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Moroccan Family Law: Discussions and Responses from the Netherlands

IRIS SPORTEL

Abstract

Many Moroccans living in Europe maintain transnational ties with their country of origin. Maintaining such transnational relationships also has a legal dimension, especially in the field of family law. The ongoing significance of Moroccan family law for Moroccan migrants in the Netherlands and their children has fuelled a variety of projects from women's NGOs, migrant organisations, as well as Dutch social work organisations. In addition to providing transnational legal aid, there have been many initiatives to educate women and, more recently, men, about their rights in Dutch and Moroccan family law and Dutch migration law. While these projects have been taking place since the 1980s, they gained new momentum after Morocco substantially reformed its family law in 2004, a reform explicitly framed to improve the legal position of women in the family. Taking a closer look at initiatives and activities in the field of transnational Moroccan family law, this paper will focus on two major issues: the introduction of the new Moroccan family code in 2004 and the issue of women left-behind in Morocco by their Moroccan-Dutch husbands.

Keywords: *transnational family law; Moroccan family law; “left-behind” women and youth; Islam; Netherlands; Dutch-Moroccan relations*

Introduction

Girls who have been born here [in the Netherlands] come into contact with two governments. We are married under two laws. In case of divorce, we therefore also need to arrange it under two laws. (Moroccan-Dutch Board member of migrant women's organisation)

Many Moroccan immigrants living in the Netherlands and their descendants maintain transnational family ties with Morocco. Maintaining such transnational relationships also has a legal dimension. In order to be able to travel and visit relatives, for example, it can be important to have a legally valid marriage or to have legally established the affiliation between parents and children. For Moroccan nationals living in the Netherlands, this often means dealing with two different state systems in family matters such as birth, marriage,

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divorce, and death. Dealing with two family law systems does not only entail navigating court procedures such as divorce, but also, perhaps even foremost, dealing with bureaucracy and documents outlining the legal relations between family members and between family members and the state. Moreover, due to Dutch private international law, Moroccan family law can be applicable even in cases in the Dutch courts.¹

Furthermore, for many Moroccan Muslims, the Moroccan family law also has religious significance. This religious value of Moroccan (state) family law comes from its position as the personal prerogative of the Moroccan King, who holds the religious position of *Amir al-Mu'minin* (commander of the faithful), as will be further discussed below. Many Moroccans who aim for religiously valid marriage or divorce choose to conclude a (state) ceremony in Morocco or to have a Dutch legal status recognised in Morocco or at the Moroccan consulate.² Contrary to other European contexts and communities, notably Muslims in the UK, religious actors seem to be less important in matters of family law, and alternative dispute resolution is far less prominent. It is important to note that the Netherlands do not have an established system of sharia councils like, for example, in the UK, although some mosques provide informal dispute resolution.³ Furthermore, while it is possible to have a European divorce recognised in the Moroccan legal system, Moroccan law does not consider informal religious marriages or divorces legally valid.

This paper will take a closer look at these initiatives and activities in the transnational field of Moroccan family law. It will demonstrate how family law travels across national borders. As a consequence of the ongoing significance of Moroccan family law for Moroccan migrants in the Netherlands and their children, most community activism and civil society aid in the field of family law is geared towards dealing with Moroccan state institutions and the interactions of Dutch and Moroccan law. Furthermore, I will show how these transnational interactions take place on different levels, including socio-legal aid, NGO activism as well as cooperation between government officials of the two countries. Lastly, I will argue that these interconnections between Morocco and the Netherlands in the field of family law do not take place in isolation, but were shaped by political and social developments in both countries as well as in the Moroccan community living in the Netherlands. The most notable example of this argument is the Moroccan family law reform in 2004, which was explicitly framed to improve the legal position of women in the family. These reforms were the outcome of a long process of mobilisation of various factions in Moroccan society, both in Morocco as well as in migrant communities abroad.⁴ The reforms also sparked a large number of civil society initiatives to inform people about the new law, both in Morocco as well as in Moroccan communities abroad.

This paper is based on fieldwork conducted in the Netherlands and Morocco, and an analysis of documents, reports, parliamentary debates, and newspaper articles.⁵ The article begins with a brief background on Moroccan migration to the Netherlands and an historical overview of Dutch-Moroccan initiatives and activities in the field of family law before 2004. Subsequently I will outline the Moroccan family law reforms of 2004. The Moroccan diaspora living in the Netherlands played a role in these reforms, and was clearly impacted by them. Lastly, I will discuss the issue of left-behind women, which was put on the Dutch political agenda by Dutch-Moroccan NGOs and has also had an effect on Dutch migration policies.

Background to Moroccan Migration to the Netherlands

Moroccan immigrants and their descendants make up one of the largest migrant groups in the Netherlands. Following the high demand for foreign workers in the 1960s, many

Moroccans migrated to the Netherlands. At first, both Morocco and the Netherlands considered this a temporary arrangement: the Netherlands needed the extra labour, while after their return Morocco would benefit from the work experience and skills learned in the Netherlands.⁶ During the 1970s, a transition took place from labour migration to family migration, following changing economic circumstances: when the demand for (foreign) labour went down, many former labour migrants lost their jobs. Increasingly restrictive measures were introduced to limit labour migration, although labour migrants already present could arrange more easily for their women and children to join them in the Netherlands.⁷ Meanwhile, the economic crisis and increasingly unstable Moroccan political climate, characterised by repression, made many migrants decide to stay in the safety of Europe.⁸ From the 1980s, Dutch policy frames thus shifted from temporary migration to integration in Dutch society and equal rights for migrants.⁹ These shifts also led to the formation of various kinds of NGOs to cater to the needs of these new minorities, including family law issues.

From the 1990s onwards the minority-based approach, characterised by respect for plurality slowly shifted towards a harsher discourse of assimilation and nationalism. This shift was reinforced by tensions caused by the U.S. attacks of 11 September 2001 and the political murders on Dutch politician Pim Fortuyn (2002) as well as filmmaker Theo van Gogh (2004), the murders of whom was followed by a series of attacks on mosques. In what Baukje Prins and Sawitri Saharso have termed a “new realist” discourse, a backlash against multiculturalism, the focus shifted towards issues such as delinquency, poverty and unemployment among migrant minorities, leaving behind old taboos such as racism.¹⁰ In this highly gendered discourse, Muslim women take centre stage as a group in particular need of emancipation, and gender equality and sexuality form a central demarcation line between White Dutch and Muslim migrants.¹¹ The new realism discourse also shaped Dutch marriage migration policies. “Import marriages”, in particular by second generation Dutch-Moroccans, were seen as a threat to Dutch social cohesion and the integration of migrants in Dutch society.¹² Following several waves of measures to limit marriage migration the number of Moroccan-Dutch marrying a partner from Morocco dropped significantly.

Dutch-Moroccan Civil Society Activities in the Field of Family Law

The first projects on Moroccan family law in the Netherlands started as part of concerns about the position of migrant women from Morocco and Turkey in the 1980s, especially with regard to divorce. While the Moroccan family law of 1956 made divorce relatively easy for men, divorce was far more difficult to obtain for women. Divorce for women was possible *via* a fault-based court procedure or by trying to convince their husbands to agree to a *khul'* divorce which would often involve giving up financial claims or child custody. This meant that, while many Moroccan women divorced in the Netherlands, they were in practice unable to get their Dutch divorce acknowledged in Morocco or to obtain a Moroccan divorce. Since Moroccan family law at the time made it relatively easy for men to be married to multiple wives, many husbands had no real interest in arranging for a formal divorce after their first marriage broke down, but rather married a second wife in Morocco while leaving the first wife in a “limping marriage”—divorced in the Netherlands but still married in Morocco. For this reason, many women who divorced in the Netherlands were afraid to visit Morocco because their Moroccan marriage was still ongoing. They feared their former husband would still have power over them in Morocco, and might prevent them from leaving the

country. Moreover, if they would start another relationship, they would be considered adulterers or bigamists –criminal offences in Morocco. As representatives of a Dutch-Moroccan NGO described the situation in an interview: “it was shocking how many women in the 1990s were afraid to go to Morocco after their divorce”.¹³

These concerns also prompted the production of several NGO reports on Moroccan and/or Turkish family law systems.¹⁴ For example, several manuals were written for (Dutch) social workers on how to help Moroccan and Turkish women dealing with divorce. In one of these manuals, commissioned by the Legal Aid Bureau and the Foreign Women Centre in the city of Utrecht, social workers are urged to acquire knowledge about the legal particulars of Dutch-Moroccan divorces, both in Morocco as well as in the Netherlands:

A marital dissolution often has more far-reaching consequences for Moroccan women living here than for Dutch women. As aid worker one will need to take extra time to support these women. Because these women are married to a man from Morocco but live here in the Netherlands, their marriage, and therefore also the divorce, is international. This makes the divorce and procedure extra complicated. [...] It is important to know something about the legal aspects of divorce from Moroccan women residing here. [...] Moreover, the wrong advice can have severe consequences for these women, especially in the area of migration law.¹⁵

Gradually, public attention for these issues grew. In 1988, the National organisation for Single Arab Women (LVAAV), the Turkish Women’s organisation (T.K.D.), and the International Women’s Centre organised a big conference on divorce, and Moroccan and Turkish women between two legal systems. Around 300 people participated.¹⁶ Dutch newspapers and magazines also published articles on the effects of the Moroccan family laws for Moroccan women living in the Netherlands. These included personal stories of Dutch-Moroccan women who were divorced in the Netherlands but unable to get a Moroccan divorce,¹⁷ many of whom were afraid to visit Morocco, where they would still be considered married to their former husbands.¹⁸ As will be further discussed below, Dutch-Moroccan organisations, particularly the Association of Moroccan Women in the Netherlands (henceforth, MVVN) became involved in campaigning for (as well as against) reform of the Moroccan family code, which was seen as the best way to solve these issues.

Additionally, in Morocco as well as the Netherlands, the problem of “limping marriages” also received attention from state level-actors. Plans for formal cooperation in the field of family law were discussed since the early 1990s by civil servants of both countries in the so-called Commission Mixte.

The Commission Mixte

Formal Moroccan-Dutch cooperation on the issue of family law started in October 1993, when representatives of the Dutch Ministry of Justice visited their Moroccan counterparts. In January 1995, a Commission Consultative Neerland-Marocaine (also called the Commission Mixte) was established, aiming to “consolidate their relations in the judicial domain and to promote mutual legal information in matters of civil and personal status law”.¹⁹ Consisting of representatives of the ministries of Justice and Foreign affairs of both Morocco and the Netherlands, the Commission Mixte was assigned to make a list of sensitive personal status issues, contribute to the sharing of legal information between

the countries, propose measures for problematic issues in civil and especially family law matters in the legal relations between the two countries, and to make suggestions to facilitate the application of conventions that are in force between the two countries on these matters.

Between June 1995 and April 2009, the Commission Mixte met seven times, alternating between Rabat and The Hague. In these meetings, both countries brought up issues and requests to the other country. In each meeting, the delegations discussed any changes in family law made since the last meeting, as well as the signing and ratification of international treaties concerning family law. Based on the minutes, the majority of issues and requests were brought up by the Moroccan delegations. For example, Morocco requested that the Netherlands should demand a Moroccan *certificat de coutume*, a document which states that someone is legally free to marry, from Moroccan nationals who intend to marry in the Netherlands.²⁰ Other returning issues raised by the Moroccan delegation include marriages between dual nationals at the Moroccan consulates (which are not recognised in the Netherlands); establishing contact between fathers and children when those children are staying with their mothers in Dutch women's shelters (*Blijf van mijn lijf huizen*); and the establishment of Dutch Muslim *Udoul* to facilitate the recognition of Dutch marriages in Morocco. The Netherlands brought up the recognition of Dutch divorces in Morocco, the issue of abandoned women, and the acceptance of Dutch names given to children with dual nationality by Morocco.

An important aim for Morocco was the establishment of a bilateral treaty with the Netherlands, aiming at easier recognition of family law statuses. At that time, Morocco had already concluded or proposed similar treaties with other European countries with a large Moroccan population, such as France (1981) and Belgium.²¹ In the Netherlands as well, lawyers, legal scholars, and activists had long been speaking about the desirability of such a treaty. For example, in 1992, a number of Dutch and Belgian academics, legal practitioners, civil servants, and members of Parliament met to discuss opinions.²² Since the 1990s the issue came up several times in Dutch newspapers and the parliament, as well as in NGO meetings and academic texts.²³ An important part of the discussion deals with issues of gender equality and women's rights. While proponents of a bilateral treaty claim a bilateral treaty regulating the recognition of divorce would help Dutch-Moroccan women divorced in the Netherlands but still married in Morocco, opponents fear that a bilateral treaty would bring Moroccan discriminatory family laws to Moroccan women in the Netherlands, as well as unwanted discrimination between Moroccans and nationals from other Muslim-majority countries living in the Netherlands.

Moroccan Family Law Reforms of 2004 in Morocco and the Netherlands

The Moroccan family law reforms of 2004 were part of a long process, building on earlier reforms and reacting to public debates and civil society advocacy. In Morocco, the first family code, or *Moudawana*, was introduced in 1957–58, soon after independence in 1956.²⁴ After much debate on the position of women in this law, in the 1990s the Moroccan modernist women's movement started a "million signatures campaign" to reform the family code. Demands made included equality of spouses in the family, the abolishment of marriage guardianship and polygamy, and the introduction of judicial divorce as the only form of divorce. The movement also wanted to strengthen the rights of women after divorce, for example with regard to maintenance; lengthening the period mothers have child custody; abolishing the loss of child custody after remarriage; and residence in the marital home after divorce for custodial mothers.²⁵ In 1993, King Hassan II press-

ured women's rights groups and a commission of "learned men" to reach a consensus on reforms. Reforms included making explicit consent a prerequisite for the validity of marriage, making mothers second in line for *wilaya* or guardianship over children, and fathers second in line for *hadana*, daily care, as well as procedural restrictions regarding polygamy and *talaq* divorce.²⁶

Despite these first successes of the reform movement in 1993, it must be noted that the repressive regime of King Hassan II made any activism, including women's rights activism, dangerous. The reign of Hassan II, also known as *les années de plomb* (the "years of lead" of 1970–1999) was characterised by wide-spread political violence. These tensions also influenced Moroccans living in the Netherlands. The Moroccan regime, afraid that Moroccans living in European democracies would bring political unrest and resistance to Morocco, instigated an organisation to maintain ties with Moroccan communities in Europe, *Amicales des Travailleurs et Commerçants*. The Amicales were involved in all kinds of projects to keep ties and provide support to Moroccans living abroad, but were also used to keep a close eye on political activities of Moroccans living abroad and to intimidate them. When politically active migrants visited Morocco they could be arrested, detained or questioned.²⁷ In her autobiography, Moroccan-Dutch activist and social worker Khadija Arib, co-founder of the MUVN, the Association of Moroccan Women in the Netherlands, also tells about being arrested and questioned for her activism in the Netherlands when entering Morocco for a family visit in 1989. After the Dutch government exerted considerable political pressure, and as she was travelling alone with three small children, she managed to leave the country without being subjected to torture or prolonged imprisonment.²⁸

The year 1999 was a turning point for Moroccan family law. First of all, a new socialist coalition government proposed a new development plan, aiming to improve the position of women in Moroccan society and singling out women as actors of development. Reforming family law comprised part of this plan, as well as women's (reproductive) health, education and economic development. The plan met with strong resistance as well as support. Modernist women's rights groups, human rights groups and some political parties supported the plan, forming the Collectif Printemps d'Égalité. Modernist women's rights groups also argued for changes in other fields of law; the penal code should be changed to better address violence against women, and women should be enabled to pass Moroccan nationality onto their children. The council of *'ulama*, Islamist and conservative groups opposing the plan united in the National Group for the Protection of the Moroccan Family, framing it as a threat to Moroccan families.²⁹ According to Engelcke, this opposition was not just based on the content of the plan, but also on the way in which the reform was initiated.³⁰ In the same year, King Hassan II died, leading to his son Mohammed VI, a known supporter of women's rights and development, becoming the new King. This succession led to new dynamics in the reform process. After the succession, the existing social debate on family law reform increased in intensity. As in the period leading to the 1993 reforms, this resulted in a clash between modernist women's rights supporters, conservatives, and Islamist (women's) groups.³¹

This debate spread to Moroccan communities abroad, including the Netherlands. According to Buskens, preachers in Moroccan mosques in the Netherlands called upon their congregations to sign protest petitions against the reforms, similar to those circulating in Morocco.³² Other organisations, notably the MUVN, the Association of Moroccan Women in the Netherlands, tried to gain support for the reforms, both among Moroccan nationals living in the Netherlands, as well as from the general Dutch

public. In March 2000, Dutch newspaper *Trouw* published a (translated) letter from the famous Moroccan psychiatrist Ghita el Khayat, addressed to the new Moroccan King. In the letter, el Khayat appealed to the King to improve the position of women in Morocco by improving perinatal healthcare, child care, the position of domestic workers, education, equal payment, and employment opportunities for women, ending with an appeal to the King to reform the *Moudawana*.³³ The next day, *Trouw* published an appeal by Moroccan-Dutch activist Khadija Arib (by then an MP for the Dutch labour party) to the Dutch government. Other Dutch political parties, often involving dual national MPs also supported the Moroccan reform plans and tried to mobilise support from the Dutch government for the Moroccan reforms, as well as support for a bilateral treaty between the Netherlands and Morocco to arrange for easier recognition of Dutch divorces in Morocco.³⁴ Outlining the implications of Moroccan family law for Moroccan women living in the Netherlands, and the campaigns taking place against reform in Dutch mosques, Khadija Arib requested the Dutch government to express support for the reform movement.³⁵ Although the Minister of Foreign Affairs claimed to regularly stress the importance of the reforms in conversations with the Moroccan authorities, the Dutch Government refused to take a formal stance in this debate, considering it an internal matter for Morocco.³⁶

In Morocco, an important step was made in 2001, after several parties in the Moroccan debates appealed to King Mohammed VI. According to Cavatorta and Dalmaso, women's rights groups had learned from the public resistance to the earlier reform plan and decided to appeal directly to the King rather than to the democratically chosen Parliament.³⁷ The King appointed a royal commission to draft a new family code. The committee deliberated extensively, initially without much progress. The 2003 Casablanca bombings were an important turning point, weakening the support for Islamists throughout the country and enabling the King to enforce the reform process. Eventually, the new Moroccan family code *Moudawana* was accepted unanimously by all political parties in parliament. It was celebrated by Moroccan women's rights organisations as well as the international community as an important step towards modernisation and liberalisation of the country.³⁸

The new Moroccan family code was also a turning point for organisations active in the Netherlands. Many family law issues of Moroccan migrants living in the Netherlands, particularly in the field of divorce, were solved by the introduction of the new Moroccan family code. The new family code offered far more possibilities for the recognition of foreign marriages and divorces than before, as well as easier access to divorce for women *and* men, who now could conduct a no-fault divorce which would also easily be recognised in the Netherlands. Interestingly, the Dutch-Moroccan *commission mixte* has indirectly played a role in the establishment of these reforms. According to one of the committee members, the Royal Committee writing the new law had access to the minutes of the commission, and used these in designing specific parts of the new law regarding the recognition of foreign marriages and divorces.³⁹

Moroccan-Dutch Civil Society Reactions to the New Moroccan Family Law

In Morocco as well as in Europe, civil society and women's organisations were very enthusiastic about the new law. With the legal position of women in family law remarkably improved, many believed that the next step was to inform and educate women about their new rights, so they could effectively use them. Both within Morocco and in Moroccan communities in Europe (and also sometimes from Moroccan NGOs in Morocco

directed at Moroccans in Europe⁴⁰) a large number of NGOs spent considerable energy to inform Moroccan nationals, particularly women, about their rights using all sorts of methods, including meetings, seminars, and poster campaigns.

In the Netherlands, in the years that followed the publication of the new law, a number of projects were launched to educate Moroccan citizens about their new legal position. Below I will discuss two relatively large projects as examples of the many activities that took place in the Netherlands to educate Moroccan-Dutch about the new family law.⁴¹

The first example consists of projects taking place in the city of Utrecht (the fourth-largest city of the Netherlands), where in 2005, a year after the introduction of the new family code, *Moudawana*, the local government organised a “theme week” entitled *Vrouwenrechten in Beweging* (“Women’s Rights on the Move”). A number of information events, discussions, and workshops were organised for women, youths, and civil servants; women’s rights activists from Morocco and Turkey were flown in and there was a conference for professionals and representatives of women’s organisations. The events were based on the premise that:

The new laws have a lot of influence on the legal position of women of Moroccan and Turkish descent in the Netherlands. Allochtonous women are part of the target group of the municipality and receive extra attention because of their disadvantage in participating in society.⁴² Striving for a better position is connected to knowledge of one’s rights. Moroccan and Turkish women have been chosen because they are a major part of the allochtonous group in Utrecht and because it is important that these women are up to date about the recent legal changes in Turkey and Morocco.⁴³

After the theme week, which was considered a success, a local women’s organisation in Utrecht, *IDEA*, received funding from the Ministry of Education, Culture and Science, and the NGO *Oranjefonds* to set up a local project in which Moroccan and Turkish women could get information about family laws in Morocco and Turkey. This one-year project consisted of the development of a website as well as a women’s rights support office where women could get legal advice and support.

In another example, a number of Dutch-Moroccan NGOs organised in the Landelijke Werkgroep Mudawannah (National Moudawana Working Group), set up a campaign to spread knowledge about Moroccan and Turkish family law in local communities in the Netherlands. The project ran from 2004–2012 and involved the production of a guide for social workers (2004), bilingual information booklets for Moroccan (2004, 2011) and Turkish (2009) women living in the Netherlands; organising expert meetings with professionals from the Netherlands and lawyers from Morocco; instituting and training a network of members of local organisations from all across the Netherlands to serve as educators able to give information seminars in their own communities; and developing information videos and other materials to use in these seminars.

The training of educators took place in two waves: 2005–2006 and 2010–2011, with well over a hundred people participating in the training programmes. It was funded by various NGOs and charities. The training programme for educators consisted of two full days of lectures and group work and also required participants to give a test seminar in their own local community before coming back to a final day of exchanging experiences with other participants in the programme. After successfully completing the training programme, participants were added to a regional database. Each region had a coordinator who could draw on a list of local educators when there was demand for seminars on Moroccan or Turkish family law. While the *Mudawannah* Working

Group's activities were initially aimed mostly at women and women's organisations, in later stages of the project they made considerable effort to include representatives of organisations of migrant men in their network of educators. In the training, prospective educators were advised to organise separate meetings for men and women.⁴⁴

Entitled "*Ken Uw Rechten*" ("Know Your Rights"), the project was built on a similar rationale as the project in Utrecht described above: that if women had more knowledge of their legal position in Moroccan and Dutch family law, it would improve their social position. The booklets produced to inform women about their rights do not just contain legal information, but also practical information on the legalisation of documents, options for help and support, and advice. For example, in the chapter about marriage there is also a paragraph on partner choice, and the strain migration puts on a relationship. Also, there are many practical tips meant to safeguard the position of women in their marriage, for example:

Beware: whether or not to put agreements in the marriage certificate or to make a prenuptial agreement should be a serious matter of discussion between partners. In the marriage certificate, all kinds of topics can be arranged, such as polygamy, studies and career, family planning, and place of residence. In the prenuptial agreement, the division of property after dissolution of the marriage is agreed upon. All these agreements are important for both partners.⁴⁵

In the information provided, there is also attention for Dutch migration law, for example on how to get married if one of the partners does not have legal residence in the Netherlands.

A separate but interconnected issue the *Mudawannah* working group dealt with, and also incorporated into their education efforts, was the issue of left-behind women. This will be the subject of the next part of this paper.

The Problem of Left-Behind Women and Children

Another issue of importance in Dutch responses to Moroccan family law, closely related to divorce and marital conflict, is the issue of women or children left behind in Morocco. In these cases, Moroccan women, generally recent immigrants to the Netherlands and still on a dependent residence permit, are left behind by their spouses while on holiday in Morocco, when their spouses take away their passports and residence papers to prevent them from returning to the Netherlands. Furthermore, there are cases of parents leaving their children behind in Morocco after the holidays, often teens whose behaviour is considered problematic. A common theme in these stories is that this comes as a complete surprise for the women and children left behind, and it often takes some time before they discover they are abandoned with no way back to the Netherlands. Furthermore, the issue is very clearly gendered: the overwhelming majority of those who report themselves at NGOs or the Dutch embassy as being left behind are women left behind by their husbands, with or without their children. This is an interesting contrast with the work of Liversage, who writes about Turkish women in Denmark who leave their husbands behind in Turkey rather than confront them directly about a divorce.⁴⁶

Although leaving a spouse behind can be seen as an alternative way of divorce, where the power of international borders is cleverly used to enforce a separation, it is not technically a family law issue. Rather, it is an issue of migration law, residence permits, and visa. Nevertheless, this can also involve family law procedures. For example, when a mother is left behind together with her children, these children are often, through their

father, Dutch nationals. This means that, in order for them to acquire new passports and travel, both parents need to sign for consent. Therefore, supporting left-behind women in resolving their situation requires specialised support and legal aid, from lawyers or organisations which can deal with the Moroccan and Dutch family law systems and their interactions, as well as Dutch migration law.

The first mention of the issue of left-behind women I was able to find was in a report on Moroccan migrants and Dutch law, commissioned by the KMAN, the Committee of Moroccan Workers in the Netherlands, in 1988. After detailing several consequences of dependent residence permits for women and children, the report reads:

It also happens that women with a dependent residence permit as a wife are left behind by their husband in Morocco, for example after a holiday. Again, that this can happen and that it has such far-reaching consequences for the woman is largely the result of [Dutch] aliens' policy. Return to the Netherlands will be problematic in many cases [...] Of course not all Moroccan parents/spouses abuse the power Dutch migration law gives them. But even in families that manage to solve conflicts and tensions in a peaceful way, imbalances remain as long as some family members are in such a completely dependent position.

According to Dutch-Moroccan NGO SSR (*Stichting Steun Remigranten*, or Foundation for the support of return migrants), also an important part of the *Mudawannah* working group, the first time a left-behind woman reported to their office in the city of Berkane (North-East Morocco) was in 1989.

From the beginning of the 1990s we were confronted with left-behind women and girls several times. We were in intensive contact with them. But finding help for them was difficult. Since then, the possibilities of the embassy and policy have improved a lot. [...] Occasionally, also women from Germany and France reported themselves to us.

These limited possibilities to support left-behind women changed when SSR and other Moroccan-Dutch actors such as the MVVN successfully managed to put the issue of left-behind women on the Dutch political agenda.

(i) Public and Political Attention to the Issue of Left-behind Women

The first media reports I was able to find date back to 1997, when feminist women's magazine *Opzij* published an extensive article on women who have been left-behind by their husbands in Morocco.⁴⁷ For the article, *Opzij* interviewed a Moroccan-Dutch social worker, the Dutch embassy in Morocco as well as representatives of the support office of SSR in Berkane. It also mentioned a planned visit of representatives of the municipality of Rotterdam (the second-largest city in the Netherlands, known for its large immigrant population) to the support office in Berkane.⁴⁸

At the time, the issue of left-behind women was presented as a counterpart to another topical political debate taking place, after minister of Justice Sorgdrager proposed in 1996 to further facilitate the recognition of *talaq* divorce in the Netherlands. Some Moroccan men in the Netherlands were having trouble getting *talaq* divorces conducted in Morocco recognised when they migrated to the Netherlands. To have a *talaq* divorce recognised in the Netherlands, they needed to prove their former wife consented to or accepted the divorce. Many had lost contact with their former wives, and thus had no way to prove

her consent or acceptance (if the former wife had consented to or accepted the divorce at all). As such, they had limping marriages, divorced in Morocco, but still considered married in the Netherlands. If they remarried, they were considered bigamists, which could have consequences for their Dutch citizenship. Nevertheless, migrant and women's rights organisations were outraged at the suggestion of recognising *talaq* unconditionally. The proposal was rejected by the Dutch parliament. The situation was eventually resolved by granting these men access to Dutch divorce procedures for a second divorce, as well as by the new *Moudawana* of 2004, which granted both men and women access to no-fault divorce.⁴⁹

In the years after this initial debate, the issue of left-behind women kept coming up once or twice a year in the Dutch press. These are often longer, background articles, mostly based on personal stories. For example, in 2000 the newspaper *de Volkskrant* reported about an eleven-year-old girl named Khadija. After the divorce of her parents, she was living with her father and his second wife. Dutch child protection authorities were already preparing to place her under supervision because of child abuse, when her father took her to Morocco for a holiday visit and left her behind. In Morocco, she stayed with her mother and grandmother, but they could not really take care of her or send her to school.⁵⁰ Khadija wanted to return to the Netherlands, but she needed her father's approval to apply for a passport and return. Eventually, despite attempts of the NGO SSR and the Dutch child welfare authorities, she was only able to return once she turned 18 and could apply for her own passport.⁵¹ Several of these publications led to questions being asked in parliament.

A turning point came in 2004. After the television show *NOVA* made a documentary on the issue, Somali-Dutch MP Ayaan Hirsi Ali, of the right-wing liberal party VVD (Volkspartij voor Vrijheid en Democratie), put the issue on the parliamentary agenda as part of a larger campaign on the rights of Muslim women. In addition to facilitating return, parliament urged the Minister of Justice to prosecute the perpetrators.⁵² The matter was debated extensively in Parliament. After the debate, the Minister of Justice asked the Advisory Committee for Alien Affairs (ACVZ) to investigate the nature and size of the issue. The ACVZ conducted a study of files at the immigration and naturalisation services and did interviews with experts and NGOs. Additionally, it commissioned an anthropological study.⁵³

According to the ACVZ report, the issue of left-behind women can be explained by their emancipation:

Leaving behind happens mostly in relationships where there are marital or child-rearing problems. Important is that in the traditional husband-wife relationship in the countries of origin there is far more room to manoeuvre for men than for women. The emancipation process in the Netherlands breaks this traditional pattern, which shifts the power balance between men and women. A group of migrant men does not seem to (want to) go with this shift but demands even more space to recover their loss of power and even extend their power, for example by threatening their wife with leaving her behind. [...] Actually, leaving a woman behind is the ultimate way to shift the balance of power completely to the husband. When parents leave their children behind a similar situation occurs. The power balance between parents and children threatens to become more equal in the Netherlands, which upsets it.⁵⁴

In the report, the ACVZ came up with a number of recommendations to improve the support available for left-behind women and children in the Netherlands and abroad.

These included prevention through education campaigns aimed at migrant women and support organisations, raising awareness among Dutch schools, civil servants, police and other state actors to watch for children who disappear or are afraid of being left behind; as well as some changes to Dutch migration and residence policies to strengthen the position of women on dependent residence permits. Interestingly, the ACVZ explicitly did *not* advise to shorten the time migrant spouses were dependent on their partners for residence:

[...] the ACVZ is not in favour of shortening the period of the dependent residence permit to less than the current three years, because of the risk of an increase of marriage migration based on false grounds.⁵⁵

In other words, the ACVZ proposed some measures to lessen the options for “malevolent men” to use dependent resident permits to leave their wives behind: for instance, only handing residence papers directly to women, limiting the possibilities for men to endlessly renew temporary residence permits for their wives rather than applying for an independent permit. However, they did not want to change the fundamental inequality in power relations underlying the issue. They also conclude there are few options to use criminal law to punish the husbands leaving women behind, but they do suggest that it might be possible to make it a criminal offence to take away residence papers and to further investigate whether psychological violence can be made part of domestic violence laws.

After publication of the ACVZ report in 2005, a heated and prolonged political debate ensued on whether or not and under which conditions left-behind women should get a right to return. Important in this debate was whether or not women had children with Dutch nationality. Interestingly, the debate was led by three MPs who were themselves migrant women, two Moroccan-Dutch (Khadija Arib of the Labour Party PvdA and Naima Azough of the Green Left *GroenLinks*) and Somali-Dutch Ayaan Hirsi-Ali of the right-wing liberal VVD. During this time, then minister of Justice Rita Verdonk visited Morocco. At the office of Dutch-Moroccan NGO SSR in Berkane, Morocco, she met with a number of women who had been left behind in Morocco by their husbands. Minister Verdonk, from the right-wing liberal party VVD, was (in)famous for her strict immigration policies. Nevertheless, she was the first Dutch minister to visit the SSR support office in Morocco, and eventually played an important role in reforming policies to accommodate return.⁵⁶

In the years that followed, the issue of left-behind women and children got connected to other policy issues concerning migrant (mostly Muslim) young women, particularly forced marriages. For example, in a Labour Party policy document written in 2009 by Moroccan-Dutch Khadija Arib (Labour Party MP and former chair of the MVVN), she connects the issue of leaving women and children behind to forced marriages:

In various migrant communities the phenomena forced marriages and leaving behind are present. Children are still married off in countries of origin or left behind without it being checked where the children are. After the holidays children do not return to school, are off the radar.⁵⁷

This culminated in a new law against forced marriages, polygamy, and female genital mutilation, which also made leaving someone behind against their will a criminal offence.⁵⁸ Additionally, Parliament adapted a law against forced marriages which limited the possibilities for minor marriages, marriages between cousins, and the recog-

dition of foreign polygamous marriages.⁵⁹ Additionally, measures were taken to make it more difficult to deregister only part of a family from the Dutch civil registry.⁶⁰

(ii) Projects Aimed at Left-behind Women

While several NGOs had been supporting left-behind women since the late 1980s, particularly SSR which had an office in Berkane, the North-East of Morocco, the new political attention brought an increase of funding available. From 2005, following recommendations in the ACVZ report, SSR and the *Mudawannah* working group were funded to organise a series of events, hoping to create a network of professionals (social workers, NGOs, lawyers, government representatives) in the Netherlands and Morocco. They also increased their cooperation with the Dutch embassy in Morocco. It became possible for left-behind women to report themselves at the support office in Berkane instead of travelling all the way to Rabat to deal with the embassy directly (a distance of 550 km). Moreover, new policies for embassies and the Dutch naturalisation and immigration services (IND) also meant far more possibilities for left-behind women to return to the Netherlands.

Additionally, as outlined above, SSR and the *Mudawannah* working group organised training for Moroccan-Dutch educators on the new Moroccan family law. This education project explicitly included left-behind women as an important rationale for their work in Moroccan family law. For example, in 2011, I attended a training programme for educators entitled “Legal Position and Leaving-Behind for Moroccan and Turkish Women, Men and Youth”. They also produced bilingual leaflets and brochures with information for women on their residence rights, practical advice, and addresses of places that offer support. SSR also continued to personally support women and children left behind in Morocco and help them to return to the Netherlands.

After the issue of left-behind women and children became increasingly connected to forced marriages, attention shifted from married women (and their children) to youth—and especially girls—being left behind by their parents and who might be forced to marry. Since 2011, a number of yearly campaigns have been organised to inform schools and youth. These campaigns tend to start just before the summer holidays, the time of year when many migrant families spend time in their country of origin and when most cases of leaving behind occur. Campaigns were organised by NGOs and by government welfare organisations, on a local and national level. A wide range of techniques have been used, including plays performed at schools, social media campaigns, posters, and videos. For example, in 2014, NGO Femmes for Freedom cooperated with the local health authorities in the city The Hague to distribute special “cheat pens” to children over the age of 14. These pens, similar to those marketed to cheat in school tests, contain a hidden sheet of paper with advice and contact information for youth who are (afraid to be) left behind during the summer holidays.⁶¹ The most recent campaign, in 2018, focussed on teachers, aiming to inform them about possible signals and behaviours children might display if they are at risk of being left behind by their parents. The campaign received broad media attention.⁶²

An important difference from earlier activities aimed at women left-behind in Morocco is that these recent activities are aimed at youth from a far broader group of nationalities and are less community-based. This means these campaigns also lack the same focus upon (Moroccan) family law and cooperation with Moroccan NGOs in the Netherlands and in Morocco, relying instead on the Dutch child welfare system for solutions and help. Furthermore, most of these campaigns were government-sponsored and run by professionals rather than volunteers.

Conclusion

Since Moroccan migrants came to the Netherlands from the 1960s, many of these migrants and their descendants have kept transnational ties with Morocco. Such transnational ties include legal ties, which have made Moroccan family law and its interactions with Dutch family and migration law important for many Moroccan citizens living in the Netherlands. But the interconnectedness of the Netherlands and Morocco in the field of family law is not limited to individual family members. There has been extensive activism for Moroccan family law reform from Dutch-Moroccans and, after the reforms eventually took place, cooperation between Dutch-Moroccan and Moroccan NGOs to educate people about the new family law. Additionally, on the level of law-making and policy, the two countries have cooperated in the *commission mixte*, exchanging information and discussing issues for Moroccan nationals living in the Netherlands.

The new Moroccan family law also coincided with increased attention for left-behind women, a second important topic for activism and NGO aid work. The issue of left-behind-women is foremost an issue of Dutch migration law, where dependent residence statuses put Dutch-Moroccan spouses in a strong power position. Over time, public focus shifted towards left-behind youth, an issue which was linked to forced marriages. This also changed the focus from Dutch-Moroccan transnational NGO activism to a government-funded approach, aimed at a broader range of migrant nationalities and closer links to the Dutch child welfare system.

This article demonstrated how, originating in labour and family migration, family law travels across borders; not just in the sense of travelling norms, culture, or community, but in tangible interactions between bodies of state law. As the examples in this article have shown, these interactions are mutual, with both states actively involved, and were shaped by specific political and social developments in both countries. By drawing attention to these interactions this article aimed to add to a more complicated and contextual picture of the role of family law in transnational family life, beyond the informal use of cultural or religious norms in dispute resolution.

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NOTES

1. Iris Sportel, "Who's Afraid of Islamic Family Law? Dealing with Shari'a-Based Family Law Systems in the Netherlands", *Religion and Gender*, Vol. 7, 2017, pp. 53–69.
2. For a discussion of the prevalence of informal marriages in various migrant groups in the Netherlands including those of Moroccan descent (which is relatively minor) see: Susan Rutten et al., *Getuoon Getrouwd. Een Onderzoek Naar Kindhuwelijken En Religieuze Huwelijken in Nederland*, Maastricht: Maastricht University, 2015.
3. Laurens G.H. Bakker, Anoeshka J. Gehring, K. van Mourik, M.M. Claessen, C. Harmsen, and E. Harmsen, *Sharia in Nederland. Een Studie Naar Islamitische Advisering en Geschilbeslechting bij Moslims in Nederland*, Nijmegen: Radboud Universiteit Nijmegen, 2010. See also the work of Arshad Muradin (forthcoming PhD, Leiden University).
4. Léon Buskens, "Recent Debates on Family Law Reform in Morocco: Islamic Law as Politics in an Emerging Public Sphere", *Islamic Law and Society*, Vol. 10, No. 1, 2003, pp.70–131; Dörthe Engelcke, *Reforming Family Law: Social and Political Change in Jordan and Morocco*, Cambridge: Cambridge University Press, 2019.

5. Most of these sources were collected as part of a study on transnational divorce in Dutch-Moroccan and Dutch-Egyptian families (2008–2013). Additionally, I participated in a research project (2013–2014) on forced marriages, people left behind in the country of origin and marital imprisonment commissioned by the Dutch ministry of Social Affairs and Employment.
6. Hein de Haas, “Migration, Remittances and Regional Development in Southern Morocco”, *Geoforum: Journal of Physical, Human and Regional Geosciences*, Vol. 37, No. 4, 2006, pp. 565–580; Hein de Haas, “Between Courting and Controlling: The Moroccan State and ‘Its’ Emigrants”, *Centre on Migration, Policy and Society Working Papers. University of Oxford*, Vol. 54, 2007; Saskia Bonjour, “Who’s in and Who’s Out? The Postwar Politics and Policies of Family Migration in the Netherlands”, ESSHC Conference, Amsterdam, 22–25 March 2006.
7. Bonjour, “Who’s In and Who’s Out?”, *op. cit.*
8. *Ibid.*
9. *Ibid.*
10. Baukje Prins and Sawitri Saharso, “In the Spotlight: a Blessing and a Curse for Immigrant Women in the Netherlands”, *Ethnicities*, Vol. 8, No. 3, 2008, pp. 365–384; Baukje Prins and Sawitri Saharso, “From Toleration to Repression: The Dutch Backlash Against Multiculturalism”, in *The Multiculturalist Backlash. European Discourses, Policies and Practices*, ed. Steven Vertovec and Susanne Wessendorf, London: Routledge, pp. 92–110; Conny Roggeband and Mieke Verloo, “Dutch Women are Liberated, Migrant Women are a Problem: The Evolution of Policy Frames on Gender and Migration in the Netherlands, 1995–2005”, *Social Policy & Administration*, Vol. 41, No. 3, 2007, pp. 271–288.
11. *Ibid.*
12. Saskia Bonjour, “Between Integration Provision and Selection Mechanism: Party Politics, Judicial Constraints, and the Making of French and Dutch Policies of Civic Integration Abroad”, *European Journal of Migration and Law*, Vol. 12, No. 3, 2010, pp. 299–318.
13. Interview with two representatives of Dutch-Moroccan NGO *Stichting Steun Remigranten*. February 2014.
14. For example: Nicolette Berendsen, *Echtscheiding En Marokkaanse Vrouwen*, Utrecht: Wetenschapswinkel Rechten, 1989; Gerja Bethlehem, *Echtscheiding En Turkse Vrouwen. Een Juridische Handleiding*, Utrecht: Wetenschapswinkel Rechten, 1989; Werkgroep Knelpunten in het Nederlands recht voor etnische minderheden. 1983. *Recht Bij Turkse En Marokkaanse Echtscheidingen*, Utrecht: Nederlands Centrum Buitenlanders; Internationaal Vrouwen Centrum Nijmegen, congrescommissie. 1988. *Echtscheiding- Rechtscheiding. Marokkaanse En Turkse Vrouwen Tussen Twee Rechtsstelsels*, Nijmegen: Internationaal Vrouwen Centrum Nijmegen/ Landelijke vereniging voor alleenstaande Arabische vrouwen. I have obtained most of these texts after *Forum: Institute for Multicultural Development* lost an important part of its funding and had to close down its library. Via Kees Groenendijk, professor Emeritus of Migration Law, some of its collection on migrants and law found its way to my office. Other texts were gifted to me by people who had been involved in the “minority world” in the 1980s and 1990s. I have done no archival research to discover if more such texts exist, and unfortunately have to way of knowing to what extent this collection is complete or representative of what was written at the time.
15. Nicolette Berendsen, *Echtscheiding En Marokkaanse Vrouwen*, Utrecht: Wetenschapswinkel Rechten, 1989, pp. 1–2.
16. See conference publication: *Rechtscheiding: Marokkaanse En Turkse Vrouwen Tussen Twee Rechtsstelsels*, Nijmegen: Congrescommissie Internationaal Vrouwen Centrum Nijmegen, 1989.
17. For example: Astrid Feiter, “Allochtone Vrouwen Leven in Spagaat”, Ahmed Aboutabel, “Over Laveren Tussen Twee Culturen”, in *Opzij*, 1 January 2001; Pieter de Groot, “Solidariteit met Vrouwen uit Marokko”, in *Leeuwarder Courant*, 8 March 2000; “Mentaliteit moet worden aangepakt”, in *NRC Handelsblad*, 14 March 2000; Ilma de Kort, “Marokkaanse Vrouwen Zien uit naar Hervormingen”, in *Eindhovens Dagblad*, 22 June 2000; Wilma de Kort, “De lange arm van Marokko”, in *De Gelderlander*, 30 June 2000.
18. This was mostly a problem for women rather than for men, who had easy access to divorce as well as the option of polygamous marriage.
19. *Protocole d’Accord Instituant une Commission Consultative Neerlande Marocaine*, Rabat: 20 February 1995, p. 1.
20. This would mean that, for example, Moroccan nationals who are divorced in the Netherlands but not in Morocco cannot remarry in the Netherlands.
21. Belgium and Morocco reached agreement on a proposal. However, as far as I have been able to establish, this treaty never came into force. The text of the proposal can be found in: *De Wenselijkheid van*

- een Bilateral Verdrag Tussen Marokko en Nederland over Conflicten Aangaande het Internationaal Familierecht. Bijdragen aan de Studiedag van 21 Februari 1992 en de Reactie van het NCB*, Utrecht: Nederlands Centrum Buitenlanders.
22. *Ibid.* See also F.J.A. van der Velden, “Marokkaans En Nederlands Familierecht: Botsende Concepten En Praktische Oplossingen”, *Justitiële Verkenningen*, Vol. 27, No. 5, 2001.
 23. Media examples: Yasha Lange, “Scheiding Groot Probleem voor Marokkaansen”, in *NRC Handelsblad*, 29 November 1999; “Islamitisch Recht Verdient Respect”, in *NRC Handelsblad*, 11 December 1999; Khadija Arib, “Geef vrouw in Marokko alle steun”, in *Trouw*, 3 April 2000; Ahmed Aboutaleb, “Het Leven Zuur tot in Lengte van Dagen”, in *Trouw*, 9 September 1999; Frieda Pruim, “Scheiden Blijft Leidensweg”, in *Opzij*, 5 May 2004. See for some academic contributions Leila Jordens-Cotran, “De Islam in Het Nederlandse Rechtsstelsel. Enkele Aspecten”, *Recht van de Islam* 10, 1992. Examples from Parliament: *Kamerstukken II* 2005/06, 28 689, nr. 26; *Aanhangsel Handelingen II* 1992/93, 210.
 24. There are various spellings of *Moudawana*, caused by transliteration from Arabic. As there is no real Dutch transliteration tradition, NGOs and activist groups use either English or French systems. In this paper, I will follow the spelling used by various groups themselves, or otherwise will use Moroccan spelling (based on French transliteration): *Moudawana*.
 25. Malika Benradi, “Genre et Droit de la Famille: Les Droits des Femmes dans la Moudawana de la Révision de 1993 à la Réforme de 2003”, in *Féminin-Masculin: la Marche vers l'égalité au Maroc, 1993-2003*, ed. Houria Alami M'Chichi, Malika Benradi, Aziz Chaker, Mohamed Mouaquit, Mohamed Saïd Saadi and Abdel-Ilah Yaakoubd, Fes: Friedrich Ebert Stiftung, 2004, pp. 17–89.
 26. Buskens, *Recent Debates on Family Law Reform*, *op. cit.*
 27. Nadia Bouras, *Het Land van Herkomst: Perspectieven op Verbondenheid met Marokko, 1960-2010*, Hilversum: Uitgeverij Verloren, 2012.
 28. Khadija Arib, *Couscous op Zondag. Een Familiegiedenis*, Amsterdam: Balans, 2009. Khadija Arib later became a politician for the Labour Party and is currently the Speaker of the House of Representatives of the Netherlands.
 29. Buskens, *Recent Debates on Family Law Reform*, *op. cit.*; Francesco Cavatorta and Emanuela Dalmasso, “Liberal Outcomes Through Undemocratic Means: The Reform of the Code de Statut Personnel in Morocco”, *The Journal of Modern African Studies*, Vol. 47, No. 4, 2009, pp. 487–506; Alexandra Pittman and Rabea Naciri, *Cultural Adaptations: The Moroccan Women's Campaign to Change the Moudawana*, Brighton: Institute of Development Studies, Citizen Engagement and National Policy Change Policy Report Series, 2007; Fatima Sadiqi, *Moroccan Feminist Discourses*, Basingstoke: Palgrave Macmillan, 2014.
 30. Dörthe Engelcke, “Processes of Family Law Reform: Legal and Societal Change and Continuity in Morocco and Jordan”, PhD thesis: University of Oxford, 2014, p. 212.
 31. Buskens, *Recent Debates on Family Law Reform*, *op. cit.*; Sadiqi, *Moroccan Feminist Discourses*, *op. cit.*; Nouria Ouali, “Les Réformes au Maroc: Enjeux et Stratégies du Mouvement des Femmes”, *Nouvelles Questions Féministes*, Vol. 27, No. 3, 2008, pp. 28–41.
 32. Buskens, *Recent Debates on Family Law Reform*, *op. cit.*, p. 105.
 33. Ghita el Khayat, “Majesteit”, in *Trouw*, 3 March 2000.
 34. Including MPs from the left-wing Groenlinks and PvdA as well as the Christian Democratic Party CDA, the right-wing LPF and liberal parties VVD and D66. *Aanhangsel Handelingen II* 2003/04, 350; *Aanhangsel Handelingen II* 1999/00, 1280.
 35. Khadija Arib, “Geef Vrouw in Marokko alle Steun. Islam en Vrouwen. In Modern Marokko Past Onderdrukking van Vrouwen Niet”, in *Trouw*, 4 March 2000.
 36. *Aanhangsel Handelingen II* 2003/04, 350; *Aanhangsel Handelingen II* 1999/00, 1280.
 37. Cavatorta and Dalmasso, “Liberal Outcomes Through Undemocratic Means”, *op. cit.*
 38. *Ibid.*
 39. Interview with Dutch committee member, 2016.
 40. <https://www.ccme.org.ma/fr/medias-et-migration/6762> (accessed January 2019).
 41. The selection of these particular examples is mostly one of convenience, as I have had access to documents on these particular initiatives as well as been present at some of the events.
 42. *Allochtoon* was the official policy term for migrants and those of migrant descent at the time.
 43. Report *Vrouwrechten in Beveging Verslag Themaweek 14 Tot en Met 18 Februari 2005 te Utrecht*, 2005, p. 5.
 44. I participated in a training programme for educators in 2011, spoke to the organisers repeatedly and attended several other events over the course of the project.

45. “Landelijke Werkgroep Mudawannah, Informatie Over Marokkaans en Nederlands Familierecht”, Draft version before reprint, December 2011.
46. Anika Liversage, “Gendered Struggles over Residency Rights when Turkish Immigrant Marriages Break Up”, *Onati Socio-Legal series*, Vol. 3, No. 6, 2013, pp. 1070–1090.
47. I performed a systematic search using the keywords left-behind women and Morocco [achtergelaten; vrouwen; Marokko] in newspaper database Lexis Nexis, including all major national and regional newspapers, as well as magazines and journals. The search yielded over 200 relevant articles and was performed in May 2018.
48. Astrid Feiter, “Verstoten Vrouwen Achtergelaten na Vakantie in Marokko; Gemengeld Tussen Nederlands en Marokkaans Recht”, in *Opzij*, 1 April 1997.
49. For a more extensive discussion see also: Pauline Kruiniger, *Marokkaanse Verstotingsvormen in de Nederlandse Rechtspraktijk. Een Juridische Beschouwing Over de Marokkaanse Khul` en Talaq in het Kader van Erkenning in Nederland*, Tilburg: Celsus Juridische Uitgeverij, 2008; Sportel, “Who’s Afraid of Islamic Family Law?” *op. cit.*
50. Toine Heijmans, “Door Vader of Man Gedumt in Marokko; Khadija van 11 en Tientallen Andere Vrouwen Willen Naar Nederland Terug, Maar Kunnen Niet”, in *De Volkskrant*, 7 November 2000; “Ik droom van Nederland”, *De Telegraaf*, 10 August 2005; Jacob Hoekman, “Bruid met inleveroptie”, in *Reformatisch Dagblad*, 22 August 2009.
51. Another famous example was Karima Ouchan, who first attracted media attention by jumping off the ferry from Spain to Morocco to avoid being married off at age 15 (in 1985), and was later left behind in Morocco, and only managed to return to the Netherlands after 12 years. In 1999 she published her narrative as a book. Fenneke Reysoo and Karima Ouchan, *Nooit Geschreven Brief aan Mijn Vader*, Amsterdam: Bulaq, 1999.
52. See *Handelingen II* 2003/04, 95, pp. 6140–6141.
53. Conducted by anthropologist Edien Bartels, Free University Amsterdam, who has remained involved with the issue as a researcher and activist ever since. For the report, see Edien Bartels, *Onderzoeksnotitie over Migrantenvrouwen En Kinderen Die Gedwongen Zijn Achtergelaten in Landen Van Herkomst Voorstudie*, Den Haag: Adviescommissie voor Vreemdelingenzaken, 2005.
54. ACVZ, *Tegen de wil Achtergebleven. Een advies over in Herkomstlanden Achtergelaten Vrouwen en Kinderen*, Den Haag: Adviescommissie voor Vreemdelingenzaken, 2005, p. 8.
55. *Ibid.*, p. 11. The dependent residence period has later been changed to the current five years.
56. She was, however, also strongly criticised for how she handled this particular issue, making several political mistakes and being accused of misinforming parliament about the issue.
57. Khadija Arib, *Huwelijksdwang en Achterlating: PvdA Plan van Aanpak*, Tweede Kamerfractie PvdA, Den Haag: Labour Party policy document, 18 November 2009.
58. Wet van 7 Maart 2013, Staatsblad. 2013, 95.
59. Tweede Kamer 2012-2013, 33 488 nr. 2.
60. Tweede Kamer 2012-2013, 33 219 nr. 23 (amendement Oosenburg).
61. <https://www.femmesforfreedom.com/event/lancering-operatie-spiekpen/> (accessed January 2019). The NGO Femmes for Freedom is also well-known for putting the issue of so-called marital imprisonment on the political agenda, a situation where women remain married against their will (often because a legal divorce is not considered religiously valid).
62. On the date of the start of this campaign (7 June 2018), there was an extended news item in *Nieuwsuur*, a well-known current affairs programme on national television, as well as a number of articles in newspapers. See also: <https://www.huwelijksdwangenachterlating.nl/> (accessed January 2019).