the network was held in The Hague, the Netherlands.

The different work visits and the seminar have contributed to building a network of policy experts in the field of civic integration and forced marriage. During and after the meetings information was shared, experiences were exchanged and appointments were being made between policy experts from the different countries. In this way the knowledge exchange project has created a good basis for future exchange and cooperation.

Purpose and structure of this paper

In preparation for the working visits four country background papers were prepared¹. Following each visit a report was written detailing key discussion points made during the meetings². This paper draws together key findings of these reports to provide a comparative overview of civic integration and forced marriage policies across the countries mentioned. It also reflects discussions that were held during the seminar 'Civic integration and forced marriage: Looking Ahead to Strengthen European Cooperation'. In this way, the paper highlights a number of similarities and differences between countries, which can provide a fruitful starting point for future debate.

The structure of this paper is the following. Chapter 2 deals with general civic integration policies. Chapter 3 takes a more considered look at language and civic integration tests and chapter 4 discusses other means to support and/or stimulate integration. Chapter 5 specifically addresses the issue of forced marriage.

¹ These background papers have been provided to the participants of the seminar (21 March 2013).

² These reports are provided to the participants of the work visits.

2 Civic Integration Policies

This section provides an overview of general discussions that took place during the work visits and the concluding seminar. This section discusses the differences en similarities regarding family reunification between the different countries. It is questioned whether pre-entry requirements for spouses infringes upon rights for family reunification. The chapter then focuses on the situation for EU migrants given that they are not legally obliged to follow any civic integration measure that host governments wish to implement. Despite this their integration is important with respect to social cohesion. This chapter also considers the role of citizenship and naturalisation procedures, and how to measure integration to allow for better cross-country comparison.

2.1 Family Reunification

During the workings visits there were several discussions regarding family reunification and on the relation between the civic integration abroad act and the right to family reunification. In cases of family reunification in Germany, non-EU spouses are required to make the pre-entry language test, when they would like to migrate to Germany. This opens debate as a spouse of a Germany inhabitant needs to do the test when (s)he comes from a third country, while spouses of European migrants in Germany do not have to pass the test. Similarly, on paper, the same is true in the Netherlands. The Netherlands is of the opinion that, based on article 7, paragraph 2 of the family reunification directive, it is allowed to take integration measures and the directive provides room for interpretation.

In the UK, Germany and the Netherlands applicants for family reunification are still generally required to meet certain integration requirements notably language testing and/or demonstrate that they have the means to support themselves without relying on state benefits upon arrival. In France the system for family reunion is quite different. Applicants are not required to pass a language exam.

Special provisions have been made for asylum seekers in comparison to other categories of migrants. In France, for example, family members joining asylum seekers can obtain a '*carte de residence*' without conditions of housing and financial resources. In the Netherlands, asylum seekers do not have to meet the requirements for family reunification when they submit an application within three months after receiving the asylum status. Also after this period less stringent conditions will apply in certain cases.

In Germany and the UK, migrants are only allowed to join the referent if the family relation already existed in the country of origin prior to the referent obtaining his/her residence permit, and after they have received refugee status (or humanitarian protection in the case of the UK). It is however down to government discretion whether or not an applicant is required to prove that they have sufficient living space and means to secure his/her livelihood.

2.2 EU Migrants and Civic Integration

A key point for debate was the integration of EU migrants. As European Citizens, EU migrants have freedom of movement and are therefore not subject to the same requirements as non-EU citizens. While to some extent economic integration can be less problematic for this group since European citizenship also gives them the right to work in the labour market of another EU Member State (with the exception of Romanian and Bulgarian citizens who still require a work permit, although are often self-employed). It is often thought that labour market participation can facilitate language acquisition through contact with native populations. Immigration from the A8³ provided an interesting way in which to test the assumption that labour market participation and fluency in the host language are sufficient for integration. Almost all migrants from these countries work. However, if they work in sectors primarily staffed by other immigrants, language acquisition may not be a natural product of labour market participation and therefore, it should be recognised that integration is a multidimensional concept and EU migrants may face other barriers to their integration.

The lack of legal powers to enforce civic integration measures makes it more challenging to take specific policy action that addresses their integration since legal instruments cannot be applied. Despite this, the Dutch government is seeking ways of facilitating the integration of EU citizens, for example, through stimulating these migrants to participate in voluntary civic integration courses. In the UK, it was noted that, although these migrants are indeed not legally required to learn the language, quite a high number participates in the English for Speakers of Other Languages (ESOL) courses. The same holds true for language courses in Germany. In a sense this highlights a key factor that should be considered when attempting to facilitate the integration of EU migrants: if specific services such as language courses are useful and accessible to them, many will participate.

There were however some outstanding concerns regarding the integration of EU migrants. In the UK many of these immigrants settled in areas that were not used to an influx of immigrants, which created tensions with the native population. Additionally, EU migration can often be temporary or circular (people coming and going) which can disrupt stability in communities and cause a feeling of de-settlement. With regard to EU migrants, British participants also mentioned some of the prevailing 'myths' amongst the majority population: that they are stealing the jobs and houses, and they are lowering wages. The Dutch delegation recognised these concerns, and additionally highlighted some social problems attributed to immigrants from the A8 countries (the 2004 new EU Members States), such as trouble in already disadvantaged neighbourhoods, primarily as a result of overcrowding in houses by male immigrants. Therefore, there remain steps to be taken towards supporting the integration of EU migrants using non-legal policy instruments.

³ 'A8' refers to the eight Eastern European countries that joined the European Union in 2004, namely: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

2.3 Citizenship and Naturalization

Gaining the citizenship of the destination country can simultaneously be viewed as the pinnacle of successful integration or as a transition point in an on-going process of integration. Requirements for naturalisation can thus be set in such a way as to guide migrants through steps that are considered to promote their integration. For example, time in a destination is thought to be positively correlated with their integration and thus citizenship is usually only granted after a period of time. Citizenship tests can also test migrants' awareness of host country values and norms, history and geography. Differing views and thus methods of granting citizenship can thus be an important point of discussion in debates on civic integration. In France, the government wants migrants to become citizens however this is only part of the integration process. Citizenship alone is not enough and it was recognised by the French participants that some migrants can be good citizens without being naturalised. That being said, naturalisation in France is a long process that can take up to 16 years, compared to five years in the Netherlands.

Dual nationality is also a relevant aspect of the debate. On one hand, giving up the citizenship of one's country of origin and taking up that of the host country can symbolically demonstrate allegiance, which can be interpreted from the host country perspective as a concrete demonstration of their commitment to integrate and make a life there. Identity formation and feelings of belonging and attachment to the host country are relevant factors here. Considered in this light, the maintenance of two nationalities can imply that a migrant is not fully committed to host country norms and values. Similarly, some countries of origin, such as Morocco, prohibit their citizens from denouncing their citizenship, which, if dual citizenship is prohibited in their destination country, can prevent them from accessing the rights associated with citizenship that can be key determinants of their integration. There is however increasing recognition, particularly in academic debate, that migrants can be simultaneously embedded in both their home and host culture. Simply speaking, one's integration into a new country is not dependent upon reducing ties to one's country of birth.

3 Language and Civic Integration Tests

This chapter deals with language and civic integration tests. It is evident that language acquisition is considered to be a primary determinant of successful integration and therefore significant time is taken to consider the discussions that emerged regarding the appropriate required level for migrants as well as the provision of language courses. During the discussions a number of key points were made regarding pre entry integration tests. One is a tension between their role as an integration tool or as a method of controlling immigration.

3.1 Language Tests in the host country

Language acquisition was justifiably the topic that emerged most prominently in all of the working visits. It is evident that language acquisition is the cornerstone of integration policies across all of the participating countries. Key discussions related to level requirement and service provision. Entry to France, Germany, the UK and the Netherlands for non-EU migrants (excluding refugees and asylum seekers and other migrants facing hardship) requires the migrant to achieve a certain level in the respective country's language. Across the board level A1 is the minimum level required although this can increase and depends on the specific way in which the migrant in entering the country. For example, to access Germany applicants are required to have at least A1 level but to become a German citizen level B1 is required. It has been the accepted language requirements for around 15 years and is considered to be the minimum level required to build a life in Germany. In the UK, certain Tiers of the Points Based System require migrants to have a higher level of English than others (notably the entrepreneurship and highly skilled tiers).

Requiring people to pass a language test carries the assumption that people have access, ability and the finances to complete a language course. There was therefore a debate regarding the level of government responsibility for providing language course. Table 1 provides an overview of this debate. In Germany, migrants are legally entitled to six hundred hours of German lessons. In Germany lessons are subsidised, and particularly so for those without the means to pay. BMI (through BAMF) pay €2.94 per hour per person for German lessons. If a person is unable to pay their personal contribution - €1.20 per hour – then this is also paid by the German Government. In the past, the British government has provided English language course to migrants however currently these are only provided on a means-tested basis, meaning that only those without the means to pay are provided with places on English language course. Greater contrast was seen between the positions of the Dutch and French government. In France it was argued that, by not providing language courses, governments are being selective about who can migrate to the country. This point primarily relates to language courses taken outside of the country as part of a requirement for entrance, a point which will be returned to in chapter 3 on pre arrival civic integration requirements. It does however also reflect an ideological position in which the government takes on some of the responsibility for facilitating migrant integration. The Dutch government, on the other hand, makes a strong case for the individual financing of language courses. Ideologically they feel that migrants should make the effort to integrate, and language acquisition is a key component of this. This chimes with popular rhetoric, which sees language acquisition as a private good, and therefore one that individual consumers should

pay the price for. For budgetary reasons, migrant financed language classes also make logical sense.

Table 3.1 Language Course Provision

	Individual Responsibility	Government Provision
Netherlands	Ideologically – migrants should make the effort Budgetary – financing course are expensive Politically – perception of public (individuals should pay to learn a foreign language)	
France		Unbiased selection (do not only take those with the resources to come/can split families where partners have differing abilities and motivations to learn the language; and the focus on language may obscure other integration issues). Level A1.1 is the minimum requirement.
UK	Means-Tested subsidies are provided but no overarching government provision.	
Germany	Means-Tested subsidies are provided but no overarching government provision. If language level is judged insufficient, classes are made mandatory (with many exemptions, e.g. EU citizens, knowledge migrants, students, those in possession of short-term work permits. Level A1 is the minimum required level; level B1 is the minimum for naturalization.	

Another question is: who should deliver language courses? An assumption implicit to governments stipulating that a certain language level must be achieved is that there is proper supply of language training suppliers. In general, however, the government does not uniformly provide language courses. In Germany BAMF ensure that a uniform language course is provided. In the Netherlands this used to be decentralized to municipalities with a standardised final exam. In the UK, semi-private sector institutions including colleges for further education but also voluntary organizations primarily deliver the subsidized courses. The language exams in the UK are more general language tests, while the Dutch exams are more tailored towards civic integration specifically. Generally speaking there are two types of language providers: institutions that focus on international students providing a higher level of training in academic English, and institutions that focus on people applying for their permanent settlement and therefore place more emphasis on colloquial language. The participants concluded that it seems that the system in the UK is more flexible, which might not always be best for quality assurance however the British government have taken steps to address exploitation of the system by focusing on a 'final arrival point', ensuring that each participant's journey towards the exam is explicitly known. Additionally, private colleges offering tests for settlement have to be accredited by one of the several accreditation bodies in the UK.

Besides courses and tests, there is the question of informal language teaching and acquisition. This understudied domain may carry potential for integration purposes. The UK has recently launched a competition to find the best ways of informal language teaching.

3.2 Civic Integration Tests Abroad

The Netherlands, France, Germany and the UK all have integration tests abroad; however, the Dutch and French tests both have a language and a civic integration component, whereas the British and German tests consist only of a language test. In the Netherlands and France, the reason for the implementation of the civic integration abroad test is to stimulate integration in the Netherlands upon arrival. The current test requires language level A1. The UK policy of a language test abroad is more recent and requires the same A1 level. Migrants to Germany also require level A1, although emphasis is placed on a more general requirement that they are able to converse and be understood in German.

The current Dutch test abroad tests listening and speaking and recently also added a reading component. Writing is not being tested. The test is computerized. One of the reasons for this is that computer testing may be more objective than human examiners. The test samples from a knowledge bank of 100 questions of mixed type, but uses only 30 of the 100 for the actual test. Both questions and the answers of the 100 possible questions are public. Test takers must have 21 of the 30 questions (or 70 percent) correct.

The French training framework is provided by OFII in Morocco, Tunisia, Turkey, Mali, Senegal, Cameroon and Canada. In other countries, OFII has signed an agreement with Alliances Française, French Cultural Institutes or French Cultural Centres (41 in total) to provide trainings and tests.

The UK test only consists of speaking and listening at an A1 level and was set deliberately at a low level to encourage first learning and the ability to pass easily. This qualification is only for those people coming through the family route to the UK with the intention to stay permanently. Immigrants entering for work or study have other language requirements that they must prove which are generally much higher due to the rational that immigrants entering for employment or study reasons will need a higher language level directly. Spouses of temporary work migrants have no language requirements. The British Council plays an important role in offering trainings in the countries of origin.

The German language test is provided by four organizations that have received a certificate for testing from the European Association of Language Testing and Assessment (EALTA). This institute is a professional association for language testers in Europe. EALTA was set up with financial support from the European Community. Goethe is a member of EALTA.

The certificate of EALTA assures that the language tester meets the conditions set by EALTA. Most migrants take the language test at a Goethe Institute worldwide. If there is no certified test centre in the country, it is possible to do the test at the German embassy. This is also the case when the visa section of the embassy has doubts about the capacity of the applicant to speak German, even when (s)he has a certificate of one of the certified language testers. With the certificate, about 90% of the language requirements are fulfilled but the final decision is made by the embassy. This is because the requirement for entry is not being able to pass a language test, but the ability to speak, read and write German at a certain level. About five to 10 percent of the tests are done at German embassies.

Test exemptions are possible in all country contexts but differ. For instance, for the Netherlands there is a hardship clause and migrants over 65 years old do not have to take the test, however, the test must be taken at a Dutch embassy or consulate. In the British case, tests can be administered by any approved provider and do not have to be taken before arrival for those people who do not have access to a testing center in their country. In the German case, if a person does not pass the exam after 2-3 years of preparation, there is a possibility to receive a visa to study German in Germany and/or one is exempted for the test. This decision needs to be made in court. Those applicants need to show that they have followed classes and the languages tests several times. One always needs to pass the test in order to receive a permanent residence permit to Germany.

Fees also differ. In the Netherlands, the exam costs € 350, - and € 110, - for the self-study packages. A German language test costs about €40-80, depending on the standard of living in the country.

Table 3.2 provides a recap of pre-entry requirements for different migrants groups across the target countries. In the Netherlands, Germany and the UK, integration tests must be taken abroad prior to entry to each country. While France does have entry requirements, migrants are not generally expected to take a specific test prior to entry.

Table 3.2 Pre Admission Civic Integration Policies

Migrant group	Pre-entry			
	France	Germany	United Kingdom	Netherlands
EU migrants	n/a	n/a	n/a	n/a
Third country Migrants	n/a	Language Test: Proof of achieving A1 level (exemptions are made for nationals from countries that are tied to Germany economically)	Language Test: Level depends on how the TNC is entering the country i.e. through which tier of the points system. Language Level A1 (minimum)	Pre-entry tests to be taken in the consulates or embassies in the country of origin which consist of both a language and knowledge of the Netherlands component. Language Level A1
Family migrants	Foreign spouse has to be married for three years and have sufficient knowledge of French language and values. Minimum income requirement for applicant and minimum stay of 18 months in France.	Language Level A1. One has to prove that the marriage is genuine. For indefinite leave to remain: Language and Naturalization Test.	Language Level B1 (still to be approved, concerns may lead to this being reduced to A1). Age requirement for family formation is 21	Pre-entry tests to be taken in the consulates or embassies in the country of origin Age requirement for family formation is 21
Knowledge migrants	Skills and talents visa is granted to migrants with relevant skills. Valid for three years.	EU Blue Card: proof of job Without job: may receive residence permit for 6 months to look for a job. Other knowledge migrants (with specific professions) visa application in the home country.	Through Tier 1 (varied language requirements i.e. C1 plus maintenance costs for Tier 1 (Entrepreneur))	Mandatory post-entry test for permanent residence
Students	n/a	Visa required from the German embassy in the country of origin (exceptions made for a selection of countries). Proof of language skills (exemptions are made when language skills are part of the admission procedure).	Through tier 4 of the points system	n/a
Asylum seekers refugees	n/a	n/a	n/a	n/a

3.3 Learning the language abroad

A potential criticism of pre arrival language requirements relates to the difficulty of learning a language abroad. For Germany, the Goethe Institute has a worldwide network of language course institutes. These institutes provide language courses by well-educated, certified (German and local) teachers and are often given in groups in order to facilitate conversation practice. The curriculum of the courses of the Goethe Institute focuses on the ability to speak, listen, read, and write German on A1-level. The courses are not meant as a preparation for the test. In this way, the focus is on the ability to make oneself understood in German, as is set by the pre-entry requirement. The United Kingdom can rely on the network of the British Council. The Netherlands does not have the same network of language course institutes abroad although a commercial organization in the Netherlands has developed a distance learning support system that will be introduced in March 2013.

Another challenge to distance language learning and pre-entry exams related to illiterates and those who have non-western literacy (i.e. Chinese). While arguably a small group of people, the self-study package in the Netherlands includes a literacy course, which should assist illiterates with passing the exam. However, should applicants not succeed; there is the possibility of exemption based on the hardship clause.

3.4 Closing remark

All countries consider language acquisition to be a primary determinant of successful integration. Language acquisition is therefore an important aspect of integration policies both in the host country as abroad. However, there are a number of differences in approach: for example in methods, prices and provision of courses. These differences are partly caused by practical issues like number of immigrants and having a world wide network of language institutions. It may be interesting to gain more insight in the effects of the differences in approach on successfulness of integration.

4 Supporting Integration

Besides language and integration courses, countries have different strategies to stimulate and support integration. This chapter deals with integration contracts, counselling services and developing a 'welcoming culture'. The section concludes with indicators for measuring integration and a brief discussion of issues that came up during the discussion.

4.1 Integration contracts

Several countries have adopted a (quasi-)legal integration contract, to be struck between the migrant and the state, as a means to clarify rights and responsibilities of both parties. The contract was deemed to serve a dual purpose. On the one hand it serves a philosophical goal, emphasizing reciprocity in the integration process and on the other an administrative goal, laying down the mutual rights and responsibilities.

While the exact content may differ from country to country, in all countries which used the contract (France, Germany, Flanders) it involved both a language and a civic component, with free or heavily subsidized courses and tests following the signing of the contract⁴. In France, it also included a labour market element: during an interview, a skills report was drafted which could help the immigrant and the employment services find a matching job. While the term "contract" signals a legally enforceable measure, it became clear that enforcement was not so easy in practice. In France, local authorities are entitled to take legal measures (e.g. impose fines) in case of breach of contract, but they rarely do. The greatest effect of not respecting the contract is that the route to citizenship becomes much more difficult. In Flanders, there was neither legal nor "civic" enforcement, the latter meaning that employers didn't recognize the diploma's ensuing from the integration process. All the same, 95 percent of immigrants hold the obligations set forth in the contract.

The French integration contract was presented in more detail. It was explained that the contract is also important for migrants because renewing one's residence permit depends on one's performance. As part of the contract, if the migrant is causing problems, the local official can raise their concerns with the migrant and propose steps to resolve the issue. It is also interesting to note that France has adopted a 'family integration contract'. The contract includes a training day about rights and duties of parents, to be attended by both spouses. If they keep with the agreements in the integration contract, they receive a certificate with which they can obtain a residence permit. The certificate is issued by the local government, which is authorized to impose sanctions in case migrants fail to comply with agreements in the integration contract. It would be interesting to monitor the progression of this policy to determine the extent to which such agreements can improve integration outcomes. After admission the whole family can sign an integration contract.

In France, approximately 25.000 contracts were opened in 2012 and 20.000 contracts were closed. In total, more than 800.000 contracts have been signed over the past ten years. Of

⁴ Germany is piloting an optional integration agreement between the German government and the migrants. The integration agreement started as the idea of a contract to make both parties accountable for the integration of migrants in Germany.

the closed contract in 2012, the success rate for the test on the “civic” element (norms and values, institutions, history) was 81 percent, while the success rate for the language test was lower at 64 %. The average period between opening and closing of the contract is 41 days. This signals an important feature of the integration trajectory: it is a relatively short and intensive programme.

It remains to be seen whether the contracts have real on-the-ground effects. It was noted that in some cases the required language level may be too low to have any significant effects, but in general it was thought that it was instrumental in helping newcomers navigate society.

4.2 Counselling services

Different countries offer counselling services to newcomers, or even to all persons with a migration background. The interview and courses, as part of the French Integration contract, can be seen as a counselling service to newcomers because it offers (respectively individual and general) practical information that migrants need in their integration process. Flanders introduced a counselling service in 2003, helping migrants with the questions they have regarding integration and the local society.

In Germany, a number of private organisations, including Caritas and the Red Cross provide counselling services to migrants. Counselling services for adults are the responsibility of the Ministry of the Interior, while the Ministry of Family, Seniors, Women and Youth is responsible for the counselling services for adolescents. During the meetings we have focused on the former one.

The purpose of counselling migrant adults is to support the integration of migrants and assist in increasing their independence to handle daily life and to reduce dependence of social funds. Counsellors provide free and individually tailored counselling based on individual needs and in this way help migrants to benefit from regular assistance systems, like integration courses, vocational skill-building and social services.

The counselling services are not only available for third-country newcomers but also to EU migrants and migrants who have already been residing in Germany for many years. The main condition is that the migrant has a prospect to remain in Germany permanently.

There are 600 institutions in Germany that offer counselling services for adults. About 800 counsellors (500 fulltime jobs) and about 300 volunteers offer the services at these institutions. The counselling service is offered to about 165,000 persons per year. In 2013, €25,777,000 was allocated to the provision of these services.

The counsellors may offer up to three years of counselling to a client. About 48% of the clients only have a question regarding the language courses or recognition of foreign certificates. The other 52% follows an intensive route in which a support plan is written based on a need and competence analysis and case management is offered.

An interesting result of the counselling services is that the proportion of those clients which had drawn long-term unemployment benefits had fallen from 50 percent to 35 percent at the end of the counselling procedure.

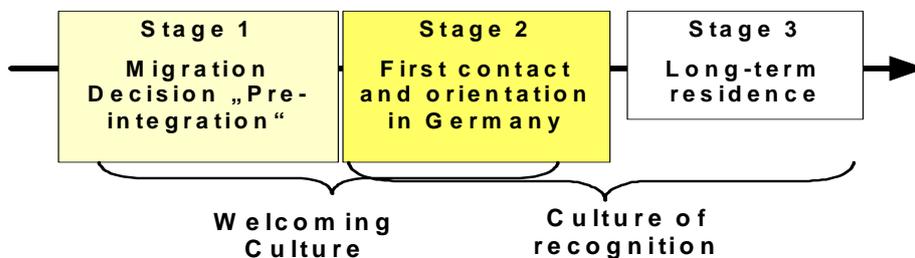
In France, as a part of the Reception and Integration Contract, migrants are interviewed in order to make a personal professional skills record. This record should improve the migrants' access to work. A survey of the Ministry of the Interior of the Reception and Integration Contract Programme shows that the programme improves the ability of migrants to speak French, but that finding employment remains difficult. After three months 25-30% of the migrants has a job, and after 6 months 30-35%. The limited success might be a result of the economic recession as the skills report was introduced just in the beginning of the recession.

4.3 “Welcoming culture”

In Germany the concept of a ‘Welcoming Culture’ was introduced by the 2005 Immigrant Act. This is a popular discussion topic for politicians and academics in Germany, which has led BAMF to consider structuring its activities in a way that would support the (development of a) so-called ‘welcoming culture’. The formulation of a welcome culture was driven primarily by perceived demographic needs. The global competition for qualified labour and the expected future needs for labour in the German labour market inspired political drive to secure Germany as an attractive place to live and work for all people, including newcomers.

BAMF has defined the welcoming society as an attractive administrative structure, both in the pre-entry phase as during the first period of a migrant in Germany. In order to strengthen social cohesion, there is also a need for a culture of recognition for all persons with a migrant background.

Figure 2.1 Stages of welcoming culture and culture of recognition



In order to identify possible lines of action, BAMF organised two working groups. Both working groups were asked to develop practical recommendations.

The first group focused on the ‘welcoming culture’ and has as task to examine administrative structures and verify their attractiveness for newcomers. The recommendations of this working group are:

- 1 Establishing a single webpage to centralise all relevant information
- 2 Individual telephone consultation and support via e-mail for new arrivals
- 3 Connecting existing pre-departure measures with well established migration counselling in Germany
- 4 Strengthening migrant organisations and connecting them with immigrant counselling centres

5 Intercultural opening of state / local authorities

The second working group focused on the intercultural opening and political education. Its task was to strengthen intercultural opening of the host society and creating a culture of recognition for people with a migration background. The recommendations of this working group are:

- 1 Using existing education and training courses, offered by various political foundations
- 2 Creating a state wide advertising campaign to promote recognition of cultural and religious diversity
- 3 Supporting civil society initiatives to strengthen opportunities for encounters between migrants and Germans.

During the meetings many participants embraced the rhetoric of creating an environment in which migrants are welcomed, their cultures embraced, their needs considered yet their performance monitored. However, as the countries differ in their approach to integration, also their view on who is responsible to create a welcoming culture differs. The concept of a 'welcome culture' as terminology to frame discussion on civic integration is not used in the Dutch, French or British context.

4.4 Indicators of Integration

While it is of value to consider policy actions of neighbouring countries, without adequate and comparable data, it is hard to determine which country has the most successful civic integration policy. This was another key topic discussed throughout the project. Common indicators of integration are language acquisition, educational performance and labour market participation but it was frequently noted that integration is far more complex. For example, Chinese populations are considered to be well integrated by the French because of their labour market engagement and self-employment levels. Despite this, language acquisition among Chinese migrants is lower than among other migrant groups. This is also the case for Turks and Portuguese who do not always perform well at school but are active in the labour market. While it is evident that being able to converse in the host country language, perform well at school, and earn a living are key facilitators of a successful life in host countries, therefore, integration is about more than these indicators and therefore policy should seek to address a broader number of integration challenges.

4.5 Closing remark

The continuing need for pursuing the civic integration of newcomers was a shared understanding throughout the discussions. However, in some countries, especially in The Netherlands, funding for integration policy is waning. This is partly inspired by ideology - immigrants are deemed to have an important responsibility in securing their own integration – and partly by practical budget constraints. There is a growing sense that the state cannot provide it all. The question it raises is: what are budget friendly means to actively promote and support civic integration?

The other question it raises is the role of mainstream funding. Another way of looking at integration policy is to have a broad view of social mobility, ensuring that the labour market and essential services are accessible to all, including those living in the margins of society. This approach requires the mainstreaming of integration policies, but is less focused on immigrant integration. It makes signal group funding less important, and may therefore be a viable approach to dealing with integration issues without having a large dedicated budget.

5 Forced Marriage

Forced marriage is an important area to discuss with respect to civic integration policies. It is however a challenging area for policy intervention due to complexities in defining what constitutes a forced marriage. "Active Against Forced Marriage" was an EU project initiated by the Ministry for Social and Family Affairs, Health and Consumer Protection of Hamburg and engaged partners from the UK and the Netherlands between 2007 and 2009. Their definition of a forced marriage is:

"A marriage conducted without the valid consent of one or both parties where duress (emotional pressure and / or physical abuse) is a factor"¹.

The definition underlines the need of valid consent of both parties. It is important to note the difference between arranged and forced marriage. An arranged marriage is not in definition a forced marriage, when both parties agree on the arrangement. The following illustrative examples demonstrate that a number of situations could be classified as forced marriages: homosexual men who are forced to marry a woman; Turkish or Moroccan girls who after the wedding are entrusted to their mother-in-law; couples that are married by their family without their presence (religious marriage not recognized in host country, but it is recognized in country of origin); girls that marry a boy because it helps them to escape their families; marriages that are aimed at providing a citizenship for a member of the family to whom the instigator of the forced marriages feels a sense of duty; polygamy (the first wife is selected by the family, man has the right to choose his others wives).

The very nature of marriage as a private affair makes it a sensitive area to research and thus there is not a great deal of research conducted into the topic. Despite this, it is clearly a problem that merits policy regulations. These regulations can focus on prevention and intervention.

Table 4.1 provides an overview of the policy framework for forced marriage in France, Germany, the United Kingdom and the Netherlands. Following this more detailed consideration is given to the policy response to forced marriage in each country. We will see that the UK approach to forced marriage is considered to be comprehensive and is held up as an example of best practice. The policies on forced marriage in The Netherlands, Germany and Denmark are following the footsteps of the UK and have similar approaches on legislation and prevention. In France the policy on forced marriage is part of a government-wide approach of woman rights and empowerment.

¹ <http://www.hamburg.de/contentblob/1406660/data/dokumentation-eng.pdf>

Table 4.1 Policy on forced marriage

	France	Germany	United Kingdom	Netherlands
<i>Regulation</i>	In 2006 a law was passed that marriages are only valid when both partners have given their consent, also when being abroad. This law doesn't prevent traditional weddings, but at least makes sure that both partners are present.	In February 2005, forced marriage was included into the criminal code. On 17 March 2011, the new "Law on Combating Forced Marriage" established a new article in the criminal code and made forced marriages an explicit criminal offence. The punishment however, did not change.	The Forced Marriage (Protection and Jurisdiction) (Scotland) Act 2011, passed by the Scottish Parliament, allows the courts to issue protection orders tailored to the victim's needs. On the 8 th June 2012, the Prime Minister, David Cameron, announced that forced marriage would also become a criminal offence in England and Wales.	Under article 284 of the Criminal Code it is a crime to unlawfully force someone to do something, including the conclusion of a marriage (Proposed: Marriage between people with a third or fourth grade kinship relationship (uncle and niece; cousins) will be prohibited)
<i>Criminal Offence</i>	n/a	Yes	Yes (on paper)	Yes
<i>Punishment</i>	n/a	Prison sentence of at least six months ranging up to five years	Prison sentence of two year and/or a fine; protection orders restricting access to victim	Prison sentence up to a maximum of nine months (proposed: two year imprisonment)
<i>Prevention</i>	Awareness raising has a high priority. DAIC provides financial means for local preventive activities. These activities are financed by a national fund and by the European Integration Fund (EIF). NGOs are a key part of the French strategy and they have been involved in developing a better approach to forced marriages.	Germany was the instigator of the "Active Against Forced Marriage" project which aimed to better understand forced marriage within a European context. The main objectives of the project were to raise awareness of forced marriage and to identify possible examples of best practice in policy responses to inform future policy decisions intended to address the phenomenon.	The Forced Marriage Unit provides practical support, information and advice to anyone who has been through or is at risk of a forced marriage. One of the key tasks of the FMU is raising awareness among (potential) victims and professionals. FMU has a helpline that is accessible 24/7. The FMU covers 1,500 cases per year.	In this context, the Action Plan 'Prevention of Forced Marriages 2012-2014' was developed by former Minister for Immigration, Integration and Asylum. The aim of this approach is prevention and timely detection of forced marriages. Important aspect of the action plan, consisting of 12 specific actions, is the 'local chain approach', making municipalities the first responsible authority with regard to prevention and early detection.

5.1 The United Kingdom

The United Kingdom Government set up the Forced Marriage Unit (FMU) in 2005 to provide practical support, information and advice to anyone who has been through or is at risk of a forced marriage. The FMU is a joint initiative between the Foreign & Commonwealth Office and the Home Office. This allows the government to better monitor the incidences of forced marriage which is an important starting point for any further policy measures.¹ The Government has also launched a policy support package to tackle the causes and consequences of forced marriage. The aim of the support package is to raise awareness, educate communities, victims and practitioners, tighten up statutory guidance and ensure that victims are prioritized. Part of this is a focus on distinguishing 'forced' marriage from 'arranged' marriage.

Legislation, prosecution and rescues

Despite the actions taken on prevention, intervention is still necessary. The UK has followed in the footsteps of other countries by formally criminalizing forced marriage in 2012. This legislation comes despite previous concerns that criminalization may deter victims from reporting family members and sound research into its effectiveness will be necessary; although it has not yet been formally implemented. As a complement to the new law, the Government will provide £500,000 to forced marriage based NGOs.

FMU also focuses on victims of forced marriages that are already brought outside the UK. In the UK, the British Government published 'Securing the UK Border; our vision and strategy for the future' which outlined its view on offshore border controls. The FMU has a good working relationship with certain countries, especially the former colonies, and less with others (e.g. Saudi Arabia). FMU has shelter places in Pakistan and Bangladesh. The FMU is able to help and rescue victims travelling with a UK-passport. At this moment the FMU is searching for a solution for victims that travel with a non-UK passport.

Prevention

One of the key tasks of the FMU is raising awareness among (potential) victims and professionals. Awareness among (potential) victims is necessary because not all victims recognize that they are being abused. And even if they recognize it, not all victims know where and how to seek help. FMU has a helpline that is accessible 24/7. The FMU covers 1,500 cases per year.

The FMU cannot work without other organizations. There are many different actors involved in tackling forced marriage in the UK including the government (primarily the Forced Migration Unit), NGOs, the police, airports security, embassies, religious groups, and other professionals such as teachers, social workers and caregivers. Given the culturally sensitive and complex nature of forced marriage, this approach allows for a collaborative approach to the problem by playing on the strengths of different partners. NGOs, for example, are a significant player since victims may

¹ From the cases handled by the FMU, those affected were predominantly female (87% in the first 5 months of 2012) and the majority was under 26 (70% in 2011 and 90% between January and May 2012). Pakistan (47%) was the main country of origin in cases of possible forced marriage, followed by Bangladesh (9.2%), UK (8.7%), India (7.2%), Afghanistan (2.7%), Turkey (1.5), Sri Lanka (1.4%), Iraq (1.2%), Egypt (1.0%) and Nigeria (1.0%). In almost 10% of cases, the country of origin was not known (Prime Minister's Office, 2012).

not always feel comfortable approaching the authorities for fear of either their actions being considered to be a criminal offense, or for repercussions of reporting family members particularly if their complaint is not taken seriously. NGOs have also played a significant role in raising the issue up the policy agenda through awareness raising campaigns. Furthermore, NGOs can be culturally specific and target specific groups of victims. This versatility arguably makes NGOs the key linking pin in the British approach to forced marriage; however it is clear that they cannot tackle the problem on their own. The police are also an important actor, given they have the legal power to bring sanctions against offenders; embassies can be an important source of shelter and support for victims who find themselves outside of the UK; airport teams are the 'last line of defence' for preventing the departure of a potential victim; religious groups can be a key in addressing cultural perceptions that may lead to the blurred line between arranged and forced marriage; and all client facing bureaucrats (teachers, social workers, caregivers, community safety officers etc.) are best placed to recognise indicators that a forced marriage may be underway, providing that they are equipped with the right training and understanding.

The FMU have undertaken several actions to improve responses by these actors to forced marriage. These actions are based on the recognition that it can be very difficult for victims to ask for help. Not taking them serious (immediately) might therefore leave them isolated and talking to their parents might endanger them. For this reason, awareness of the problem and knowing how to handle is very important.

Based on this the three guiding principles of the FMU are:

- The victim has the right to be believed.
- Show empathy and give confidence.
- Place the victim at the heart of the process.

The UK has developed guidelines for different professionals (police, teachers, caregivers) that help them identify and address cases of forced marriage. The FMU also trains personnel of embassies on this topic. The FMU has sent the multi-agency guideline on how to handle cases of forced marriage to different organisations. Ashiana Network also distributes the guidelines to other NGOs as it contains the instrument to handle cases.

5.2 The Netherlands

Legislation and prosecution

Before 1970 marriage in the Netherlands explicitly required the mutual consent of both partners according to Article 85 of the Dutch Civil Code. In the revised Civil Code this explicit requirement has not been reaffirmed. Nonetheless, the principle that marriage requires the free and complete consent of both partners has been affirmed in the Universal Declaration on Human Rights and several treaties on human rights that are currently in force in the Netherlands. Furthermore, under article 284 of the Criminal Code it is a crime to unlawfully force someone to do something, including the conclusion of a marriage. The maximum penalty currently lies at 9 months of imprisonment and will be 2 years from 1 July 2013 onwards. It is also possible to declare a marriage null and void when it has been concluded under severe threat (book 1, article 71 of the Civil Code). Finally, marriages that have been concluded abroad can become unacknowledged in the Netherlands based on articles 11 and 14 of the Convention on Celebration and Recognition of the Validity of Marriage. The first article includes a catalogue on grounds to refuse acknowledgment, including

forced marriage, while the second article stipulates that acknowledgment can be refused if it is incompatible with the public order.

At present there is no reliable statistic information of the number of forced marriages in the Netherlands. However, it is clear that forced marriages occur in the Netherlands and, therefore, the Ministry of Security and Justice has recently proposed a new law to combat forced marriage. This law would allow the Public Prosecutor to halt a marriage when there are sufficient indications that one of the future spouses is being forced into the marriage. Additionally, in the draft law, the maximum penalty for crimes under article 284 of the Criminal Code is raised to two years of imprisonment. The law also amends Book 1, Article 71 of the Civil Code to make it possible that every marriage that has been concluded under any kind of pressure, can be declared null and void. Moreover, the law proposes to grant the Public Prosecutor the right to request the court to annul the marriage, as the government estimates that it is likely that most spouses will stand under continued pressure after marriage, and therefore to not have the courage to ask for annulment themselves. The current exceptions on the legal age for marriage are also due to be abolished. The minimum age of eighteen years will also hold for people who do not hold Dutch citizenship but wish to marry in the Netherlands. Marriage between people with a third or fourth grade kinship relationship (uncle and niece; cousins) will be prohibited. Finally, the amended Civil Code is planned to provide more details on when marriages, that have been concluded abroad, are seen as valid in the Netherlands. The proposed law is currently being review by the House of Representatives.

Prevention

Apart from legislation and prosecution, prevention is part of the Dutch approach. In this context, the Action Plan 'Prevention of Forced Marriages 2012-2014' was developed by former Minister for Immigration, Integration and Asylum.¹ The aim of this approach is prevention and timely detection of forced marriages. The underlying principles of the approach are in line with the government-wide approach of domestic violence and the Integration memorandum:

- The approach is based on general policies and not focused on specific groups in society.
- The approach will connect to existing policy implementation as much as possible.
- The role of citizens, civic society organizations, professionals and municipalities will be increased.

An important aspect of the action plan, consisting of 12 specific actions, is the 'local chain approach', making municipalities the first responsible authority with regard to prevention and early detection. The Association Dutch Municipalities (VNG), together with 35 centre municipalities, the 'Federatie Opvang' (FO) and the Ministry of Health, Welfare and Sports will develop a regional vision. This should lead to improved local and regional policy, in which all authorities take their responsibility. In this regard, the government announced to use existing dialogue structures with municipalities, such as the Common Integration Agenda (GIA), to stimulate and facilitate the local approach on forced marriages. Central to this, is cooperation between municipalities, migrant organizations and key persons from migrant communities. Moreover, the government organises, twice a year, a platform for all stake-holders involved in preventing forced marriages (municipalities, migrant organiza-

¹ TK 2011-2012, 32 175 Nr. 35

tions, education, social assistance, police, etc.). The aim is to build a national network and ex-change knowledge and experiences.

5.3 Germany

A recent study conducted by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth among counselling offices in Germany, found that more than 3,000 persons sought help in 2008 stating that they were victims of forced marriages.¹ The controversial debate on forced marriages largely began in Germany when a young Kurdish woman becoming victim to an “honour killing” early 2005. In this context, legislators argued for language tests prior to migration (i.e. family reunification) as a safeguard against forced marriages describing it as a “preventive integration policy”: language acquisition can facilitate integration through securing the communicative conditions for an independent and emancipated living which in turn should prevent women from being forced into a marriage by psychological and physical pressure.

Legislation and prosecution

In February 2005, forced marriage was included in the criminal code. On 17 March 2011, the new “Law on Combating Forced Marriage” established a new article in the criminal code and made forced marriages an explicit criminal offence. The punishment (imprisonment from 6 months to five years) did not change. The 2011 law also created a ten year valid right of return for women who are victims of forced marriages and who had to leave Germany. A “positive integration prognosis” was added in that it has to be ensured that victim can “contribute due to his/her education and living conditions to the life in the Federal Republic of Germany”. In Germany, the response to forced marriage has therefore also primarily involved the use of legal instruments although they are taking clear steps towards the more integrated approach as seen in the UK.

Prevention

As previously noted, Germany was the instigator of the “Active Against Forced Marriage” project which aimed to better understand forced marriage within a European context, and involved the Forced Migration Unit and the Foreign and Commonwealth Office in the UK and MOVISIE, the Dutch centre for Social Development, in cooperation with the VU University in Amsterdam. The main objectives of the project were to raise awareness of forced marriage and to identify possible examples of best practice in policy responses to inform future policy decisions intended to address the phenomenon, and a number of recommendations were made. These relate to the legislative environment, defining and monitoring instances of forced marriage, awareness and education, and support for victims. As education, for example, is implemented at Länder level, there are differences in the way forced marriage is tackled across Germany.

¹ It is not possible to exclude multiple counts, so that the number of individual victims is probably lower.

5.4 Denmark

In Denmark the national efforts against forced marriages and other honour related violence is anchored in the Ministry of Social Affairs and Integration and coordinated with efforts in other ministries. The efforts among other things include an national consulting unit which advice the municipalities, a national corps of professional mediators, a national dialogue corps of young ethnic role-models, shelters for woman and couples, mentor projects and educational material. Denmark has also different help lines for (potential) victims, professionals and parents.

In July 2012 the new government launched a 'National Strategy against honour related conflicts'. The strategy focuses on six main areas and consists of more than 30 initiatives. These areas are: 1) cooperation among municipalities, 2) education of professionals, 3) special effort on a new phenomenon 're-education'¹, 4) support for young people in relation to honour related conflicts, 5) attitude changing and information campaigns aimed at both patterns and young people, and 6) knowledge and research. One of the research projects is mapping the numbers of forced marriages.

5.5 France

In France, the issue of forced marriage was framed in terms of the debate on norms and values of second-generation migrants. In France social workers report that young second generation migrants do not adhere strictly to the culture of their parents; but also often reject the norms and culture of their host society thus creating hybrid identities. It is therefore common that male youth will date girls that their parents do not approve of, but choose a woman like their mother to be their wife. Girls will often marry men that their parents approve of but stop using contraception sooner than they would ideally like. It is argued that a similar trend has also been witnessed in Germany, the United Kingdom and the Netherlands.

France experiences, like other countries, difficulties in mapping the number of forced marriages. It is a sensitive topic and as it is part of their culture, sometimes people don't realize that their marriage hasn't been a free choice. In France, the main indicator for forced marriages is the number of marriages for which no permission was given. However, this number does not provide a good picture of the scale of the problem. While doing research, however, it is a problem that researchers do not want to ask sensitive questions regarding issues like forced marriages and polygamy. In 2013, the French National Institute for Demography will publish a report in which the scale of forced marriages will be presented. Contrary to previous research, this time a distinction will be made between different ethnicities. The research comprises a quantitative and qualitative research component. The quantitative component shows that especially females of 16-26 years old face the problem of forced marriages. The results of qualitative research are not public yet.

¹ This phenomenon involves children and young people who against their will have been sent abroad by their family which are afraid their son or daughter are 'getting too Danish'.

Legislation and prosecution

In France, persons under 18 years old are not allowed to marry. And in 2006 a law was passed that marriages are only valid when both partners have given their consent, also when being abroad. This law doesn't prevent traditional weddings, but at least makes sure that both partners are present.

Unlike the policy on female mutilation, which is criminalized and the family of the victim get a fine, forced marriage is not officially a crime. Moreover France encounters the problem of dual citizenship when the marriage is taking place overseas and the victim is travelling without a France passport.

Prevention

In France the policy on forced marriage is part of a government-wide approach of woman rights and empowerment. Prevention is taking place in schools and families, informing them on woman rights. At this way France is trying to raise awareness in an early stage. At this moment France is still missing the warning signals. Teachers, school doctors and social workers are not yet competent enough in responding on signals of forced marriage.

At this moment NGOs are a key part of the French strategy and they have been involved in developing a better approach to forced marriages. For example, DAIC provides financial means for local preventive activities. These activities are financed by a national fund and by the European Integration Fund (EIF). The NGO ASSFAM organizes activities for teenagers. These activities provide the chance to develop an atmosphere of trust and the possibilities to discuss issues like the relationship between men and women, forced marriages, genital mutilation, etc. Teenagers are also informed on relevant services that local organizations can provide them. The NGO GAMS has a project in Normandy in which they organize debates at schools on different topics.

5.6 Closing remark

In general it is considered that the UK example is held up as a good example of an integrated response to forced marriage and that the Netherlands, Germany, Denmark and Austria are following the footsteps of the UK. In France there is no separate policy on forced marriage while it is part of a much broader approach on female rights. Also specific topics are being discussed, mapping the numbers of forced marriage, the impossibilities in the rescue of victims, the necessary steps in raising awareness among (potential) victims and raising expertise among professionals and the role and importance of a national coordination unit.

Mapping the number of forced marriages

Insight into the number of forced marriages is an important starting point for policy measures. In the UK the FMU is a joint initiative between the Foreign & Commonwealth Office and the Home Office. This allows the government to better monitor the incidences of forced marriage. In Germany a recent study found that more than 3,000 persons sought help in 2008 stating that they were victims of forced marriages. In Denmark, Austria, France and the Netherlands research is planned or in development.

Rescue of victims

Furthermore, monitoring shows the background characteristics of victims and thus insight into the countries involved. For the rescue of victims, alliances with these countries are necessary. When there are no bilateral agreements, the Netherlands would like to collaborate with local NGO's. In some countries the Netherlands funds local NGO, in other countries collaboration with local NGO's should be set up from scratch.

As each European country is supporting different NGO's in different countries, it was suggested during the discussion that European countries could collaborate and benefit from each others contacts with local NGO's in countries where the risk of forced marriage is high.

Alliances with countries overseas are needed in rescuing victims, especially when the victims are travelling with a passport other than the country of citizenship. In some countries, like Denmark and Austria, a new policy is launched wherein everybody who was once citizen (despite of the choice in passport) can still be punished for forcing someone into a marriage. But for rescuing a victim overseas a passport of citizenship is needed. Therefore the topic of dual-citizenship has to be discussed.

Raising awareness and expertise

All countries listed above are spreading information about forced marriages for raising awareness for the problem by the victim and professionals and raising the expertise in dealing with these cases. For example, a few countries started programs in schools to strengthen the competence of the teachers in responding to signals of forced marriage. Like the Netherlands, where the 'professionals of tomorrow' will be educated in dealing with cases of forced marriages or the 'role models' which are travelling through Denmark and visit schools and organizations. One last remark is that a lot of educational material is already made. During the discussion plans are made to exchange this educational material.

Role and importance of a national unit

In the UK and Denmark a special national unit is designed to coordinate the policy measures. Other countries, for example the Netherlands, choose to improve local and regional policies. The role and importance of a national unit is being discussed. A unit may be important for collecting knowledge and expertise necessary to combat forced marriage and/or for coordinating activities of different actors in the field.

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