

## CALL FOR PAPERS

### **'Marital Captivity: Divorce, Religion and Human Rights'**

International MARICAP Conference 2016  
24-25 November 2016

Ius Commune Research School Conference  
Faculty of Law, Maastricht University  
The Netherlands

People marry in different ways: either civilly or religiously, or both. Dissolving a civil marriage is usually not too difficult; dissolving a religious marriage can, however, be quite a challenge, especially for women of migrant or refugee background. A civil divorce pronounced by a civil court will generally not end a religious marriage. Whether a person is 'still' religiously married or not, is often determined by the laws of the country where the marriage was concluded or by the rules and norms of the couples' religious community, or both. This position of being legally divorced yet religiously (still) married can be denoted as being in a state of **'marital captivity'**. Marital captivity refers to a situation wherein someone is unable to terminate his or her religious marriage, i.e. keeping a spouse 'trapped' in a marriage against his or her will. A situation of marital captivity can have serious implications for the trapped spouse, usually the woman, such as the inability to re-marry or travel without restrictions.

In the research project 'Marital Captivity: bridging the gap between religion and law', funded by the Netherlands Organisation for Scientific Research (NWO), researchers of the Law Faculty of Maastricht University investigate this phenomenon within the Dutch context. The research project aims (i) to gain insight into the phenomenon of marital captivity in the Netherlands, and (ii) to find legal solutions (national and international) to resolve and prevent situations of marital captivity both in the Netherlands and in the country of origin.

In this international conference we aim to share and exchange ideas, research findings and experiences regarding the phenomenon of 'marital captivity' in different geographical areas, besides the Netherlands/Europe. We intend to foster a multidisciplinary dialogue, with contributions drawn from, most importantly, legal anthropology, (international) family law and human rights law, in order to address the issue of marital captivity from an integrated perspective.

The conference committee therefore encourages and invites researchers from various countries and disciplines (e.g. law, anthropology, sociology, political science)

to submit papers that will advance empirical and conceptual/theoretical knowledge and understanding of 'marital captivity'. Proposals should address the issue of 'marital captivity', and may include topics, such as:

- Individual (socio-legal) experiences;
- The influence of legal and political contexts (e.g. religion-state relations; multiculturalism-secularism) on the occurrence, continuation or solution of situations of marital captivity;
- The interaction of state and non-state normative orders;
- (Informal) dispute resolution practices of religious communities;
- The use of national legal instruments to prevent or resolve situations of marital captivity;
- Solutions to situations of marital captivity in secular and non-secular countries;
- The implications of limping marital status in a transnational continuum;
- Gender equality and divorce;
- State's human rights responsibility in respect of religious and cultural practices that are harmful (to women);
- The protection of (women's) human rights in local settings;
- The extra-territorial application of human rights;

Paper proposals from interested participants with various disciplinary backgrounds that relate to one of the following three panels are particularly appreciated.

### **Panel 1: Marital captivity in practice**

This panel aims to identify similarities and differences between different situations of marital captivity, preferably drawing from various (trans-)national, religious, and communal contexts. This panel invites in particular empirical contributions that, for example, describe case studies or examples of manifestations of marital captivity in a specific local, religious or (trans)national context, including investigations and analyses of the (e.g. legal, religious or social) causes and consequences of such situations. A 'chained spouse' may, for example, encounter problems within his or her local community or in his or her country of origin, or both. Moreover, attention can be given to solutions that have been investigated by individuals in their quest for a religious divorce, including the results of these explorations.

### **Panel 2: Solutions to marital captivity**

Since societies all over the world struggle with marital captivity, this panel invites submissions exploring legal and/or non-legal (informal) remedies employed within religious communities that aim to prevent or resolve marital captivity *and* its pernicious effects. Examples of solutions may be contractual clauses about the cooperation to a (religious) divorce, tort action, recognition of a (civil) divorce in another country, legislation that furthers cooperation to a religious divorce, penal sanctions etc. How and under what circumstances and conditions are these solutions applied? What are the experiences with their feasibility and effectiveness? What is their impact or what are their benefits or possible drawbacks? Hence, we welcome paper proposals that analyse different solutions to marital captivity, specific to various (trans-) national and religious communities.

### **Panel 3: Marital captivity and human rights law**

This panel welcomes paper proposals that have primarily a human rights focus to harmful divorce practices within religious communities, be it within a general human rights context or within a specific national context. The panel aims to explore the use of human rights law as a means to enhance the protection of the trapped spouse(s)'s rights, ensure the State's compliance to its human rights obligations and trigger effective State action in addressing marital captivity and its consequences. Papers covering topics such as women's rights and religious freedom, the intersection of human rights and diplomatic protection, the State's responsibility for human rights violations by private persons and the interplay of human rights, secular foundations and religion are highly appreciated.

### **Submission of abstracts and papers**

Paper proposals should consist of an abstract of max. 300 words, a title, panel preference, the author(s) name, affiliation, contact details and a short bio, and should be sent by e-mail to: **maricap@maastrichtuniversity.nl** before May 1, 2016.

Notification of acceptance abstract: May 15, 2016

Presenters shall submit a draft paper before October 1, 2016. Final papers should be between 5000 and 8000 words. Selected submissions will be considered for publication in an edited volume or special issue to a journal.

For questions related to the submission of abstracts and papers and the MARICAP conference programme, please contact one of the members of the MARICAP conference committee.

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Panel 1: Esther van Eijk  
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Panel 2: Pauline Kruiniger  
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Panel 3: Benedicta Deogratias  
(PhD researcher; b.deogratias@maastrichtuniversity.nl)

### **Practical Information**

The international MARICAP conference 2016 is hosted and co-organised by the research school ius Commune under the auspices of the Law Faculty of Maastricht University. The conference will take place in Maastricht (conference venue: Van der Valk hotel), the Netherlands, on 24-25 November 2016.

There are no registration fees. Travel- and accommodation costs are expected to be covered by the participants themselves. Meals and beverages during the conference will be covered by the conference organization.

For more information on the research project, see:

<http://www.maastrichtuniversity.nl/web/Faculteiten/FdR/Thema/Capaciteitsgroepen/Privaatrecht/Projecten/EchtscheidingEnReligie/MARICAPEnglish.htm>