Trapped in a religious marriage

Citation for published version (APA):

Document status and date:
Published: 01/01/2019

DOI:
10.26481/dis.20190404bd

Document Version:
Publisher's PDF, also known as Version of record

Please check the document version of this publication:

- A submitted manuscript is the version of the article upon submission and before peer-review. There can be important differences between the submitted version and the official published version of record. People interested in the research are advised to contact the author for the final version of the publication, or visit the DOI to the publisher's website.
- The final author version and the galley proof are versions of the publication after peer review.
- The final published version features the final layout of the paper including the volume, issue and page numbers.

Link to publication

General rights
Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal.

If the publication is distributed under the terms of Article 25fa of the Dutch Copyright Act, indicated by the “Taverne” license above, please follow below link for the End User Agreement:
www.umlib.nl/taverne-license

Take down policy
If you believe that this document breaches copyright please contact us at:
repository@maastrichtuniversity.nl
providing details and we will investigate your claim.

Download date: 11 Jan. 2021
This book offers a human rights perspective of the phenomenon of marital captivity within Christian, Jewish, Hindu and Muslim communities in both secular and non-secular States. Marital captivity is a complex social phenomenon that, predominantly, affects women. It involves a situation wherein the dissolution of a religious and/or legal marriage is obscured for religious reasons, consequently forcing the spouse(s) to remain in the marriage against their will. It involves multiple stakeholders (i.e. the trapped spouse, the opposing or recalcitrant spouse, the religious communities and one or more States). Within situations of marital captivity, all involved stakeholders have rights and interests which are often in conflict with one another. Unfortunately, holistic and effective solutions to end existing situations of marital captivity and prevent new situations from arising, have yet to be developed.

The human rights discourse advanced in this book shows that a human right centred approach is imperative for the process of finding effective solutions to end marital captivity. Applying the human rights legal framework enables to consider, balance and resolve the conflicting rights and interests inherent within situations of marital captivity in an objective manner. It also enables to reveal how a selected number of human rights and principles are affected within situations of marital captivity and offers an overview of States’ positive obligations to protect and ensure these rights. The implied human rights obligations are discussed within the context of marital captivity so as to identify and formulate specific States’ obligations to address marital captivity. This exercise enables the author to produce guidelines for legal and non-legal measures that States should consider adopting in their efforts to combat marital captivity and to comply with their human rights obligations.
This book offers a human rights perspective of the phenomenon of marital captivity within Christian, Jewish, Hindu and Muslim communities in both secular and non-secular States. Marital captivity is a complex social phenomenon that, predominantly, affects women. It involves a situation wherein the dissolution of a religious and/or legal marriage is obscured for religious reasons, consequently forcing the spouse(s) to remain in the marriage against their will. It involves multiple stakeholders (i.e. the trapped spouse, the opposing or recalcitrant spouse, the religious communities and one or more States). Within situations of marital captivity, all involved stakeholders have rights and interests which are often in conflict with one another. Unfortunately, holistic and effective solutions to end existing situations of marital captivity and prevent new situations from arising, have yet to be developed.

The human rights discourse advanced in this book shows that a human right centred approach is imperative for the process of finding effective solutions to end marital captivity. Applying the human rights legal framework enables to consider, balance and resolve the conflicting rights and interests inherent within situations of marital captivity in an objective manner. It also enables to reveal how a selected number of human rights and principles are affected within situations of marital captivity and offers an overview of States’ positive obligations to protect and ensure these rights. The implied human rights obligations are discussed within the context of marital captivity so as to identify and formulate specific States’ obligations to address marital captivity. This exercise enables the author to produce guidelines for legal and non-legal measures that States should consider adopting in their efforts to combat marital captivity and to comply with their human rights obligations.