REPORT

Comparative Analysis of the Legal and Policy Landscape on (Trafficking for the Exploitation of) Forced Marriage Across Europe

How is forced marriage regulated, criminalised, and enforced, and when does it become human trafficking?

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Authors: Zsófia Réka Bagó, Suzanne Hoff, and Eefje de Volder

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La Strada International (LSI)

La Strada International is a European NGO Platform against trafficking in human beings that works from a human rights perspective in support of trafficked persons. The platform aims to prevent trafficking in human beings and to protect and realise trafficked persons’ rights. This is done by providing access to adequate assistance and support to victims, and via information and knowledge exchange, capacity building of NGOs and other stakeholders, and cross-sectoral cooperation. The platform further works on research, monitoring, and advocacy for change to ensure accountability for the effective implementation of European Anti-Trafficking policies and regulations. www.lastradainternational.org

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Glossary of Terms

Term	Definition
Forced marriage	Marriages in which one or both parties have not personally expressed their full and free consent to the marriage or union and/or where one of the parties is unable to end or leave the marriage, including as a result of duress or intense social or family pressure.
Sham marriage	A sham marriage is one where two people have entered into the marriage and are not in a genuine relationship but have married for financial or other gain (often for immigration advantage).
Arranged marriage	In an arranged marriage, families may help to choose a partner, but both people freely agree to the marriage.
Civil marriage	A marriage solemnised as a civil contract without a religious ceremony.
Religious marriage	A union between individuals recognised by a religious institution, solemnised through a ceremony that follows the rites and customs of a specific faith, and considered a spiritual or sacred covenant rather than solely a legal contract.
Child marriage	Any formal or informal marriage in which at least one of the parties is under 18 years of age. Child marriage is considered to be a form of forced marriage, given that one or both parties have not expressed full, free and informed consent.
Annulment of a marriage	Rendering the marriage legally void, as it has never occurred.
Force	May take various forms and encompasses any act or circumstance that undermines the free and full consent of either party to a marriage, including, for example, physical coercion, psychological pressure, threats, deception, abuse of authority, or socio-cultural compulsion.
Exploitation of forced marriage	Coercion is criminalised as the act of forcing someone into marriage. To prove forced marriage, it is not required to prove (the purpose of) exploitation.
Human trafficking for the exploitation of forced marriage	When the exploitation of forced marriage also comprises all the elements of the human trafficking offence (act, means and purpose), i.e. when it involves coercion, deception, or abuse of vulnerability for exploitative purposes.
Palermo Protocol	Protocol to "Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children", supplementing the United Nations Convention against Transnational Organized Crime.
(EU) Anti-Trafficking Directive	Directive (EU) 2024/1712) of the European Parliament and of the Council, of 13 June 2024, amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

EU VAW/DV Directive	Directive (EU) 2024/1385 of the European Parliament and of the Council on combating violence against women and domestic violence
Istanbul Convention	Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence[1]

I Executive summary

Forced marriage refers to a union in which one or both parties have not personally expressed their full and free consent to the marriage or union and/or where one of the parties is unable to end or leave the marriage. It is widely recognised as a serious human rights violation and is closely linked to related practices such as child marriage and human trafficking. Under international and regional legal instruments, forced marriage constitutes a criminal offence, creating clear obligations for states to prevent the practice, prosecute perpetrators, and protect and support victims. However, definitions and approaches to forced marriage vary significantly across European countries, leading to inconsistencies in prevention, enforcement, and victim protection. These differences are also reflected in how the offence is regulated and criminalised – whether as a separate criminal offence, as a form of exploitation within human trafficking law, and/or through other criminal, civil, or administrative provisions.

The **Council of Europe Convention on preventing and combating violence against women and domestic violence**[1] – (Istanbul Convention) adopted on 7 April 2011 and entered into force on 1 August 2014, requires states to criminalise forced marriage, including both adult and child marriages, and to take preventive measures such as awareness campaigns and educational programs. It mandates the provision of protection and support services for victims, including legal aid and shelters, and calls for the training of authorities to properly respond to and recognise forced marriage cases. Additionally, the Convention emphasises the importance of ensuring access to justice for victims and promotes international cooperation to address cross-border forced marriage.

The **EU Directive 2024/1385** ***on Combating Violence Against Women and Domestic Violence***[2] (EU VAW/DV Directive) – adopted on 7 May 2024 – requires EU Member States (as of 14 June 2027) to criminalise forced marriage, provide prevention and awareness programs, ensure comprehensive support services for victims, and train authorities to handle such cases. In addition, the **EU Directive 2024/1712** ***amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims***[3] (Revised EU Anti-Trafficking Directive) requires EU Member States (as of 15 July 2026) to explicitly include forced marriage as a form of trafficking in human beings; to offer specialised victim support, improve detection and prevention, and ensure cooperation both within the EU and with third countries. Both directives emphasise victim protection, legal assistance, and cross-border cooperation to address forced marriage as a serious human rights issue.

This study provides a comparative analysis of the legislative and policy frameworks addressing forced marriage and its exploitative aspects across 38 European countries.[4] By analysing national (legal)

[1] Council of Europe, "The Council of Europe Convention on preventing and combating violence against women and domestic violence" (11 May 2011)
[2] Official Journal of the European Union, "Directive (EU) 2024/1385 of the European Parliament and of the Council on combating violence against women and domestic violence" (14 May 2024)
[3] Official Journal of the European Union, "Directive (EU) 2024/1712 of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims" (13 June 2024)
[4] The 38 European countries under review consist of the 27 EU Member States and 11 additional European countries: Albania, Belarus, Bosnia and Herzegovina, Iceland, Liechtenstein, Moldova, North Macedonia, Serbia, Switzerland, Ukraine, and the United Kingdom. The selection of these countries has been based on the presence of La Strada

frameworks – focusing primarily on criminalisation and, to a lesser extent, on policy and institutional measures – alongside relevant practices and case law, including in relation to human trafficking, this research establishes a baseline for understanding how forced marriage is currently addressed and when it constitutes trafficking in human beings.

Building on this analysis, it identifies key legislative and implementation gaps and proposes strategies to foster a more harmonised and comprehensive legal response across Europe. The report aims to support policymakers, international organisations, NGOs, and advocacy actors in strengthening justice responses to forced marriage - including when it constitutes a form of trafficking in human beings – in line with international and EU legal obligations, all in the interest of persons affected.

The analysis addresses four key questions: (i) How is forced marriage legally defined and understood in relation to trafficking in human beings, and what is its scale across Europe? (ii) What obligations arise from the European legal and policy framework? (iii) How do national legal systems address forced marriage through criminal and civil law, and other policy measures, and what lessons emerge from practice? (iv) What recommendations can guide consistent implementation and transposition of the EU VAW/DV Directive and the Revised EU Anti-Trafficking Directive?

The main findings

Criminalisation of Forced Marriage and Trafficking for the Exploitation of Forced Marriage

The analysis of national practice in 38 European countries showed that European countries have, to varying degrees, criminalised forced marriage within their national legal systems – partly due to obligations under the Istanbul Convention, although still not all EU countries have ratified this Convention.[5] 24 of the countries under review (*see Table 2*) criminalise forced marriage as a separate criminal offence.

Furthermore, nine countries in Europe already recognise forced marriage as a form of exploitation within the trafficking in human beings legislation. Of these 9 countries, Croatia, Iceland, Spain, and Ukraine criminalise forced marriage as a standalone offence, while also recognising it within the trafficking in human beings legal framework. While forced marriage is not yet typically incorporated into the national legal definitions of human trafficking, this is expected to change soon due to the current transposing[6] of the Revised EU Anti-Trafficking Directive into their national legislation. In jurisdictions where it is already included in the legal definition of the crime[7], the applicable sanctions tend to be more severe, in comparison with the standalone offences of forced marriage.

International members, whose active engagement in addressing trafficking and forced marriage provides invaluable expertise for this research.

[5] 39 European countries have ratified the Convention. In 2021, Turkey withdrew from the Convention. The seven countries that have not ratified the Convention are Armenia, Azerbaijan, Bulgaria, Czechia, Hungary, Lithuania and Slovakia, as well as Belarus. However, Belarus is not a full member of the Council of Europe and on 17 March 2022 the Council's Committee of Ministers decided to suspend all relations with Belarus and its rights to participate in meetings and activities of the organisation.

[6] By 15 July 2026, all EU countries must have transposed the Directive.

[7] These jurisdictions are: Bosnia and Herzegovina (Republika Srpska, Brčko District), Croatia, Estonia, Greece, Iceland, North Macedonia, Slovakia, Spain, Ukraine

Exploitation of Forced Marriage

As forced marriage and human trafficking for the exploitation of forced marriage are now both to be criminalised by EU Member States, this raises questions of how to apply the criminal provision in practice and especially where to draw the lines between both crimes. Especially, there are questions related to defining and proving (the purpose of) exploitation.

When forced marriage is treated as a separate criminal offence, the crime lies in coercing a person into marriage. Coercion is criminalised as the act of forcing someone into marriage; compelling someone to marry against their will.

However, for the crime of human trafficking to be established, the act, means, and also the purpose of exploitation need to be proven. Legal practitioners hold differing opinions on whether forced marriage in itself already constitutes (the purpose of) exploitation, particularly when there is a payment for the marriage involved to others than the spouse. It is, however, also argued that the establishment of additional exploitation is required and needs to be proven, besides the fact that someone is being forced into the marriage. The latter interpretation seems more in line with the EU Anti-Trafficking Directive since not "forced marriage" is included as form of exploitation but "the *exploitation* of forced marriage". Yet Member States are free to adopt more lenient legislation as the EU Anti-Trafficking Directive merely sets minimum standards.

Case Law and Impact of Criminalisation

The existing legal framework in many European countries already allows for the prosecution of forced marriage, either under the separate offence of forced marriage, under human trafficking law, or indirectly under other criminal offences. However, as not all countries yet fulfil the requirements of the CoE Convention and/or the EU laws, improvements in legislation are further needed.

The limited available case law in Europe seems to suggest that, in practice, the different available legal provisions are insufficiently effective, and overall, the prosecution of forced marriage cases remains challenging due to evidentiary difficulties and the victims' fear and reluctance to initiate proceedings against family members and other relatives. This often leads to prosecutions under related general offences, like coercion or domestic violence, or to non-prosecution at all, underscoring the need to strengthen victim protection, support systems, and trust in authorities to ensure accurate classification and effective prosecution.

A challenge is the fact that forced marriages can be justified as 'arranged marriages[8] to be part of cultural, religious, or traditional customs and as a way to preserve family honour, strengthen community ties, or maintain cultural identity. While cultural traditions can be meaningful and important, they should not justify practices that cause harm or infringe upon the rights of individuals, particularly minors.

[8] Forced marriage and arranged marriage are legally different. In an arranged marriage, families may help to choose a partner, but both people freely agree to the marriage, while with a forced marriage, there is no free and full consent, however the line between "arranged" and "forced" can become blurred.

Both national and European courts consistently affirm that cultural or traditional practices – such as bride kidnapping or child marriage – cannot justify criminal acts, particularly when minors are involved. The European Court of Human Rights (ECHR) in M. and Others v. Italy and Bulgaria has emphasised states' duty to investigate possible coercion regardless of cultural context. At the same time, case law analysed for this study (see Chapter 6) studies reveal that cultural or traditional practices can be taken up as mitigating factors during sentencing. Also, as seen in some Bulgarian cases, treating such acts as minor offences risks downplaying their severity.

Case law further suggests that being able to prosecute forced marriage as a form of human trafficking adds value as it enables higher penalties and specialised investigation. Forced marriage or other offences might not carry the same harsh penalties or adequately address the structural nature of criminal groups involved and holding perpetrators accountable. Moreover, when human trafficking cases related to forced marriage are prosecuted under forced marriage or other criminal offences, victims may not get the specific victim-centred protection and support that trafficked persons need and are entitled to. Prosecuting cases under trafficking legislation is also important for ensuring accurate data collection on this form of human trafficking and understanding its scope, which allows for better policy responses and prevention strategies.

However, the necessity to prove the *purpose* of further exploitation, as well as the other legal elements of the trafficking crime (act and means or only act and purpose in the case of minors[9]) makes it difficult in practice to prosecute cases of forced marriage under trafficking legislation.

The greatest challenge in connecting forced marriage to trafficking in human beings, is – as previously mentioned – the controversy whether forced marriage itself qualifies as exploitation, rather than only the subsequent exploitation that may result from it – and there are different approaches across countries and legal practitioners. There are those regarding a marriage entered into without the full and free consent of both parties as exploitation in itself, others recognise exploitation only when additional exploitative acts, such as sexual exploitation, forced labour, domestic violence, etc., are present in connection to the forced marriage. The intent to the exploitation also plays a significant role.

As the case studies show, the intent to exploit may manifest in several ways: in the forced marriage itself, as seen in Spain; in the involuntary nature of the marriage combined with a dowry payment to the parents, as noted in case law in Bosnia and Herzegovina; or in additional exploitative practices. In Italy, however, such additional exploitation was prosecuted under provisions on slavery and servitude, rather than human trafficking, adding to the legal uncertainty surrounding these concepts. Similarly, in Spain, the coexistence of separate offences for forced marriage, trafficking for the purpose of forced marriage, and ill-treatment within family structures further contributes to this overlap.

Thus, in practice, this added value of two (or even more) offences may be more limited, as the human trafficking offence is often more complex to prove and involves higher evidentiary thresholds, due to which states might still investigate and prosecute severe exploitative cases as the easier-to-prove forced marriage offence instead of trafficking in human beings. As a result, while the integration into anti-trafficking frameworks strengthens the normative response, its practical effectiveness remains questionable and still

[9] For children, the threshold is lower because the "means" element is not required, but practical challenges still make cases difficult to identify and prosecute.

largely unknown, also due to the only recent changes in law. Case law further shows that countries that also have a separate criminal offence of slavery/servitude (such as Italy) have an additional possibility to charge exploitative aspects of forced marriage.

The most common 'means' by which forced marriage is conducted, as reflected in national legislation, are violence and threats. These, however, are narrowly defined and fail to encompass the many ways in which a person can be forced into marriage. Ideally, legislation would not specify means at all, instead referring broadly to 'force,' which, as discussed earlier, can cover any act that is contrary to the true will of the individual. Where countries choose to list means explicitly, it is important that they include forced marriage-specific methods, such as the abuse of a person's vulnerable state, a practice that is extremely frequent, as observed in case studies. It is also essential to criminalise the act of forcing a person to remain in a marriage against their will.

It remains uncertain what the impact of criminalisation overall will be on the prosecution of perpetrators, the access to justice of their victims, as well as the overall prevention of forced marriage practice. Will it indeed lead to a significant increase in the prosecution of forced marriage cases and also have a strong preventive impact? The current limited case law available at least supports the European Commission's concern about the need for ongoing monitoring and evaluation, to ensure that cases are effectively pursued.

Clearly, the effectiveness of the newly enforced EU laws can only be assessed over time. At the same time, evidentiary challenges – particularly victims' reluctance to report or testify against family members – pose major obstacles to prosecution. Therefore, criminal justice measures should be viewed not as a standalone solution but as one component within a broader, multi-faceted approach to effectively combat this crime, including criminal, civil, and non-legislative measures.

Relevant civil law measures

Legal minimum age for marriage

The legal minimum age to marry in Europe is generally 18, though exceptions exist. Some European countries permit marriage at 16 with parental or judicial consent, while Lithuania allows it as early as 15 under specific legal conditions. While international human rights law presumes that all marriages involving persons under 18 are considered forced, due to the lack of full, free, and informed consent, many national legal systems allow marriage below this age under specific conditions (such as judicial or parental consent). As a result, some marriages involving 15-17-year-olds may be legally recognised, but not classified as forced marriages under domestic law, despite their inconsistency with international standards.

Civil and religious marriages

In many European countries, only civil marriages have legal validity (e.g. France, Germany, Netherlands); in others, religious marriages may be recognised legally if registered appropriately (e.g., Italy, Greece). Additionally, several legal frameworks criminalise comparable ceremonies, including 'marriage-like' relationships, extrajudicial and religious ceremonies, even in the absence of a stand-alone forced marriage offence (e.g. Sweden, Luxembourg, Austria, Liechtenstein).

As this only goes for 13 out of 38 assessed countries, this highlights the need for comprehensive regulations to ensure all forms of forced marriage are recognised and addressed, including by expanding the definitions of forced marriage to include alternative non-consensual relationship forms. This would allow all victims to access legal remedies, especially if the marriage is unregistered.

Annulment options and limitations

Most countries, including those that do not (yet) criminalise forced marriage, have provisions in civil law aimed at preventing and annulling marriages that are concluded without the free will of both parties. Legal texts emphasise that marriage requires the voluntary consent of both spouses. If a marriage occurs under coercion, violence, or threat, it can typically be annulled, rendering it legally void, as if it had never occurred. While several countries (34 out of 38 countries under review) permit the annulment of forced marriages, this is not the case for all European countries. In 4 out of 38 countries, annulment is not an option, leaving divorce as the only recourse.

Furthermore, although annulment is generally available as an option, it is difficult to apply it in practice. Several countries apply a limitation period for requesting such annulment. For example, in France, annulment applications are barred after five years, while in the Netherlands and Iceland, the period is three years, and in Lithuania, only one year. Such restrictive practices undermine the intended protective purpose of these provisions. Restricting annulment poses significant issues, as it can lead to further harm for the victim or, in the worst cases, prevent them from ever escaping the marriage and accessing justice.

Non-legislative approaches

The monitoring of non-legislative measures – mainly through studying GREVIO reports – shows that most European countries lack effective non-legislative measures to combat forced marriage. While some countries have taken proactive measures, including national action plans, many others have minimal or fragmented efforts. Training for professionals is often insufficient, and support services, particularly for marginalised groups, are inadequate. Awareness campaigns and school education on forced marriage are rare. Despite some countries taking steps through national strategies, gaps in implementation persist, especially in rural areas and among vulnerable populations. Coordination between general services and specialised actors is often lacking, and legal limitations hinder effective protection and enforcement. Moreover, there is a need for more effective research and data collection to guide policies and measures.

Lack of (statistical) Data

The number of men, women, and children living in forced marriages has increased globally. In 2021, an estimated 22 million people were in situations of forced marriage on any given day, a rise of 6.6 million compared to 2016. Forced marriages occur in every region of the world, including in Europe. However, the exact scale is unknown.

The data collection regarding the prevalence of forced marriages is insufficient in most of the European countries, and in many countries there are no annual statistical data available. Where statistics are available, the number of cases differs widely across countries. It is also difficult to compare the number of investigated and prosecuted cases of forced marriage or human trafficking for (the exploitation of) forced marriage across European countries, as case law is not always publicly available, which makes it impossible to assess the actual prevalence of forced marriages or the effectiveness of criminal law measures.

However, (statistical) data collection now has become obligatory for EU Member States, according to the new EU Directives, which is expected to enhance data collection in the near future.

In conclusion, the path forward requires a coordinated and sustained commitment from governments, EU institutions, and civil societies. Only through comprehensive legislation, consistent enforcement, effective prevention, and reliable data can Europe ensure genuine protection and justice for victims of forced (exploitative) marriages.

II Key recommendations

1. Strengthen Legislation and Ensure Comprehensive Criminalisation

EU Member States should ensure the adequate criminalisation of forced marriage, both as a stand-alone offence and as a form of exploitation within human trafficking legislation. This dual approach strengthens prosecutorial options, ensures consistency with EU Directives, and enhances victim protection and access to justice.

2. Investigate and Prosecute Trafficking-Related Cases Proactively

Cases showing even initial signs of trafficking in human beings must be promptly and proactively investigated under anti-trafficking legislation. This includes specialised investigation, proportionate penalties, stronger victim-centred procedures, and more reliable data collection.

3. Clarify and Harmonise the Concept of "Exploitation"

Further guidance is needed-both at the EU and national levels-on how "exploitation" should be interpreted and proven in the context of forced marriage. Despite its recognition under the Revised EU Anti-Trafficking Directive, EU Member States still differ in assessing whether and when a forced marriage constitutes exploitation. Clearer criteria and indicators are essential to ensure consistent interpretation, and support effective investigation and prosecution.

4. Strengthen Training and Cooperation on Exploitation in Forced Marriage Cases

Legal professionals, investigators, and frontline actors should receive specialised training to detect, identify, assess, and document elements of exploitation of forced marriage, while strengthening cooperation among agencies working on forced marriage and trafficking in human beings. Those that can detect presumed victims should be informed about existing referral and support services.

5. Guarantee Victim Protection, Support, and Access to Justice

States must ensure that victims of forced marriage have unhindered access to protection, assistance, and justice, and that legal procedures prioritise their safety and dignity. National frameworks should guarantee the right to rebuild their lives free from coercion, discrimination, or dependency on perpetrators.

6. Set the Legal Minimum Age for Marriage at 18

To prevent child marriages, all European States should establish a strict minimum marriage age of 18 without exceptions, aligning national laws with international human rights standards. Any limited exceptions should require judicial, and not parental approval, recognising that parental consent is frequently implicated in coercive practices.

7. Broaden the Definition of Forced Marriage

It is essential to broaden the legal definition of forced marriage to encompass other forms of unions that are comparable in nature and function to marriage, even if they do not have legal validity. Furthermore, the scope of criminalisation should extend to religious or other comparable extrajudicial marriage ceremonies in jurisdictions where such unions lack legal recognition.

8. Enable Unrestricted Annulment of Coerced Marriages

EU Member States should ensure that forced or coerced marriages can be annulled without restrictive time limits. Legal frameworks must comply with the EU VAW/DV Directive, which requires limitation periods that allow victims-particularly minors-to initiate proceedings after reaching adulthood.

9. Complement Legal Reforms with Non-Legislative Measures

In addition to criminalisation, countries should adopt other preventive and educational measures, including awareness-raising, school programmes, professional training, and targeted national action plans. Such initiatives are crucial to early detection, prevention, and empowerment of potential victims.

10. Ensure Systematic Monitoring and Data Collection

In line with the VAW/DV Directive, the Revised EU Anti-Trafficking Directive, and the Istanbul Convention, Member States must establish systematic and disaggregated data collection on forced marriage and trafficking for its exploitation. Data should be collected annually, made publicly accessible, and include victim demographics, relationships to perpetrators, and case outcomes. Regular victimisation surveys and independent research should accompany these efforts to inform policy, monitor effectiveness, and enhance public awareness.

Chapter 1 Introduction

Relevance and aim of the study

Forced marriage is a marriage in which one or both parties have not personally expressed their full and free consent to the marriage or union and/or where one of the parties is unable to end or leave the marriage, including as a result of duress or intense social or family pressure.[10] Forced marriages have a longstanding history and remain a global issue of concern, primarily affecting women and young girls, though men and boys are also victimised in numerous cases.[11] Given the gravity and extensive scope of this offence, efforts to combat it must be equally robust and impactful. Three key international legal instruments impose obligations on European states to regulate forced marriage in their domestic laws. The Istanbul Convention mandates ratifying states (Parties to the Convention) to address forced marriage through legal measures, though not necessarily within criminal law.[12] In addition, in 2024, two important EU directives have been adopted, imposing additional obligations on EU Member States to deal with forced marriage: the EU VAW/DV Directive requires EU Member States to criminalise forced marriage[13] and the Revised EU Anti-Trafficking Directive now classifies the exploitation of forced marriage as a form of exploitation under its definition on trafficking in human beings, further mandating its criminalisation within EU jurisdictions.[14]

The starting point of this study has been the question how recent legal obligations under the Revised EU Anti-Trafficking Directive and the EU VAW/DV Directive should be transposed and interpreted nationally in a coherent manner, without creating legal overlap and/or confusion. During the negotiation of the revised EU Anti-Trafficking Directive, La Strada International already questioned the necessity of explicitly including the exploitation of forced marriage and the other added forms in the definition, noting that severely exploitative practices could already be addressed under existing human trafficking laws, provided that all legal elements were met. This is also acknowledged in the text of the revised Directive. With the adoption of the EU VAW/DV Directive, further concerns have arisen about how to clearly distinguish

[10] Inter-Agency Coordination Group against Trafficking in Persons, "Addressing Trafficking in Persons Through the Lens of Child Marriage and Forced Marriage", 2025, https://icat.un.org/sites/g/files/tmzbdl461/files/publications/icat_ib13_tip_child_marriage_forced_marriage_0.pdf. See also Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1 (8 May 2019), para 23; UN Human Rights Council, Resolution on Strengthening efforts to prevent and eliminate child, early and forced marriage, A/HRC/26/22 (15 July 2014), para 6; See also the Council of Europe Convention on preventing and combating violence against women and domestic violence (1 August 2014), article 37.

[11] Parliamentary Assembly of the Council of Europe, *Forced Marriage in Europe: Report (Doc. 14574, 11 June 2018)*, Draft Resolution para. 1 https://pace.coe.int/en/files/24806/html.

[12] Council of Europe Convention on preventing and combating violence against women and domestic violence Istanbul 11 May 2011

[13] Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence https://eur-lex.europa.eu/eli/dir/2024/1385/oj/eng

[14] Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims https://eur-lex.europa.eu/eli/dir/2024/1712/oj/eng

between forced marriage and exploitative forms of forced marriage that amount to trafficking in human beings, to prevent overlap in legal interpretation and enforcement.

European countries have, to varying degrees, criminalised forced marriage within their national legal systems – partly due to obligations under the Istanbul Convention. This study analyses how European countries currently legally approach forced marriage in order to draw lessons from existing national practices. The aim is to provide further guidance on how the EU obligations should be interpreted and implemented across the EU from a victim-centred approach and to steer further debate and exchange.

By analysing and comparing national practice in 38 European countries (see methodology section), the study offers a comparative analysis of the current legislative landscape in Europe and its implications for the criminalisation and prosecution of both forced marriage and its exploitative aspects. Consequently, the research offers a baseline, examining the current legislation to identify existing legislative shortcomings and propose concrete strategies to establish a more comprehensive and harmonized legal response. In this way, the report serves as a valuable resource for policymakers, international organisations, NGOs, and advocacy groups committed to strengthening legal responses against (trafficking for the exploitation of) forced marriage, in support of its victims.

Research focus and setup

The report explores how to establish a comprehensive justice response to forced marriage – including when it constitutes a form of trafficking in human beings – across Europe, in line with international legal obligations and current national practices.

In order to answer this question, the following sub questions are addressed:

- What is the (legal) definition of forced marriage, how is forced marriage understood in relation to child marriage and as a form of trafficking in human beings, and what is its scale and scope across Europe?
- What national legal obligations arise from the European legal and policy framework to address forced marriage?
- How do the European states under review address forced marriage within their national jurisdictions through both civil and criminal law and what lessons can be drawn from the national practices?
- What recommendations or further guidance can be provided to European countries to support the comprehensive and consistent implementation of legal measures addressing forced marriage at the national level, including the effective transposing of the EU VAW/DV Directive and the Revised EU Anti-Trafficking Directive.

Methodology

This study has been mainly conducted through desk research, case studies, and interviews. It examines the legal framework of 38 European countries, evaluating how each jurisdiction currently addresses forced marriage in accordance with its respective legal obligations, as well as its connection to trafficking in human beings. The 38 European countries under review consist of the 27 EU Member States and 11 additional

European countries: Albania, Belarus, Bosnia and Herzegovina, Iceland, Liechtenstein, Moldova, North Macedonia, Serbia, Switzerland, Ukraine, and the United Kingdom. The selection of these countries has been based on the presence of La Strada International members, whose active engagement in addressing trafficking and forced marriage provides invaluable expertise for this research.

As this study was commissioned by La Strada International, alongside IMPACT: Center Against Trafficking in Human Beings and Sexual Violence in Conflict, it deliberately prioritises jurisdictions where La Strada International members operate. The countries were also selected based on their status as EU candidate countries for accession and/or as Council of Europe Member States. While EU law is not yet binding for accession countries, these countries are required to align their national laws with EU law as part of the accession process. Most of the European countries have also ratified the Istanbul Convention and are therefore bound by its obligations. From the countries we assessed, five EU countries did not ratify the Convention; Bulgaria, Czechia, Hungary, Lithuania, and Slovakia, next to Belarus.

Limitations of the research

While every effort was made to analyse all available sources in order to gain a comprehensive understanding of each jurisdiction's legal framework regarding forced marriage, certain limitations must be acknowledged. First, the countries are bound by different international obligations, and the legal definitions and classifications of forced marriage vary significantly at the international level, making direct comparisons complex. As this study primarily focuses on legal frameworks, it does not include an exhaustive examination of sociocultural factors that influence the enforcement and prevalence of forced marriage.

Second, the availability and accessibility of legal sources also pose challenges. While official legislative texts and policy documents were examined, variations in language, terminology, and legal interpretation may lead to nuances that are difficult to fully capture. Additionally, variations in the enforcement of laws are not always fully captured in statutory provisions. In some countries, the availability of publicly accessible sources is more limited than in others, making it more challenging to comprehensively assess how these laws are applied in practice.

Lastly, as the transposition period for both EU directives began only in 2024, EU Member States and candidate countries are currently in the process of revising legislation. As a result, the national legal landscapes are still evolving, and some of the information presented in this report may soon become outdated. This report should therefore be regarded as a baseline assessment, capturing the situation prior to the full implementation of these legislative reforms.

Report outline

Chapter 2 explores the conceptual framework of forced marriage and its prevalence and consequences, including exploring in which countries forced marriage is criminalised, how it is classified, whether child marriage is separately criminalised, and whether aggravating circumstances are attached to the criminalisation of forced marriage. *Chapter 3 and 4* examine the European legal and policy framework,

including non-legislative measures, that guide the responsibilities of states with respect to dealing with forced marriage. *Chapter 4* presents a comparative analysis of the legal practice in the 38 European countries under review (based on the country-specific analysis included in Annex I), followed by detailed assessments of individual criminal cases to assess how theoretical legislation is applied in practice in *Chapter 5*. The report closes with a conclusion and recommendations.

Chapter 2 Forced marriage

This chapter offers deeper insight into the concept of forced marriage and its relationship to child marriage. It explores the scale and scope of the phenomenon; outlines key characteristics, and examines its connection to trafficking in human beings, including differing perspectives on how these issues intersect.

Defining forced marriage

The most widely used definitions of forced marriage and child marriage are those established by the UN Office of the High Commissioner for Human Rights (OHCHR) and the Inter-Agency Coordination Group against Trafficking in Persons (ICAT). Forced marriage is defined as "a marriage in which one or both parties have not personally expressed their full and free consent to the marriage or union and/or where one of the parties is unable to end or leave the marriage, including as a result of duress or intense social or family pressure"[15]. Therefore, 'force' is whenever a marriage is conducted without the 'free and full' consent, which is a right recognised by the Universal Declaration of Human Rights.[16] Thus, 'force' may take various forms and encompasses any act or circumstance that undermines the free and full consent of either party to a marriage, including, for example, physical coercion, psychological pressure, threats, deception, abuse of authority, or socio-cultural compulsion.

The Explanatory Report confirms this broad understanding of 'force' under the Istanbul Convention, explicitly stating that the term 'forcing' refers to physical and psychological force where coercion or duress is employed.[17] According to available data, half of those living in forced marriages were coerced using emotional threats or verbal abuse.[18] This includes, among other things, the use of emotional blackmail – parents threatening self-harm or asserting that the family's reputation will be ruined – and threats of estrangement from family members. Physical or sexual violence and threats of violence were the next most used form of coercion to force a marriage (19%).[19]

Child marriage, on the other hand, is defined as "any formal or informal marriage in which at least one of the parties is under 18 years of age."[20] Since children are legally defined as incapable of giving full and free

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[15] Inter-Agency Coordination Group against Trafficking in Persons, "Addressing Trafficking in Persons Through the Lens of Child Marriage and Forced Marriage", 2025, https://icat.un.org/sites/g/files/tmzbdl461/files/publications/icat_ib13_tip_child_marriage_forced_marriage_0.pdf.

[16] Universal Declaration of Human Rights, Adopted and proclaimed by General Assembly resolution 217 A (III) (10 December 1948)

[17] Council of Europe. *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence*. CETS No. 210, May 11, 2011. para. 196.

[18] International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM). *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*. Geneva: ILO, 2022. p. 5

[19] *Ibid*.

[20] Inter-Agency Coordination Group against Trafficking in Persons, "Addressing Trafficking in Persons Through the Lens of Child Marriage and Forced Marriage", 2025, https://icat.un.org/sites/g/files/tmzbdl461/files/publications/icat_ib13_tip_child_marriage_forced_marriage_0.pdf See also Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1 (8 May 2019), para 20. See also UN Human Rights Council, Resolution on Strengthening ef forts to prevent and eliminate child, early and forced marriage, A/ HRC/26/22 (15 July 2014), para 4.

consent, child marriage is inherently considered a form of forced marriage. Furthermore, due to their lack of maturity and vulnerability to social and familial pressures, children are often unable to resist coercion. In fact, not much coercion might be needed in these cases, because of their dependency on their parents for their survival.

While international human rights law presumes that all marriages involving persons under 18 are considered forced due to the lack of full, free, and informed consent, many national legal systems allow marriage below this age under specific conditions (such as judicial or parental consent). As a result, some marriages involving 15-17-year-olds may be legally recognised but not classified as forced under domestic law, despite their inconsistency with international standards.

The gravity and prevalence of forced marriage

The number of men, women, and children living in forced marriages has increased globally. In 2021, an estimated 22 million people were in situations of forced marriage on any given day, a rise of 6.6 million compared to 2016.[21] Forced marriages occur in every region of the world, including in Europe.[22]

While women and girls account for the majority of people (over two-thirds) living in a forced marriage, men and boys are also subjected to forced marriage. Family members were responsible for the vast majority of forced marriages: most persons who reported on the circumstances of forced marriage were forced to marry by their parents (73%) or other relatives (16%).[23]

At the European national level, public data regarding forced marriage - including reliable national statistics - is not available in every country, hence there are also no overall European statistics. The Istanbul Convention already requires Parties to the Convention to systematically collect data on forced marriage and to disaggregate this data by age, relationship to perpetrator, location, gender, disability, and other factors to highlight vulnerable groups and patterns.[24] Also there is a requirement for states to conduct regular population-based surveys and research to understand prevalence and assess the effectiveness of protective measures. This data collection must respect victims' privacy, ensure confidentiality, and obtain informed consent. Lastly, it is required that data should be made publicly available, allowing for transparency, informed policymaking, and public awareness.

Data on trafficking for the exploitation of forced marriage

There is also little data available related to trafficking for the exploitation of forced marriage. This is likely due to the lack of attention and awareness that forced marriage can be criminalised under human trafficking if all the elements of the crime are present and the absence of a specific reference to forced marriage in trafficking laws in most European countries. Additionally, the victims might not be identified, or cases might not be investigated, and only successful prosecution cases are registered, and these might be scattered among different legal institutions.

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[21] International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM). *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*. Geneva: ILO, 2022. p. 5.
[22] *Ibid*.
[23] *Ibid.*
[24] Article 11 Istanbul Convention.

While countries generally report data on detected (presumed) victims or identified victims of trafficking, not all countries include this form in their registration forms yet, and these cases might be only registered under 'other'. A positive effect of the Revised EU Anti-Trafficking Directive is that it requires EU Member States to collect data related to victims and perpetrators in relation to the different forms of exploitation of trafficking in human beings, including trafficking for the exploitation of forced marriage. Furthermore, the disaggregation of this data is also required, based on the victim's age, gender, nationality etc. Hence, with the adoption of the new EU law, it is expected that more statistical information and data will become available.[25]

Prevalence of child marriages

Regarding child marriages globally, the prevalence of these practices is alarming. Data on this topic are available from 57 countries, which indicates that only 55% of married or in-union women aged 15 to 49 make their own decisions regarding sexual and reproductive health and rights.[26] Currently, 640 million women and girls worldwide are married in childhood.[27] These harmful practices are not confined to specific regions but affect all European countries in various forms – whether through forced marriages conducted within Europe, forced marriages involving European nationals or residents abroad, or individuals forced into marriage before arriving in Europe. Behind these statistics are countless ruined lives, lost potential, and severe health risks.[28]

For young girls, forced marriage often results in dropping out of school, separation from their families, premature transition to adulthood, domestic servitude, forced and unprotected sexual relations, and unwanted pregnancies that pose significant health risks. For adult women, forced marriage strips them of autonomy over their life choices, sexuality, and reproductive health, subjecting them to coercion, discrimination, and repeated violations of their rights. In many cases, forced marriage is synonymous with violence, including repeated sexual assault and rape.[29]

Vulnerability to forced marriage

While forced marriage is known to occur with particular prevalence within some Roma communities in Europe, it is also found across a variety of other – often traditional and religious – communities where such practices may be rooted in cultural or customary norms.[30]

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[25] EU Member States will have an obligation to report on violence against women and domestic violence, including forced marriage (based on the EU VAW/DV Directive) and on forced marriage as a form of human trafficking (based on the Revised EU Anti-Trafficking Directive). See Article 44 EU VW/DV Directive and Article 19a Revised EU Anti-Trafficking Directive.

[26] 2023 Annual Results and Phase II (2020-2023) Report | Amplifying Change: Harnessing Collective Power to End Child Marriage; UNFPA-UNICEF Global Programme to End Child Marriage

[27] *Ibid.*

[28] Parliamentary Assembly of the Council of Europe. *Forced Marriage in Europe: Report (Doc. 14574, 11 June 2018)*. 2018. Draft Resolution para. 1 and 2, https://pace.coe.int/en/files/24806/html.

[29] Association for Action Against Violence and Trafficking in Human Beings – Open Gate / La Strada, "Analysis on Forced Marriages", 2025, https://drive.google.com/file/d/1N_7n2QKicRrBEw3tefGaKdLXXrWxE8jE/view?usp=sharing

[30] Zeljka Mazinjanin, "Combating Child Marriage Among the Roma Population in Eastern Europe," *Humanium*, accessed September 17, 2025, https://www.humanium.org/en/combating-child-marriage-among-the-roma-population-in-eastern-europe/.

Forced marriages often also intersect with migration patterns. Families may arrange (forced) marriages to obtain legal entry, residence or citizenship in another country, maintain cultural or family ties across borders, or control the behavior of family members in a new environment. Families or traffickers may force someone into a marriage specifically to sponsor a spouse's visa or immigration status, making it a tool for cross-border movement. This further complicates the issue, as victims may be reluctant to report the abuse due to fear of deportation, loss of status, or family pressure. Migrants, especially women and girls, may also be more vulnerable due to isolation, language barriers, legal insecurity, and lack of access to support services. In some cases, individuals are taken abroad under false pretences and forced into marriage in their country of origin. According to the case studies analysed, it is also very common that people are taken from abroad under the pretext of different promises, most commonly work and citizenship, but also for the aim of 'vacation'. This way, victims find themselves in an unfamiliar country, deprived of (familial) support, linguistic and legal knowledge, and financial resources, which makes them extremely vulnerable to forced marriage and further forms of exploitation.

Chapter 3 Human Trafficking for the Exploitation of Forced Marriage

While forcing someone into marriage constitutes a serious violation in itself, doing so with the purpose of exploiting the person represents a separate and even more serious form of abuse. This is where forced marriage becomes a form of trafficking in human beings.

Article 3 of the *2000 UN Trafficking in human beings Protocol*[31] (Palermo Protocol) defines trafficking in human beings as comprising three essential elements: an act (recruitment, transportation, transfer, harbouring or receipt of persons); a means to bring someone into a situation of exploitations like force, fraud, coercion, or deception, and the intent (purpose) of exploitation.[32] Exploitation is defined as: *at a minimum*, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Article 3(a) Palermo Protocol). Even though forced marriage is not explicitly mentioned as a form of exploitation – and there is no legal obligation for states to criminalise forced marriage under the Palermo Protocol – the list of forms of exploitation is open-ended, allowing the State Parties to expand the list under domestic anti-trafficking laws.

As a result, some countries have included it as a form of exploitation in their anti-trafficking legislation.[33] In this way, forced marriage can be considered as trafficking in human beings when all three constituent elements – as laid down in the Palermo Protocol – are present.[34] If the trafficking involves minors, the means element does not need to be proven.

Linkages between forced marriage and trafficking in human beings

Forced marriage can be linked to human trafficking in three ways. First, forced marriage can be linked to the *act* of trafficking, such as recruitment, when marriage is used to lure a spouse into a situation of exploitation. This can be in another country, but crossing a border is not necessarily required. Marriage can also be linked to the transfer or transportation of the victim to, for example, the spouse's home by the spouse or third parties.[35] In this case, the family of the victim and the spouse can be seen as receiving or harbouring the victim.

Secondly, forced marriage can also be the *means* that is used to bring someone into a situation of trafficking. By forcing someone into a marriage, the factual condition is created, allowing for subsequent exploitation to take place.[36] Forced marriage, depending on the specific circumstances of the case, may link to various means that are listed in the trafficking definition, such as abduction, fraud, deception, abuse

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[31] United Nations. *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.* New York: United Nations, 2000 https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons.

[32] *Ibid*. Article 3

[33] *See Table 2*; Bosnia and Herzegovina (Republika Srpska, Brčko District), Croatia, Estonia, Greece, Iceland, North Macedonia, Slovakia, Spain, Ukraine

[34] UNODC, *Interlinkages between Trafficking in Persons and Marriage*, Issue Paper (Vienna: United Nations Office on Drugs and Crime, 2020), p. 10, https://www.unodc.org/documents/human-trafficking/2020/UNODC_Interlinkages_Trafficking_in_Persons_and_Marriage.pdf.

[35] *Ibid*.

[36] *Ibid*.

of power, abuse of a position of vulnerability, and the receiving of payments or gifts to achieve the consent of a person having control over another person.

These are ways to coerce the victim into the marriage and to control them after the marriage has taken place.[37] The receiving of payments or gifts to achieve the consent of a person having control over another person can, under coercive circumstances, be present between the family of the victim and the spouse in the context of paying the 'bride price'. This is to get the consent of the family of the other spouse for the marriage or dowry, and abduction in cases of bride kidnapping, which are common harmful practices.

Third, these forced marriages can serve the *purpose* of exploitation, which is central to trafficking in human beings. However, this concept presents the greatest challenge in connecting forced marriage to trafficking in human beings, as it is controversial whether forced marriage itself qualifies as exploitation, rather than the subsequent exploitation in the marriage. Furthermore, while there are countries or legal practitioners that regard a marriage entered into without the full and free consent of both parties as exploitation in itself, others recognise exploitation only when additional acts, such as sexual exploitation, forced labour, domestic violence, etc. are additionally present in connection with the forced marriage. The severity of the exploitation, as well as the purpose or intent behind it, also plays a significant role. Since the Revised EU Anti-Trafficking Directive explicitly refers to the "the *exploitation* of forced marriage" it seems it follows the latter explanation. Regardless, the Directive only sets minimum standards, allowing Member States to adopt more stringent legislation.

The control, violence, and coercion often inherent in forced marriages create clear links to human trafficking. In the abusive and exploitative marriages discussed by experts, the spouses' family or third parties frequently employ various methods to restrict the victim's freedom of movement and autonomy.[38] These tactics often include physical violence, threats, and psychological abuse.[39]

However, the primary issue with subsuming forced marriage under the broader category of trafficking in human beings is that such an approach fails to capture all instances of forced marriage. Forced marriage can intersect with human trafficking in cases involving, for example, sexual exploitation or labour exploitation. Therefore, while there can be an overlap between forced marriage and trafficking, treating them as interchangeable crimes risks overlooking the unique nature and wide-ranging consequences of forced marriage, necessitating dedicated legal provisions and policy responses.

Exploitation of forced marriage

When analysing the role of 'exploitation' in the context of forced marriage, two principal legal approaches can be distinguished.

1. Forced marriage criminalised as a standalone criminal offence. Coercion is criminalised as the *act* of forcing someone into marriage. To prove forced marriage, it is not required to prove (the purpose of) exploitation.

[37] *Ibid.*
[38] *Ibid*. p. 38.
[39] *Ibid.*

2. The second approach places forced marriage within the legal framework of human trafficking. Then all the elements of this crime have to be proven, including the act, the means, and the purpose of exploitation.

Forcing someone into a marriage can be the *means* through which subsequent exploitation is made possible. In such cases, forced marriage creates the factual circumstances – such as control, dependency, or isolation – that enable subsequent forms of exploitation, which may include sexual, labour, or criminal exploitation. The purpose of the exploitation still has to be proven.

As highlighted, for the crime of human trafficking to be established, the means, act, and the purpose of exploitation should be proven to distinguish it from forced marriage (the same goes when distinguishing trafficking in human beings from, for example, for labour or services, servitude or slavery like practices). It should be noted that while the purpose or the intention of exploitation should be established, for the human trafficking crime, the exploitation does not necessarily have to have been materialised.

The key legal distinction lies in the requirement of establishing exploitation. When forced marriage is prosecuted as a form of trafficking in human beings, it is necessary to prove that the act was committed for the purpose of exploitation. In contrast, where forced marriage is criminalised as a separate offence, prosecution does not require establishing such a purpose; then coercion into marriage alone suffices. The difficulty arises as certain forced marriages may in practice amount to human trafficking, particularly where the victim is unable to leave the situation, is subjected to sexual violence, or is otherwise exploited. This overlap contributes to divergent interpretations among states as to whether forced marriage should be seen as a distinct offence or inherently as a form of exploitation within the meaning of trafficking in human beings.

Chapter 4 European Legal and Policy Framework

This chapter provides a more detailed overview of the European legal and policy framework and outlines the obligations of states in implementing legal measures to address forced marriage.

Overview of European obligations

Istanbul Convention

The Istanbul Convention is the first legally binding regional instrument defining and prohibiting forced marriage. The Convention requires States Parties to take the necessary legislative or other measures, which may include, but is not limited to, criminal legislation.

Article 37 criminalises both "forcing" - *the intentional conduct of forcing an adult or a child to enter into a marriage* (para. 1) – and "luring" - *the intentional conduct of luring an adult or a child abroad with the purpose of forcing this person to enter into a marriage* (para. 2). The Explanatory Report clarifies that 'forcing' refers to "physical and psychological force where coercion or duress is employed".[40] The term 'luring' refers to "any conduct whereby the perpetrator entices the victim to travel to another country", for example, by using a pretext or concocting a reason such as visiting an ailing family member. Regarding luring, the intention must cover the act of luring a person abroad, as well as the purpose of forcing this person into a marriage abroad.[41]

The Convention focuses on several areas, such as prevention, protection, prosecution, and development of integrated policies. It is of particular importance for the protection of victims of forced marriage, as it requires that individuals taken abroad under coercion must be granted effective means of return to EU Member States – even in cases where the forced marriage has resulted in the loss of their legal residence status within the EU.[42]

Most European countries have ratified the Istanbul Convention, except for six of the countries under review (Belarus and the EU countries: Bulgaria, Czechia, Hungary, Lithuania, Slovakia). Those who have decided to include forced marriage in their criminal legislation as a separate criminal offence base their forced marriage laws on the definition set forth by the Convention.

The Istanbul Convention established a monitoring mechanism to ensure its adequate implementation and continuous improvement in national legislation and practice, and to hold governments accountable. This consists of two bodies: GREVIO and the Committee of Parties. GREVIO is an independent expert group responsible for monitoring how countries implement the Istanbul Convention. It evaluates national laws and measures through reports and can launch inquiries in specific cases. The Committee of Parties, made up of representatives from the Convention's signatory states, reviews GREVIO's findings, issues recommendations, and oversees their implementation.

[40] Council of Europe. *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence*. CETS No. 210, May 11, 2011. para. 196.
[41] *Ibid*. para. 197.
[42] European Union Agency for Fundamental Rights. *Addressing Forced Marriage in the EU: Legal Provisions and Promising Practices*. Luxembourg: Publications Office of the European Union, 2014.

EU VAW/DV Directive

Two EU Directives imposing obligations on EU Member States with respect to forced marriage have been adopted fairly recently and are still in the transposition phase.

First concluded was the EU VAW/DV Directive, which was adopted on 14 May 2024 and entered into force on 13 June 2024. From that day on, EU Member States were given 3 years to transpose the Directive into their national law by 14 June 2027, as they are thereby obliged to fulfil the obligations prescribed by the Union.[43] Article 4 of the Directive requires EU Member States to establish a criminal offence for forced marriage, in contrast with the Istanbul Convention, which does not require forced marriage to be addressed in criminal law, only for it to be legislated against. The elements of 'forcing' and 'luring' are incorporated in the same manner as outlined in the Istanbul Convention. The Directive applies to all victims of violence against women and domestic violence, regardless of their gender, both to children and adults, and aims to ensure a minimum level of protection[44] across the EU for these victims, including victims of forced marriage.[45] It sets minimum levels for maximum terms of imprisonment[46], sets jurisdiction rules[47], helps to ensure the protection of victims and access to justice[48], provides better victim support[49], enhance data collection[50], promotes prevention and early intervention[51] and facilitates coordination and cooperation[52].[53]

EU Revised Anti-Trafficking Directive

Second, the Revised EU Anti-Trafficking Directive, which was adopted on 13 June 2024, and entered into force on 14 July 2024, establishes a comprehensive framework to address and mitigate trafficking in human beings. Article 2 of this directive defines trafficking in human beings, identifying "exploitation" as its core purpose. The exploitation of forced marriage has now been added to the list of what exploitation shall include. Recital 6 of the Directive explicitly states that the exploitation of forced marriage should be included as a forms of exploitation in so far as it fulfils "the constitutive elements of trafficking in human beings, including the means criterion".

The amendments to Directive 2011/36/EU made by this Directive are "without prejudice to the definitions of marriage", "(...) forced marriage", and "without prejudice to the national rules on family law. The definition also covers trafficking in human beings for the purpose of (...) forced marriage in so far as they fulfil the constitutive elements of trafficking in human beings." Recital 6 also explains that "forced marriage (...) can already fall within the scope of offences concerning trafficking in human beings as defined in Directive 2011/36/EU, to the extent that all the criteria constituting those offences are fulfilled". Therefore, as recognised in the text of the directive, forced marriage could already be prosecuted as a form of trafficking in human beings, provided that all legal elements of the offence are present. As from the day of

[43] Official Journal of the European Union, *"Directive (EU) 2024/1385 of the European Parliament and of the Council on combating violence against women and domestic violence"* (14 May 2024)
[44] *Ibid*. Recital paras. 6-8
[45] *Ibid*. paras. 9, 10, 12
[46] *Ibid*. para. 28
[47] *Ibid*. paras. 49, 91
[48] *Ibid*. paras. 29, 31-36
[49] *Ibid*. paras. 39-47, 56-63, 66-72
[50] *Ibid*. paras. 88-90
[51] *Ibid*. paras. 50, 73-77,79-82
[52] *Ibid*. paras. 78, 83-87
[53] *Ibid*. paras. 1, 59-63, 66-81, 83

its entry into force, EU Member States had in total two years, until 15 July 2026, to transpose the new rules into their national law.[54]

EU directives are monitored through a combination of national reporting, European Commission oversight, and legal enforcement. EU Member States must transpose directives into national law and report on implementation. The Commission reviews compliance and can launch infringement procedures if needed. It also publishes evaluation reports. EU agencies and civil society contribute data and feedback, but unlike the Istanbul Convention, there is no independent expert body like GREVIO overseeing implementation.

The following table (*Table 1*) includes which European countries (out of 38 countries that were considered for this research) are under the obligation to comply with the above-mentioned EU and CoE legislation.

Table 1: Countries under the obligation to comply with EU and CoE legislation

	Country	Istanbul Convention	VAW/DV Directive	Revised Anti-Trafficking Directive
1.	Albania	✓		
2.	Austria	✓	✓	✓
3.	Belarus			
4.	Belgium	✓	✓	✓
5.	Bosnia and Herzegovina	✓		
6.	Bulgaria		✓	✓
7.	Croatia	✓	✓	✓
8.	Cyprus	✓	✓	✓
9.	Czechia		✓	✓
10.	Denmark	✓		
11.	Estonia	✓	✓	✓
12.	Finland	✓	✓	✓
13.	France	✓	✓	✓
14.	Germany	✓	✓	✓
15.	Greece	✓	✓	✓
16.	Hungary		✓	✓
17.	Iceland	✓		
18.	Ireland	✓	✓	✓
19.	Italy	✓	✓	✓
20.	Latvia	✓	✓	✓
21.	Liechtenstein	✓		

[54] Official Journal of the European Union, *"Directive (EU) 2024/1712 of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims"* (13 June 2024)

22.	Lithuania		✓	✓
23.	Luxembourg	✓	✓	✓
24.	Malta	✓	✓	✓
25.	Moldova	✓		
26.	Netherlands	✓	✓	✓
27.	North Macedonia	✓		
28.	Poland	✓	✓	✓
29.	Portugal	✓	✓	✓
30.	Romania	✓	✓	✓
31.	Serbia	✓		
32.	Slovakia		✓	✓
33.	Slovenia	✓	✓	✓
34.	Spain	✓	✓	✓
35.	Sweden	✓	✓	✓
36.	Switzerland	✓		
37.	Ukraine	✓		
38.	United Kingdom	✓		

Hence, the Istanbul Convention, to which 32 European countries are a party, requires States Parties to address forced marriage in their legislation, not necessarily in criminal law. The EU VAW/DV Directive goes further and requires EU Member States to criminalise forced marriage, while the Revised EU Anti-Trafficking Directive requires EU Member States to ensure that the exploitation of forced marriage can be criminalised as a form of trafficking in human beings. This obligation is only binding for the 27 EU Member States. However, EU accession countries are already requested to bring their legislation in line with EU law, which only becomes binding when they are full EU Members.

The European Commission itself acceded to the Istanbul Convention on 1 June 2023. the Council of the European Union approved the EU's accession to the Convention, which entered into force on 1 October 2023. Hence, the European Commission has urged EU Member States to ratify and fully implement the Istanbul Convention, improve the systematic collection and reporting of data on gender-based violence, and support both civil society organisations and public services in their efforts to prevent and combat violence and stereotyping.

Policies and other non-legislative measures addressing forced marriage

Forced marriage is recognised as a form of gender-based violence, and from this perspective, it has become part of broader European-level policies and strategies aimed at tackling such violence.

EU strategies make a clear commitment to ending child, early, and forced marriages, framing it as both a gender equality issue and a child protection concern. For instance, the adopted EU Roadmap for Women's

Rights (2025)[55] includes a strong statement of principles that calls for preventing and tackling harmful practices like female genital mutilation and forced marriage. Based on this Roadmap, the European Commission is currently drafting a new Gender Equality Strategy for the coming years, which is expected to address forced marriage. It is also addressed in the current Gender Equality Strategy (2020–2025)[56], treating it as one of the many harmful practices that limit individual freedom and equality. One of the main objectives of the strategy is to put an end to gender-based violence (including forced marriage) and break down persistent gender stereotypes. For external action, the EU has the Gender Action Plan III (2021-2025)[57], which aims to empower women and girls outside the EU and ensure gender equality is mainstreamed in EU external policy. This has been extended to 2027. The Action Plan III does address the elimination of harmful traditional practices, including forced marriage, albeit in a more general way rather than focusing exclusively on that topic.

The EU Strategy on the Rights of the Child[58] recognises the need and commits to step up efforts to combat gender-based violence and harmful practices, including early and forced marriages. Also, the mentioned EU accession to the Istanbul Convention emphasises the political will to counter the continuously increasing global pushback against women's human rights and gender equality, as well as the rise in violence against women. These efforts are also backed by EU funding available through the "Citizens, Equality, Rights and Values" programme (2021–2027).[59] The EU is also a major funder of the UNFPA-UNICEF Global Programme to End Child Marriage[60].

Next to the roadmap, programmes and strategies, the European Parliament has also adopted a number of non-binding resolutions. One example is the resolution from 4 October 2017[61] on ending child marriage, which states that child marriage is "inevitably a form of forced marriage" and urges the EU and its Member States to set the legal minimum age for marriage at 18. A similar message appears in the 15 January 2020[62] resolution on the EU's human rights policy, which calls for action to eliminate early, child, and forced marriages around the world. It also recommends verifying full and free consent before any marriage and setting a uniform minimum marriage age of 18.

In addition to the EU, the Council of Europe (CoE) policies addressing forced marriage include, for example, Recommendation Rec(2002)5[63] on the protection of women against violence. This instrument explicitly identifies forced marriage as a form of violence against women and emphasizes that EU Member States

[55] European Commission. *Annex to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Roadmap for Women's Rights – Declaration of Principles for a Gender-Equal Society*. COM(2025) 97 final. Brussels, March 7, 2025.
[56] European Commission. *A Union of Equality: Gender Equality Strategy 2020–2025*. COM(2020) 152 final. Brussels, March 5, 2020.
[57] See https://www.eeas.europa.eu/eeas/gender-action-plan-iii-towards-gender-equal-world_en
[58] See https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en
[59] European Commission. *Citizens, Equality, Rights and Values Programme Overview*.
[60] See https://www.unfpa.org/unfpa-unicef-global-programme-end-child-marriage
[61] European Parliament. *Resolution of 4 October 2017 on Ending Child Marriage (2017/2663(RSP))*. Official Journal of the European Union C 346/66, 27 September 2018.
[62] European Parliament. *Resolution of 15 January 2020 on Human Rights and Democracy in the World and the European Union's Policy on the Matter – Annual Report 2018 (2019/2125(INI))*. Official Journal of the European Union C 270/25, July 7, 2021.
[63] Council of Europe. *Recommendation Rec (2002)5 of the Committee of Ministers to Member States on the Protection of Women Against Violence, and Explanatory Memorandum*. Adopted April 30, 2002. Strasbourg: Council of Europe Publishing.

should prohibit marriages concluded without the free consent of the individuals involved. Although not legally binding, it was among the first instruments to call on states to combat harmful traditional practices, including forced and early marriages. More broadly, the Recommendation seeks to promote the adoption of legislative and policy measures aimed at prevention, victim protection, and awareness-raising.

The CoE Resolution 1468 (2005) on Forced Marriages and Child Marriages[64] highlights that the issue predominantly arises within immigrant communities and primarily affects young women and girls. The Parliamentary Assembly emphasised the need to declare certain customs, traditional laws, and practices related to marriage and family life as incompatible with the principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights. Accordingly, the Assembly urged CoE Member States to consider addressing acts of forced marriage as an independent criminal offence, including the aiding and abetting of such unions.

Therefore, while binding legal instruments – like the Istanbul Convention and the two EU directives – require the criminalisation of forced marriage[65] and the protection of victims, a wider network of non-binding policies from the EU and the CoE consistently emphasises prevention, awareness, and cross-sector cooperation. These strategies often frame forced marriage as a form of gender-based violence or as a child protection issue. Many of them also highlight the link between forced marriage and trafficking in human beings, as well as other harmful gender-based practices.

Having outlined the relevant legal and policy framework regarding forced marriage, the following chapter turns to the question of national implementation. A comparative legal analysis is conducted to examine how selected states have transposed these obligations into their domestic legal systems.

[64] Parliamentary Assembly of the Council of Europe. *Resolution 1468 (2005) on Forced Marriages and Child Marriages*. Adopted June 23, 2005. Strasbourg: Council of Europe.

[65] Note that the Istanbul Convention does not require forced marriage to be addressed in criminal law, only for it to be legislated against

Chapter 5 Comparative Analysis of National Legislation

Based on the country-specific analysis included in Annex I, this chapter provides a comparative analysis of how the 38 European countries under review have legally addressed forced marriage at the national level. This comparison reveals notable legal differences in how forced marriage is addressed across national jurisdictions. For each country, we reviewed the country's general attitude towards marriage, as well as the applicable provisions of the Civil Code, focusing on the legal requirements for valid marriage, particularly the matter of consent, the legal age of marriage, and the grounds for annulment.

We further looked into the issue of criminalisation and examined whether forced marriage is criminalised as a separate offence, whether it is addressed as a form of trafficking in human beings, and/or whether it is indirectly covered under other criminal provisions such as coercion, domestic violence, or even slavery/servitude provisions. Finally, where relevant, some additional (non-legislative) measures have been highlighted, such as awareness-raising initiatives, education campaigns, or relevant policy frameworks. However, these elements are included primarily for context, as the focus remains on the criminal justice response. In particular, we aim to obtain a better understanding of how to set up a comprehensive criminal justice response to combat forced marriage, including as a form of trafficking in human beings.

Civil law

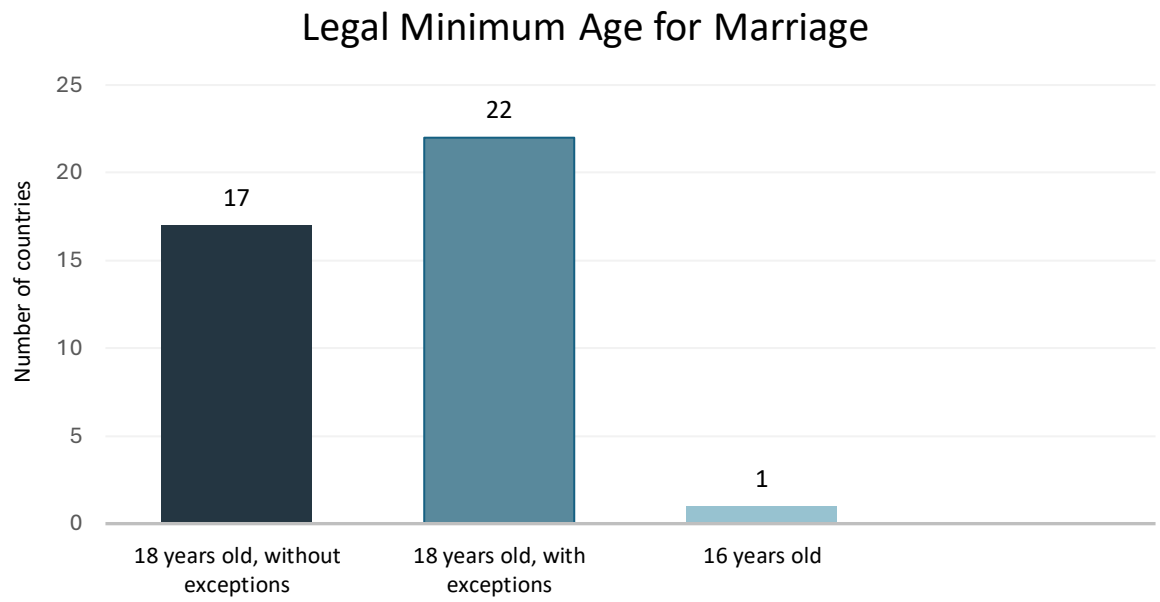
Legal minimum age for marriage

The legal minimum age to marry in Europe is generally 18, though exceptions exist. Some European countries permit marriage at 16 with parental or judicial consent, while Lithuania allows it as early as 15 under specific legal conditions. Even though international human rights law presumes that all marriages involving persons under 18 are considered forced due to the lack of full, free, and informed consent, many national legal systems allow marriage below this age under specific conditions (such as judicial or parental consent). As a result, some marriages involving 15-17-year-olds may be legally recognised but not classified as forced under domestic law, despite their inconsistency with international standards.

In civil law, the first important measure countries can adopt to eliminate child marriage (which is always considered forced due to the lack of capacity to consent, as previously indicated) is the strict regulation of the legal minimum age for marriage. As shown in the following bar chart, more than half of the countries analysed (22) set the legal age at 18 years. However, almost an equal portion of States (17) provide exceptions allowing younger individuals to marry (for an overview, see *Figure 1*). These exceptions are usually based either on a court decision or parental consent. The latter one can be extremely problematic, given that the parents are, in many cases, the perpetrators themselves. A good example of a strictly regulated exception can be found in North Macedonia, where a person who has reached the age of 16 can marry if the competent court determines that the person has attained the physical and mental maturity necessary to exercise the rights and duties arising from marriage, based on a prior opinion from a healthcare institution and professional assistance provided by the social work centre.

Jurisdictions often state that the court may grant permission for "important reasons" or "justified reasons," terms which are usually undefined in the legislation and are, therefore, determined by courts on a case-by-case basis. In certain jurisdictions, the grounds for exceptions are more specific. For instance, in Lithuania, pregnancy serves as a basis for allowing earlier marriage, while in Belarus, the presence of a common child may also justify it. In some cases, the law does not set a specific minimum age within such exceptions, although minors are generally permitted to marry only after reaching the age of 16. However, exceptions exist here as well. In Belarus, the law permits marriage from as early as 15 under specific exceptions, and in Lithuania, it allows marriage under 16 in cases of pregnancy. The precise minimum age is therefore not always clearly defined. Among the researched countries, Scotland has the lowest general legal age for marriage, namely 16 years (without specific requirements). However, Scotland has already taken steps towards raising it to 18, to align with the rest of the United Kingdom.

Figure 1 [66]



Civil and religious marriages

Generally, formal legal marriages are recognised by the state and provide legal rights and protections, such as divorce and property claims. They require official registration and free, informed consent. Over recent years, marriage rates have declined, while divorce rates have overall increased in all of the researched countries. At the same time, people are increasingly choosing alternative forms of relationships, whether legally recognised or not. Many couples cohabit for long periods before marrying, while many choose not to marry at all. Consequently, there has been a rise in other types of relationships, such as civil unions and registered partnerships. This shift is particularly prevalent among younger generations, where marriage is no longer regarded as the standard form of partnership.

[66] In the UK, there are 3 different laws on the legal minimum age for marriage (England and Wales 18 years old without exceptions; Northern Ireland 18 years old with exceptions; Scotland 16 years old).

Next to formal marriages and alternative relationships, there are also religious marriages, which are based on faith and/or traditions, and may not be legally recognised unless also registered with civil authorities. This can make it harder for victims of forced religious marriages to access legal remedies, especially if the marriage is unregistered. In some cases, religious marriages are used to bypass legal requirements, particularly for underage or non-consensual unions.

In many European countries, only civil marriages have legal validity (e.g., France, Germany, Netherlands); in others, religious marriages may be recognised legally if registered appropriately (e.g., Italy, Greece). However, several legal frameworks criminalise comparable ceremonies, including extrajudicial and religious ceremonies, even in the absence of a stand-alone forced marriage offence. Denmark, for example, does not criminalise forced marriage as a distinct crime but includes forced participation in a religious marriage ceremony as an aggravating circumstance under the general criminal offence of duress.

As there has been an increase in alternative forms of relationships, whether legally recognised or not, next to the existence of formal marriage unions, it makes it inevitable – indeed, even necessary – for national jurisdictions to broaden their understanding of what constitutes a forced marriage and to consider extending criminalisation to include other forms of relationships which are not concluded on consent next formal marriage unions. Currently, such relationships, when non-consensual, are only equally criminalised in 13 out of 38 countries. As a result, in jurisdictions where only formal marriages are legally protected, instances of forced partnerships or cohabitation may remain unpunished.

For example, Sweden also criminalises forced “marriage-like relationships” under the provision of forced marriage, Luxembourg criminalises forced “partnerships”, and France forced “unions”, making the offence broader in scope. Austria, Liechtenstein include forced “registered partnerships”, Scotland “civil partnerships”, and Italy “civil unions”, meaning that while they represent a good practice by including other forms of relationships under the provision of forced marriage, they limit these only to legally recognised forms. Under the provision of forced marriage, some countries focus on the ceremonies rather than forms of relationships, for example, Iceland criminalises “similar ceremonies, even if they have no legal validity in law”, Ireland includes forcing someone into a “ceremony of marriage” and Malta criminalises forcing someone into “any religious or civil ceremony, even if they have no legal validity”. In 21 countries, only civil marriages are recognised, while in 17 countries, governments recognise both civil and religious marriages.

With respect to ceremonies other than those legally recognised as marriage, a similar gap exists as with partnerships or cohabitation. Religious or extrajudicial ceremonies, despite not being legally recognised, can still create situations in which individuals are compelled to live together against their will. Yet such ceremonies are only explicitly addressed in the legislation of only 3 out of the 21 countries that do not consider religious weddings legally valid. In the other 17 countries, religious ceremonies constitute a legally valid marriage and therefore automatically fall within the category of forced marriage. These ceremonies are particularly problematic in the context of forced marriage, as they often remain legally invisible, leaving victims without protection or access to remedies. Their regulation is, thus, especially important, next to addressing malpractices related to religious ceremonies in prevention strategies, as it plays a crucial role in addressing and eliminating forced and early marriages rooted in tradition.

It is also worth noting that in jurisdictions where forced marriage is not explicitly criminalised as a separate criminal offence, the cases may still be prosecuted under general provisions (e.g., coercion), or under trafficking in human beings, when the definition explicitly mentions forced marriage or includes a non-

exhaustive list of forms of exploitation (e.g. “other forms of exploitation”). In such contexts, other types of forced relationships and religious ceremonies, even if not legally recognised, can nevertheless be prosecuted due to the lack of specification.

Annulment of forced marriages (and or other forced relationships)

Annulment, a legal procedure that declares a marriage null and void from the outset, as if it never legally existed, is usually granted when there was a fundamental flaw in the marriage at the time it was entered into, such as a lack of free consent, fraud, underage marriage without proper consent, or incapacity to marry. In cases of forced marriage, annulment is often preferable to divorce because it declares the marriage invalid from the start, recognising that consent was never freely given. Unlike divorce, annulment avoids implying the marriage was legitimate and can reduce social stigma, simplify legal consequences, and affirm the coercion the individual experienced. Divorce, by contrast, only ends a legally valid marriage and does not explicitly address the lack of consent.

However, annulment is generally more complex and takes longer than divorce, as it requires compelling evidence that the marriage was invalid from the outset, is subject to careful judicial scrutiny, and may be challenged by the other party or the authorities.

In almost every country across Europe (with only 4 exceptions) a marriage entered into under force or concluded without the free and full consent of either party, can be annulled. In the majority of jurisdictions, however, only the spouse concerned may challenge the marriage and request an annulment. Furthermore, annulments are subject to limitation periods, meaning that once the set time period has expired, the forced marriage is considered valid and can only be dissolved through divorce.

The most common limitation period among the researched countries is six months or one year, from the moment the compelling circumstances have ceased (as in Cyprus). In France, although the limitation period is longer (five years), it starts from the conclusion of the marriage rather than from the moment the duress ended or the victim regained full freedom.

Such limitations pose serious challenges in forced marriage cases. Victims are often financially dependent, socially isolated, and lack legal knowledge. Even when the abuse has stopped, fear of retaliation persists. These factors make it difficult to escape the marriage, leaving divorce as the only option. This process places the full legal burden on the victim and often involves lengthy, adversarial proceedings. Furthermore, some countries impose additional conditions for annulment, for example, in Slovenia, where annulment is excluded if the spouses cohabited for one year after the violence ceased. In Iceland and Poland, the law sets an additional three-year objective deadline beginning from the moment the spouses enter into the marriage.

This means that the annulment is barred if three years have passed since the conclusion of the marriage, which further limits the victim’s possibility to request an annulment, for example, when the coercion does not cease in three years.

However, there are also good practices worth highlighting. A notable example can be found in the legislation of England and Wales, which prescribes a limitation period of three years but allows the court

to grant permission for longer. In Belgium, the prosecutor is obliged to file for annulment during the lifetime of the spouses and must order their separation. In Albania and Luxembourg, the limitation period only begins when the spouse regains full freedom, a framework which may provide greater protection in practice than rules starting the limitation when the violence has ceased. In Germany, the limitation period is set at three years beginning from when the coercion has ceased, therefore providing a longer time period for the annulment to be requested. Switzerland is an exceptional practice, which stands out for permitting spouses to seek annulment at any point during their lifetime. Regarding the persons entitled to file for annulment, in some countries (Belgium, France, Lithuania, Luxembourg, Switzerland), the state prosecutor may also initiate the annulment process.

Another problem regarding annulments is that many countries limit the grounds on which an annulment can be brought to only physical violence or serious criminal threats. These grounds do not, however, cover many situations in which a person may be forced into a marriage, such as psychological pressure or abuse of vulnerability. Liechtenstein's legal framework can be highlighted as good practice, as "well-founded fear" constitutes grounds for annulment, possibly encompassing many forms of coercion, including subtle psychological pressure.

An interesting practice to note is in Sweden, where, although annulment cannot be sought on the grounds of forced marriage, the divorce laws have been structured in a manner that facilitates protection for victims of forced marriages. For instance, the state prosecutor is authorized to file for divorce on behalf of the victim, and there is no (otherwise mandatory) reflection period. The regulations concerning the effects of annulment also vary across jurisdictions.

Broadly, three main types can be distinguished: (1) annulment has the same consequences as divorce; (2) annulment has the same consequences as divorce except in cases explicitly specified by law; (3) annulment treats the marriage as if it had never been concluded. In some countries, however, the effects of annulment are not explicitly regulated.

Overall, it would be beneficial if states evaluated their annulment policies in terms of their actual impact and also took measures to address the (financial) dependency of spouses in forced marriage situations. Ensuring greater access to information, legal aid, and social support would enhance the ability of individuals to more easily leave a forced marriage and reduce dependency. Additionally, the risk of retaliation or further abuse should also be addressed. Similarly, it would be beneficial to relieve the legal burden on victims required to initiate and sustain often lengthy and adversarial proceedings against the coercing spouse.

Criminal law

In criminal law, forced marriage may be established either (i) explicitly as a separate criminal offence, (ii) implicitly within general criminal provisions, or as part of legislation addressing trafficking in human beings, either (iii) implicitly or (iv) explicitly.

Table 2 summarises the legal frameworks of the analysed countries. The table shows that 29 out of the 38 countries criminalise forced marriage explicitly. Of these, 20 criminalise it as a separate criminal offence, 5 explicitly criminalise it as a form of exploitation within trafficking legislation, and 4 criminalise it under both

provisions. The remaining 9 countries may prosecute forced marriage implicitly under other general provisions, most commonly duress or coercion.

Table 2: National Criminalisation of Forced Marriage

Country	Explicit criminalisation of forced marriage	Implicit criminalisation of forced marriage	(Exploitation of) forced marriage as part of the trafficking in human beings provision (explicit)	(Exploitation of) forced marriage as part of the trafficking in human beings provision (implicit)	Forced marriage as luring
1. Albania	✓			✓	✓
2. Austria	✓				✓
3. Belarus		✓		✓	
4. Belgium	✓				
5. Bosnia and Herzegovina	✓		✓ (Republika Srpska, Brčko District)	✓ (Federation of Bosnia and Herzegovina)	✓
6. Bulgaria	✓				✓
7. Croatia	✓		✓		✓
8. Cyprus	✓				
9. Czechia		✓		✓	
10. Denmark		✓			
11. Estonia			✓		
12. Finland		✓		✓	
13. France	✓				✓
14. Germany	✓				✓
15. Greece		✓	✓		
16. Hungary		✓			
17. Iceland	✓		✓		

18. Ireland	✓						✓
19. Italy	✓	✓					
20. Latvia					✓		
21. Liechtenstein	✓						
22. Lithuania			✓				
23. Luxembourg	✓						
24. Malta	✓				✓		✓
25. Moldova		✓			✓		
26. Netherlands		✓			✓		
27.North Macedonia			✓				
28. Poland	✓				✓		✓
29. Portugal	✓						
30. Romania		✓			✓		
31. Serbia	✓						✓
32. Slovakia		✓	✓				
33. Slovenia	✓				✓		
34. Spain	✓		✓				✓
35. Sweden	✓				✓		✓
36. Switzerland	✓						
37. Ukraine	✓		✓				✓
38.United Kingdom	✓						✓

Forced marriage can be implicitly addressed as a form of exploitation within trafficking provisions if the legislation either does not explicitly list the forms of exploitation, includes open-ended categories (e.g., "other forms of exploitation" in Albania or "other activities in a situation that involves a state of emergency for the victim" in Sweden), or encompasses slavery and relationships similar to slavery, which may cover forced marriage. Additionally, forced marriage may appear as an aggravating circumstance in other general provisions, as in Denmark, where it is explicitly mentioned as an aggravating factor in duress, and in France, where it is an aggravating circumstance for certain violent crimes.

Some jurisdictions criminalise additional crimes that are strongly connected to forced marriage. For example, North Macedonia and Bosnia and Herzegovina criminalise the conduct of enabling an unauthorized marriage.

Where forced marriage is criminalised both as a separate offence and under trafficking provisions, either explicitly or implicitly, there is a potential for overlap. The overlap might be:

- when the separate criminal offence of forced marriage also has aggravating circumstances that mirror the situations that fall under the trafficking definition, or
- when forced marriage in and of itself is considered exploitation and, thus, the difference between forced marriage on the one hand and forced marriage in the context of trafficking in human beings on the other, is not clearly made.

This overlap in criminalisation, on the one hand, can function as a prosecutorial tool, providing alternative routes to hold perpetrators accountable when the full evidentiary burden of human trafficking (act, means, and purpose) is difficult to establish.

On the other hand, the existence of multiple offences may lead prosecutors to opt for the less serious and easier-to-prove crime, often charging luring without pursuing a more thorough investigation, resulting in lighter sentences that fail to reflect the true severity of the exploitation.

Trafficking offences usually carry higher penalties than forced marriage offences, although this is not always the case. In practice, the punishment for forced marriage is the lowest in Albania, namely up to 3 months imprisonment, and the highest in England and Wales, namely up to 7 years imprisonment (the most common range is from 6 months to 5 years). Punishment for trafficking in human beings is the lowest in Estonia, namely up to 7 years imprisonment, and the highest in Cyprus, namely up to 25 years imprisonment (if it occurs in cases of minors, it is life sentence).

Moreover, victims charged under forced marriage alone may be denied the enhanced protections and support mechanisms specifically designed for victims of human trafficking. Trafficking victims have broader access to specialised support services, assistance programmes, and foreign nationals who are victims of trafficking have broader access to residence permits. In addition, trafficking law allows for the prosecution of forced marriage even at the preparatory stage, since the mere intention to exploit is sufficient, and it also provides for higher penalties, thereby reflecting the gravity of the conduct.

In this case, it would be essential that prosecutorial guidelines clearly set the circumstances in which trafficking provisions should take precedence over luring offences, ensuring that cases involving forced marriage are prosecuted with appropriate gravity, and penalties are proportionate. Some jurisdictions demonstrate good practices in this regard.

In Malta and Sweden, to avoid this overlap, forced marriage is recognised as a separate offence but treated as subsidiary, giving primacy to trafficking offences where circumstances allow. In Spain, both offences may apply simultaneously, with penalties determined according to the principle of medical concurrence of crimes. France provides an unusual example regarding criminalisation. Although it has a separate criminal offence for forced marriage, the provision only covers luring and not the general coercive element found in other countries. The punishment for luring is also relatively different, as in some jurisdictions, the punishment is the same as for forcing (e.g., Poland), the punishment is more severe than forcing (e.g., Malta), or the punishment is less severe than forcing (e.g., Croatia).

There is a considerable variation in the scope of legal definitions, with some being narrowly formulated and applied. This divergence results in significant differences in the number of identified cases. For example, in Finland, 60 victims of forced marriage were accepted into the Finnish National Assistance System for Victims of Human Trafficking and received access to assistance, even though these cases were not necessarily prosecuted as such, while in Portugal, only 1 case was identified.

Often, forced marriage cases are very challenging to investigate; investigations are terminated for a number of reasons and not all cases are reported to the police in the first place, so I will focus on outlining some pros as well as cons of the approach.

The most common 'means' by which forced marriage is conducted, as reflected in national legislation, are violence and threats. These, however, are narrowly defined and fail to encompass the many ways in which a person can be forced into marriage. Ideally, legislation would not specify means at all, instead referring broadly to 'force,' which, as discussed earlier, can cover any act that is contrary to the true will of the individual. Where countries choose to list means explicitly, it is important that they include forced marriage-specific methods, such as the abuse of a person's vulnerable state, a practice that is extremely frequent, as observed in case studies.

It is also essential to criminalise the act of forcing a person to remain in a marriage against their will. This conduct is explicitly criminalised only in Albania and Ukraine.

The classification of forced marriage as a form of exploitation also varies across jurisdictions. Forced marriage may constitute exploitation in and of itself when it is designated in the law as the specific purpose of the act. This is not necessarily in connection with the form of criminalisation of forced marriage. For instance, in Greece, forced marriage is explicitly criminalised as a form of human trafficking, but it is considered exploitative only when the purpose is financial gain. Where forced marriage is not (yet) criminalised under trafficking provisions, it may only fall within the scope of exploitation if all three elements of trafficking are satisfied and additional forms of exploitation, such as sexual or labour exploitation, are explicitly present. Conversely, forced marriage may be treated as exploitation in and of itself if it is explicitly or implicitly recognised as such, without additional requirements, or if it constitutes the sole purpose of a separate forced marriage provision.

By contrast, establishing forced marriage as a stand-alone offence offers different advantages and limitations. First, it raises awareness, serves a clear normative and preventive function by explicitly naming the practice, and is easier to prosecute due to fewer legal elements that must be proven, making it more likely that the crime will be dealt with sufficiently. However, as mentioned, stand-alone offences of forced marriage generally carry lighter penalties and are rarely incorporated in protection and policy frameworks, which leaves victims with fewer support options.

It should be noted that due to the transposing of the new EU VAW/DV Directive and the Revised EU Anti-Trafficking Directive, many EU Member States are currently discussing possible revisions of their legislation either on trafficking and/or offences on VAW/DV. As a result of the embedding of the exploitation of forced marriage in the Revised EU Anti-Trafficking Directive in 2024, more EU Member States will likely include the exploitation of forced marriage explicitly in their trafficking in human beings definitions.

A continuing challenge is the lack of available data on forced marriage, which prevents policymakers from designing effective responses. Here, the Revised EU Anti-Trafficking Directive, the EU VAW/DV Directive, and the Istanbul Convention all emphasise the importance of systematic data collection.

Non-legislative measures

Monitoring and evaluation conducted by GREVIO indicate that, in the majority of European countries, additional measures to combat forced marriage are largely lacking. Awareness-raising within society, as well as targeted training for professionals, is essential to ensure that cases are identified and addressed appropriately. Education of frontline workers is particularly important, as illustrated by the *case of Mareira* in Spain (See chapter five for the case studies). In this case, the victim's formal complaint was dismissed, and she was not recognised as a trafficking victim despite clear legal indicators, because the authorities did not believe her. She was placed in a child protection facility but received no specialised care or legal remedy, and her exploiters were neither investigated nor prosecuted.

Some jurisdictions, however, have implemented additional measures to address forced marriage more effectively. For instance, the Netherlands and Sweden have incorporated forced marriage into their national action plans, reflecting a more proactive approach to prevention, awareness, and victim support.

Based on GREVIO reports over the last five years, it is clear that across Europe, forced marriage remains significantly under-addressed, with most countries lacking comprehensive policies, dedicated services, or consistent data collection. While some states (e.g., Belgium, the Netherlands, Sweden, Switzerland and the UK) have implemented multi-agency frameworks, awareness campaigns, and victim-centred services, many others (e.g., Bosnia and Herzegovina, Moldova, Malta, Cyprus, and Romania) have taken only minimal or fragmented action.

Training for professionals is often voluntary or absent, and specialist support services (helplines, shelters, counselling) are frequently inadequate or missing, particularly for marginalised groups such as Roma communities or migrant women. Awareness-raising efforts are inconsistent, and school-based education on the issue is rare or poorly implemented.

GREVIO has also highlighted that several countries (e.g., France, Germany, Austria, Ireland) are taking steps through national strategies or campaigns, but implementation gaps remain, especially in rural areas or among vulnerable populations. A recurring challenge is the lack of coordination between general services (e.g., police, healthcare) and specialised actors, as well as legal limitations, with some countries failing to criminalise forced marriage directly or relying on broader laws (e.g., under trafficking or coercion), which limits protection and enforcement. GREVIO also stated that several countries have yet to introduce systematic risk-assessment procedures for any form of violence against women. For example, GREVIO urged the authorities in Germany and Poland to ensure that in cases of all forms of violence covered by

the Istanbul Convention, including domestic violence and forced marriage, systematic and gender-sensitive risk assessment and safety management is carried out.[67]

[67] See GREVIO's baseline evaluation reports on Germany, paragraph 311; and Poland, paragraph 281 and GREVIO's 5th General Report on GREVIO's activities, 2024 https://rm.coe.int/5th-general-report-on-grevio-s-activities/1680b1f78f

Chapter 6 Case Studies

This chapter presents 14 national case studies that shed light on the legal reasoning applied by courts, public prosecutors, and lawyers across Europe to determine which elements are relevant for classifying a case as forced marriage, forced marriage in the context of human trafficking, or another related offence. It concludes with a set of observations that inform the recommendations outlined in the final chapter.

Case Study I: Brčko District, Bosnia and Herzegovina (April 2020)

Background and relevant facts of the case

In Brčko District, Bosnia and Herzegovina, forced marriage is criminalised both as a stand-alone criminal offence (Article 212a Criminal Code) and as a form of exploitation within the broader offence of trafficking in human beings (Article 207a Criminal Code). Forced marriage in the context of human trafficking is punished more severely: the minimum sentence for human trafficking is five years of imprisonment, which is equivalent to the maximum penalty prescribed for forced marriage as a stand-alone offence.

In this case a 37-year-old Bosnian father (N.M.) is standing trial before the Basic Court of the Brčko District (Bosnia and Herzegovina) after forcing his minor 13-year-old daughter into an informal forced marriage in exchange for money; a dowry was to be paid. After the child escaped, N.M. forcibly returned her to the family, through threats and coercion. Following a second escape, the police found the girl neglected and in poor condition in the city and placed her in an appropriate care facility.

Charges, elements of the crime and outcome of the case

The Prosecutor's Office charged N.M. with human trafficking under the provision concerning the transfer of a minor under the age of eighteen for the purpose of sexual and other exploitation.

In this case all elements were met. The act element was satisfied by the sale or exchange of control by selling his minor daughter in exchange for monetary gain, effectively transferring control to the receiving family. As the case concerns a minor, the means element does not have to be proven. With the final purpose for the father to get financial gain, by forcing the victim into an informal marital union, which constitutes exploitation under the criminal provision of trafficking in human beings.

The Basic Court confirmed the indictment and convicted him. N.M. was sentenced to seven years and six months imprisonment (non-final ruling). In addition to punishing the perpetrator, cooperation between the Prosecutor's Office, the Police, and the Social Welfare Centre of the District prevented further exploitation of the victim, who was provided institutional protection and placed in a safe house.

Observations

It is interesting to observe that in this case, the monetary gain (e.g., a dowry) for a forced marriage paid to the father rather than the spouse, which is often connected to these marriages, is considered sufficient to establish exploitation. So, in Brčko District, the payment of a dowry in connection with forced marriage makes it a human trafficking case, without necessarily requiring proof of additional exploitation to have occurred within the forced marriage. This makes it easier to establish the intent of the father, which was

more difficult in cases where the intent to exploit needed to be proven in relation to the subsequent exploitation within the forced marriage conducted by others.

Case study II: Seferović Case (Republika Srpska, Bosnia and Herzegovina, 2021)

Background and relevant facts of the case

In Republika Srpska, Bosnia and Herzegovina, forced marriage is criminalised both as a stand-alone crime (Article 183 RS CC) and as a form of exploitation within the trafficking framework (RS CC Article 145). Forced marriage is explicitly mentioned as a form of exploitation under the human trafficking provision: *(1) Whoever recruits, transports, transfers, hands over, sells, buys, brokers in the sale, hides, keeps or accepts a child for the purpose of (…)forcing him or her into begging, (…) forced marriage (…) shall be punished by imprisonment for a term of five to twenty years."*

An aggravated minimum punishment applies to whoever commits the above-mentioned act by using force, serious threats or other forms of coercion, deception, kidnapping, blackmail, abuse of position, authority or influence, a relationship of trust, dependence or helplessness, the difficult circumstances of another, or by giving money or other benefits in order to obtain the consent of a person who has control over another person.

Forced marriage as a stand-alone offence, including a "luring" element for inducing travel abroad (punishment up to three years). This creates potential overlap with forced marriage in the context of human trafficking, which is punishable by imprisonment from 3 to 20 years and a fine.

This case concerns the exploitation and trafficking of a 15-year-old girl who was sold into a forced marriage for the purpose of further exploitation and monetary gain. The crime was committed entirely within the territory of Republika Srpska, Bosnia and Herzegovina and was prosecuted in the District Court of Banja Luka.

J.S. entered into a non-marital union with a 15-year-old girl, L.S., after his father paid 2,000 BAM (approx. 1,000 Euro) to the girl's mother as a 'bride price'. The girl's mother, A.S., accepted the money and gave her consent to the union, and was therefore sentenced for facilitating the crime. The girl moved to Banja Luka and lived with J.S. and other members of his family. J.S forced her to beg daily in front of shopping malls in Banja Luka and Sarajevo. If she failed to bring enough money, he would beat her, as evidenced by numerous physical injuries on her body. She was also forced to continue begging throughout her pregnancy, even after she gave birth at the age of 16 in 2019.

Charges, elements of the crime and outcome of the case

In this case, the partner J.S., his father L.S. and the mother of the girl, A.S. were standing trial. The case was prosecuted as a child trafficking case under Article 146 RS CC in which forced marriage is explicitly mentioned as a form of exploitation.

According to the court, all required elements of the crime were met. The act of handing over, selling and buying a person, since the underage victim was transferred to her husband by her mother, in turn, the husband paid a bride price to the victim's mother. As it concerns a case of child trafficking, the means element does not have to be proven. And if they occur, an aggravated punishment applies. Regardless, it was evident that force was used to compel the victim to beg on the streets. The purpose element was

satisfied by means of the forcing of the victim into a marriage for monetary gain (bride price for the mother and through subsequent exploitation in the form of forced begging by the husband and the father).

The District Court of Banja Luka sentenced J.S. to five and a half years in prison for child trafficking and establishing an unregistered marital union with a 15-year-old girl in Republika Srpska. His father was fined 5,000 BAM (approx. 2,500 Euro) for assisting his son in entering into a union with the minor. The mother of the girl was sentenced to a one-year suspended prison sentence and a fine of 300 BAM (approx. 150 Euro) by the Banja Luka court.

Observations

In this case, also the bride price (paid to the mother, not the victim herself, which is the legitimate way of a dowry) was seen as the monetary gain from the forced marriage. Yet most prominent for the judgment was the subsequent exploitation that the forced marriage made possible: by forcibly transferring the control over the minor to the other family, they were able to exploit her through forcing her to beg.

The exchange of money and earnings from forced begging confirms the transactional and exploitative nature of the union, turning the victim into a commodity. And the exploitation continued after the forced marriage, in which even the pregnancy of the girl did not stop the exploitation, indicating a prolonged and systematic abuse.

Case study III: D.A.S. of Asenovgrad, Bulgaria (January 2010) (Criminal Case No. 602/2009)

Background and relevant facts of the case

The case of I.S.S. was adjudicated by the Asenovgrad District Court in Bulgaria under Judgment No. 5 of 18 January 2010. The defendant was prosecuted for kidnapping a minor with the aim of forcing her into marriage, under Article 177(2) of the Bulgarian Criminal Code, and for rape of a minor by means of force and threats, under Article 152(2)(1) in conjunction with Article 152(1)(2). The offences were committed on Bulgarian territory, and the perpetrator was a Bulgarian citizen, therefore, Bulgarian criminal law applied.

The defendant, I.S.S., met the victim, a minor girl named D.A.S., in 2008. After several casual encounters, he decided to take her to his home and marry her without her consent. On 8 September 2009, he lured the victim into his car under the pretext of talking, physically forced her inside, locked the doors, and drove away against her will.

During the journey, the victim managed to call her sister and reported that she was being abducted, but the defendant seized her phone and ended the call. He then drove to a deserted area near the village of Popovitsa, where he physically overpowered the victim, threatened her, and forced sexual intercourse on her, despite her resistance and pleas to stop.

Following the rape, the defendant took the victim to his relatives' houses and introduced her as his future wife. The police later found the victim in the defendant's home, visibly distressed. Medical evidence confirmed genital injuries consistent with forced sexual intercourse. The defendant admitted guilt and expressed remorse during proceedings.

The elements of the crime and outcome of the case

The defendant was charged with kidnapping for the purpose of forced marriage (Article 177(2) Bulgarian Criminal Code) and for rape (Article 152(2)(1) Bulgarian Criminal Code). The conduct of the defendant fulfilled all elements of this offence. He intentionally abducted the victim, a minor, by using physical force and transported her against her will with the aim of compelling her to marry him. The victim's minority constitutes an aggravating circumstance (177(5)).

The Court found the defendant guilty on both charges. For kidnapping for the purpose of forced marriage, the Court imposed a probation sentence for a duration of one year, with additional conditions. For the rape, the court imposed seven months of imprisonment. In total the defendant was also ordered to pay BGN 7,530 (approx. 3,850 Euro) for material and immaterial damages.

Observations

The judgment explicitly referred to cultural customs within certain Roma communities, including "bride kidnapping" and sexual intercourse to ensure parental consent, as contextual elements. The court, however, affirmed that such practices are criminal and incompatible with Bulgarian law.

Case study V: K.A.A. in Asenovgrad, Bulgaria (June 2012) (Case No. 292/2012)

Background and facts of the case

The Asenovgrad District Court, Fifth Panel, charged R.B.P., a Bulgarian national and repeat offender, for kidnapping and raping a 14-year-old girl, K.A.A., with the purpose of forcing her into marriage. The acts were qualified under Article 177(2)(5) of the Bulgarian Criminal Code (forced marriage of a minor) and Article 152(3)(5) in conjunction with (2)(1) and (1)(2) of the Criminal Code (rape of a minor under dangerous recidivism). The offence was committed in Bulgarian territory, and the perpetrator is a Bulgarian citizen, therefore Bulgarian criminal law applies.

On 27 February 2012, in Plovdiv, the defendant forcibly abducted the minor victim, pulling her by the hair and pushing her into a car despite her resistance and cries for help. He transported her to the village of Mominsko, where he consumed alcohol and repeatedly demanded that she would undress, declaring that he wished to marry her. When she refused, he resorted to physical violence, burning her with a cigarette, pinning her body down, and forcibly having sexual intercourse with her in the back seat of the car. The following morning, the defendant attempted to return the victim to Plovdiv, where she managed to escape and report the incident to her relatives and the police. Forensic evidence confirmed hymenal tearing, bruising, and burns consistent with her account. The defendant fled and was arrested on 1 March 2012.

Elements of the crime and outcome of the case

The defendant was charged with kidnapping for the purpose of forced marriage (Article 177(2) Bulgarian Criminal Code) and rape of a minor under dangerous recidivism (Article 152 Bulgarian Criminal Code. The victim's minority constitutes an aggravating circumstance (177(5)).

The defendant was found guilty on all charges. For the kidnapping for the purpose of forced marriage, the defendant was sentenced to two years' imprisonment. For the rape of a minor he was sentenced to four years' imprisonment. The defendant was also ordered to pay BGN 370 (approx. 190 Euro) in procedural costs.

Observations

The court explicitly noted that both the defendant and the victim belonged to the Roma community, where abduction of girls for marriage and subsequent sexual intercourse are regarded as traditional practices conferring social legitimacy to a marital union. While the court recognised these customs as a contextual factor, it firmly stated that such traditions cannot justify criminal conduct or override the legal protection afforded to minors and their sexual autonomy.

Case study VII: N.N.D. in Sofia, Bulgaria (December 2013) (Case No. 4895/2013)

Background and relevant facts of the case

The decision of the Sofia City Court, Sixth Appellate Panel, rendered on 13 December 2013, concerned Y.T.A. and N.T.A., a son and his mother, charged with kidnapping of a minor girl for the purpose of forced marriage, under Article 177(2) of the Bulgarian Criminal Code, in conjunction with Article 20(1), (2), and (4). The offence was committed in Bulgarian territory, and the perpetrator is a Bulgarian citizen, therefore, Bulgarian criminal law applies.

On 28 January 2007, the 14-year-old victim N.N.D. was lured into a car by the defendant N.T.A., the mother of Y.T.A., under the pretext of taking her to a pharmacy. Instead, she was taken to a house, where the defendant Y.T.A. joined them. The defendants told the victim she was being taken to become the wife of Y.T.A., regardless of her will, in accordance with Roma community customs. When the girl resisted, she was physically restrained and transported to another location where, after threats and pressure, she was forced to stay overnight. During this period, Y.T.A. raped the victim, who sustained genital injuries consistent with forced sexual intercourse as confirmed by forensic examination.

The following morning, the defendants and their relatives instructed the victim to claim before the police that she had left voluntarily. Her parents (one of whom was a police officer) had already reported her disappearance, triggering a police investigation that led to her recovery. Medical and psychological evaluations confirmed the victim's mental capacity and trauma consistent with coercion and sexual assault.

The defendants denied wrongdoing, arguing that the victim had left voluntarily and that their actions reflected traditional marriage customs. The court found this defence unsubstantiated and contradicted by physical evidence and witness testimony.

The elements of the crime and the outcome of the case

The defendants were charged with kidnapping for the purpose of forced marriage, with the victim's minority as an aggravating circumstance (Article 177(2)(5) Bulgarian Criminal Code). The son's minority was considered under Article 63(1)(4), but did not negate his criminal capacity, as forensic psychiatric evaluation confirmed his ability to understand and control his actions.

The appellate court upheld the convictions and confirmed the one-year prison sentences, suspended for three years, under Article 66(1). It found the first-instance judgment lawful and proportionate, balancing aggravating factors (the victim's age, the use of force, complicity, and sexual violence) with mitigating factors (clean criminal records, minor status of the male defendant, and prolonged duration of the

proceedings). The appellate court rejected the private prosecutor's request for effective imprisonment, affirming that conditional suspension sufficiently achieved the aims of rehabilitation and deterrence.

Both defendants were ordered to pay court costs of BGN 162.50 (approx. 83 EURO) each, plus administrative fees. The decision was final and not subject to further appeal.

Observations

The court noted that his conduct reflected cultural patterns ("bride kidnapping") within certain minority communities, where abduction for marriage is sometimes tolerated, but reaffirmed that such acts remain criminal under Bulgarian law.

Case study VI: P.S.A. in Kardzhali, Bulgaria (March 2014)

Background and facts of the case

This case concerns the defendants O.F.B., B.F.B., and Sh.Sh.M., who were standing trial in the Kardzhali District Court on 13 March 2014 for abducting a woman, P.S.A., with the aim of forcing her to marry one of them, criminalised under Article 177(2) of the Bulgarian Criminal Code. The offence was committed in Bulgarian territory, and the perpetrator is a Bulgarian citizen, therefore, Bulgarian criminal law applies.

The principal perpetrator, O.F.B., had for a prolonged period expressed a desire to marry the victim, who repeatedly refused him. On 14 December 2013 the three defendants travelled to the victim's location, masked themselves, and forcibly abducted her as she returned from work. They dragged her into the back seat of a car, restrained her, attempted to blindfold her, and transported her across several localities into a mountainous area near Zornitsa.

The defendants threatened and physically restrained the victim. At one point, she briefly managed to reveal the identity of one perpetrator. The defendants intended to hold her until she agreed to marry O.F.B. The victim resisted and ultimately sought help at a municipal building and reported the abduction to police.

The elements of the crime and outcome of the case

All three defendants were charged and convicted of kidnapping for the purpose of forced marriage under Article 177(2) of the Bulgarian Criminal Code. However, the court applied Article 78a of the Code, which allows for exemption from criminal liability in certain minor offences by substituting an administrative penalty for a criminal one. As a result, the defendants were exempted from criminal liability and received administrative fines instead of custodial sentences - BGN 2,000 (approx. 1,000 Euro) for O.F.B. as the instigator, and BGN 1,800 (approx. 900 EURO) each for B.F.B. and Sh.Sh.M. Additionally, the three defendants were ordered to jointly cover the procedural costs.

Observations

The court's application of Article 78a to exempt defendants from criminal liability and to substitute administrative fines fails to recognise the gravity of the crime concerned.

The court noted that his conduct reflected cultural patterns ("bride kidnapping") within certain minority communities, where abduction for marriage is sometimes tolerated, but reaffirmed that such acts remain criminal under Bulgarian law.

Case study IV: S.S.M. in Silistra, Bulgaria (October 2024) (Criminal Case No. 211/2024)

Background and relevant facts of the case

The case of Y.A.A. was adjudicated by the Silistra District Court under Judgment No. 45 of 4 October 2024. The defendant was charged with kidnapping a woman with the intent to force her into marriage, committed in relation with two minors, under Article 177(2) in conjunction with Article 177(1) and Article 20(2) of the Bulgarian Criminal Code. The offence was committed in Bulgarian territory, and the perpetrator is a Bulgarian citizen, therefore, Bulgarian criminal law applies.

On 23 September 2022, in the village of Iskra, Silistra Province, the defendant Y.A.A., together with his two younger brothers (the minor B.F.H. and the minor H.F.H.) abducted a woman, S.S.M., against her will, with the intent to force her to marry him.

The defendant and the victim, who lived in the same village, had known each other for a long time. The victim, a widow with three children, had entered into a civil marriage with another man earlier that year. Despite this, the defendant persistently expressed his desire to marry her. When she rejected his advances and her family refused his proposals, he decided to take her by force.

On the day of the incident, the victim was walking home after visiting her grandmother when the defendant and his brothers intercepted her. The defendant grabbed her, covered her mouth, while one brother held her legs, and the third brought a horse-drawn cart. They forced her into the cart, holding her down while she resisted and screamed. The defendant pressed her head with his foot to silence her. The group transported her to a remote area near the village of Ljuben, where they transferred her into a car and later took her to the home of the defendant's sister.

That evening, the defendant introduced the victim as his wife and forced her to stay the night. The victim spent the night crying and telling the defendant's sister that she did not want to be there. The next morning, the sister called a neighbour, who helped the victim escape. Upon leaving, the victim told witnesses that she had been taken by force and displayed visible bruises on her neck, shoulders, and wrists. Witness testimonies, medical observations, and police reports confirmed the use of physical force, restraint, and coercion. The defendant initially denied guilt, claiming the victim had voluntarily gone with him, but later admitted that he "wanted her as his wife."

The elements of the crime and the outcome of the case

The defendant was charged with forcing another person into a marriage by the use of force, threats or misuse of power (Article 177(1) Bulgarian Criminal Code) and kidnapping for the purpose of forced marriage (Article 177(2) Bulgarian Criminal Code).
The court found Y.A.A. guilty under Article 177(2) in conjunction with Article 177(1). He was sentenced to one year and six months' imprisonment. The defendant was also ordered, under Article 189(3) of the Penal

Procedure Code, to pay BGN 755.20 (approx. 386 Euro) to cover procedural costs. The court finally ordered that educational measures be applied to the two minor accomplices in accordance with the Juvenile Delinquency Prevention Act, as their participation was influenced by the defendant's authority and their limited intellectual maturity.

Observations

The court noted that his conduct reflected cultural patterns ("bride kidnapping") within certain minority communities, where abduction for marriage is sometimes tolerated, but reaffirmed that such acts remain criminal under Bulgarian law.

Case study VIII: The Case of J.R. and Others, Czechia Republic (2021)

Background and relevant facts of the case

In the Czech Republic, forced marriage is not explicitly criminalised under Czech law, but can be considered as a form of exploitation under trafficking in human beings (Section 168 of the Czech Criminal Code).

The defendants – J.R. (main trafficker), D.R. (wife of J.R.), and K.Á. (associate) – targeted vulnerable individuals in the Czech Republic, luring them to Manchester, UK, under false promises. Once there, victims were subjected to forced labour, sexual exploitation, benefits fraud, and in several cases, forced sham marriages.

There were in total 11 victims, including both women and men (7 men, 4 women), many of them without English language skills, social support, or legal documentation. The perpetrators used physical violence, psychological threats, and economic control to maintain compliance. Several women were pregnant during exploitation, and two developed PTSD due to sustained abuse. The accused profited financially from their victims' prostitution, forced labour, welfare fraud, and sham marriages.

In several cases, the victims were forced to marry: (i) victim S.P. was forced to marry a Nigerian national, and was coerced through violence, isolation, and psychological abuse; victim M.K. was forced to marry two different Nigerian women for payment; (iii) Victims L.K., M.R., A.K., P.P. were coerced to marry non-EU nationals. In these cases, marriages were planned as tools for immigration fraud, not for personal or cultural reasons.

The case was adjudicated by the Czech Supreme Court on 24 November 2021 (Case No. 8 Tdo 1127/2021-3781), following earlier convictions by the Regional Court in Ústí nad Labem and the High Court in Prague. The criminal acts occurred primarily in the United Kingdom but were prosecuted in the Czech Republic, as the perpetrators were Czech citizens and the trafficking operation was organised from Czech territory. Therefore, Czech law applies.

Charges, elements of the crime and outcome of the case

The case involved forced (sham) marriages as a form of exploitation, prosecuted under trafficking in human beings (Section 168 of the Czech Criminal Code), along with charges of rape, extortion, offence of dangerous threats, and bigamy.

In this case, the three elements of trafficking (act, means, purpose) were met, and forced sham marriages occurred as a form of exploitation or means to commit further exploitation. In the present case, nearly all of the core acts constituting trafficking were committed. The perpetrators forced victims into prostitution, labour, and sham. Victims were procured and, in some cases, effectively consigned from one trafficker to another, as evidenced by the transfer of A.K. from K.Á. to J.R. and D.R. The defendants incited and enticed victims through deception and false promises of employment and a better life abroad, creating conditions of dependency and control. The victims were transported across borders, from Czechia to the United Kingdom, for the explicit purpose of exploitation. Once abroad, they were hidden in controlled accommodations, detained through deprivation and threats, and prevented from seeking help or escaping their situation.

The following means employed by the perpetrators clearly satisfy the second element of trafficking. The use of violence was evident in repeated acts of physical assault, particularly in the case of S.P., who was raped and beaten by J.R. ('pulling her hair, slapping her, kicking her in the back'), and in the coercive treatment of victims forced into prostitution. The threat of violence was consistently present, as victims were threatened with being thrown out onto the street, hunted down, or physically assaulted if they disobeyed orders or attempted to escape. Psychological manipulation and fear were deliberately cultivated to maintain control. The perpetrators also acted through deceit, luring victims with false promises of employment, housing, or stability in the United Kingdom, only to subject them to exploitation. Moreover, the traffickers abused the victims' distress and social vulnerability, targeting individuals who lacked language skills, financial means, or familial support.

The primary purpose of the perpetrators' actions was financial gain, achieved through the systematic exploitation of their victims. In this case, the forms of exploitation included forced labour, sexual exploitation, benefits fraud, and forced and sham marriages. Victims, for example B.K., were coerced into working in car washes, bakeries, and meat processing plants, with their wages confiscated. Others were forced into prostitution, including pregnant women and mothers with young children, like A.K. and L.K., under threats of eviction and violence. Several individuals were pressured or deceived into marrying third-country nationals, facilitating immigration fraud and generating illicit income for the traffickers. Additionally, the perpetrators fraudulently applied for and collected social benefits in the victims' names while controlling their bank accounts and documents. These forms of exploitation served to create and maintain a structure of total dependence, enabling the traffickers to maximize profit through the sustained abuse of vulnerable individuals.

The Court sentenced J.R. to 18 years of imprisonment in a maximum-security prison. D.R. received a sentence of 9 years in a high-security prison, while K.Á. was sentenced to 6 years of imprisonment, also in a high-security prison. All three appealed. The Czech Supreme Court rejected the appeals, finding no procedural error or violation of rights.

Observations

This case represents how forced (sham) marriages can function both as a way to lure someone into a situation of exploitation (means) and a form of exploitation itself (end purpose). As an end purpose the payment for the forced marriage was the monetary gain in this case.

Case study IX: The case of N.B. in Potsdam, Germany (2014)

Background and relevant facts of the case

In German legislation, forced marriage is a separate criminal offence and is directly addressed in section 237 of the German Criminal Code. The exploitation of a forced marriage cannot be explicitly prosecuted under the human trafficking provision as Article 232 of the German Criminal Code explicitly lists the forms of exploitation, and forced marriage is not included. Implicitly the exploitation of forced marriage can be brought under any of the other forms of exploitation listed in Article 232 German Criminal Code.

The female victim of forced marriage, T.B., a Turkish citizen, had fled from Turkey to Germany with her brother in 2012 at the age of 18 to join her father (N.B., the defendant) , who lived there. Shortly after her arrival, the father urged her to marry the son of a family friend, as this had been agreed between the families. The daughter repeatedly made it clear that she did not want this, to which the father reacted angrily and with violence. Her father even hit her. However, she highlighted multiple times that she had no intention of having her father criminalised. The daughter, who was also increasingly controlled by her brother, complied out of fear and because she did not know who she could confide in. She did not know where she could seek help as she did not speak German. A civil wedding took place at the Turkish consulate in August 2012, with the wedding reception to follow later. However, a teacher noticed the woman's changed behaviour. The woman confided in her. She was then taken to a women's shelter with the help of a counselling center. The marriage was later divorced.

The case of N.B. charges of forced marriage were adjudicated at the Potsdam District Court in Germany, as the crime was committed in the territory of the state, German law applies.

Charges, the elements of the crime and outcome of the case

In this case N.B. was charged with forced marriage under section 237(1) of the Germany Criminal Code, which states that “whoever unlawfully, by force or threat of serious harm causes a person to enter into a marriage incurs a penalty of imprisonment for a term between six months and five years”. The act is considered unlawful if the force or threat of harm is deemed reprehensible in respect of the desired objective.

In this case both elements of the crime – force or threat of serious harm and unlawfulness – are satisfied. The defendant's actions involved physical coercion, credible threats of harm, and were aimed at achieving an illegal objective, namely forcing his daughter into a marriage against her will.

The force could be found in the physical assaults by the father to compel the daughter to assault her to go through with the marriage. Specifically, he threw a phone at her, which hit her, and then later he slapped her across the face. She experienced pain from both of these actions. The threats of serious harm were witnessed in the repeated pressure by her father and the feared further violence, as after the physical assault she remained silent and complied with her father’s demands out of fear of additional beatings. Moreover, T.B.’s brother had previously conveyed to her that their uncles had ordered him to kill her because she was seen with a man, which led to her fleeing from Turkey. This threat also added to the fear that she was already experiencing for rejecting her father’s wish. Finally, the unlawfulness of the actions of the defendant were visible in the actions that were aimed at achieving the conclusion of the forced marriage, violating his daughter’s autonomy, human rights, and freedom to choose her own partner - are both morally reprehensible and illegal under German law.

The court sentenced the father to one year's imprisonment (based on Sections 237 (1) ('forcing'), 223 (bodily harm), 230 (request to prosecute), 52 (several offences committed by one act) StGB.), but this was suspended on probation in view of the daughter's concern that the mother would not be able to cope on her own. The court also banned him from contacting his daughter as a condition of his probation.

Observations

This case seems to showcase a 'classical' example of forced marriage, primarily focussed on securing the union between two persons, regardless of the lack of consent. The intent to exploitation seems absent. Even if it would have been possible to prosecute forced marriage as a form of human trafficking under the German Criminal Code – which is not the case due to the fact that the provision is not open ended formulated and does not include forced marriage explicitly – this case does not contain indications for any purpose to exploit which need to be present in order to bring the case under the human trafficking framework. If that would have been the case, it could implicitly be brought under the human trafficking provision by classifying the exploitation of forced marriage as sexual exploitation or labour exploitation or any other form of exploitation listed in the German Criminal Code.

Case Study X: The case of a minor girl, Italy (2021)

Background and relevant facts of the case

In Italy, forced marriage is criminalised as a stand-alone offence under Article 558-bis Italian Criminal Code. Article 600 of the Italian Criminal Code defines and punishes slavery or servitude, while Article 601 (as reformulated by Law 228/2003) criminalises human trafficking with a focus on bringing individuals into or moving them out of a territory for exploitative purposes.

The victim was a minor Roma girl living in Italy. Her father arranged her marriage against her will and accepted money from the groom's family (bride price). The arrangement and the father's actions were seen as treating his daughter like an object that can be exchanged for money, that he could control and trade.

The father kept her under control and coerced her compliance through psychological dominance aligned with Roma community practices. After the girl escaped and reported the situation, she was placed in protective care.

This Italian case concerns a Roma father convicted for enslavement after arranging the forced marriage of his underage daughter in exchange for a "bride price." The criminal acts took place in Italy, therefore Italian law applies (Article 600 and 558-bis of the Italian Criminal Code). The case reached the Supreme Court of Cassation in 2021.

Charges, elements of the crime and outcome of the case

In this case the lower courts convicted the father under Article 600 of the Italian Criminal Code for enslavement after arranging the forced marriage of his underage daughter in exchange of a "bride price". The father kept her under control and coerced her compliance through psychological dominance aligned with Roma community practices. After the girl escaped and reported the situation, she was placed in protective care. The father appealed this case. The Florence Court of Appeal upheld the conviction under Article 600 Criminal Code with aggravating circumstances linked to enslavement.

The defendant argued that this was simply a traditional Roma practice and should be understood as a cultural issue, not a crime. The Supreme Court rejected this defence, affirming that cultural tradition cannot excuse conduct violating fundamental rights, particularly the right to personal freedom. The defence also argued that the victim had expressed consent to the marriage. The Court acknowledged this alleged consent but emphasized that, under the circumstances (cultural coercion, family pressure, and the bride price being paid) her consent was not free and full. Furthermore, as a minor, she could not legally consent to such an arrangement, particularly one involving exploitation and elements of enslavement.

Further the defendant argued that the law on forced marriage (Article 558-bis, introduced later) should apply retroactively instead of the harsher provisions for enslavement. Yet the court also dismissed this claim. Ultimately, the Supreme Court upheld the conviction of enslavement under Article 600 Italian Criminal Code, confirming that the conduct in question fell within the more serious offence of enslavement based on the father's exercise of ownership-like control over his daughter. The court clarified that cultural factors may mitigate sentencing but cannot negate criminal liability. While the appeal was dismissed, the Court did refer the recalculation of the sentence back due to the misapplication of aggravating circumstances.

Observations

In this case, the separate offence of forced marriage was introduced after the case was concluded by lower courts. Therefore, an appeal to apply the forced marriage provision – with a lower sentencing – rather than the slavery provision was dismissed. Interestingly, here, forced marriage is considered as a form of slavery (Article 600 Italian CC) and not considered in the context of human trafficking (Article 601 Italian CC). This adds an additional layer to the criminalisation options of forced marriage in jurisdictions where slavery, servitude or enslavement is separately criminalised, apart from the human trafficking provision. Since the inclusion of forced marriage as a separate criminal offence came after the case was decided in first instance, it still has to be seen how these three provisions may be utilised and under which circumstances cases classify as human trafficking for the exploitation of forced marriage.

Case study XI - The case of M. and Others v. Italy and Bulgaria (ECtHR, 2012)

Background and relevant facts the case

The case of *M. and Others v. Italy and Bulgaria* was decided by the European Court of Human Rights (ECtHR) in 2012. The case originated in an application against the Italian Republic by four Bulgarian nationals. The criminal acts took place in Italy, but the victims were Bulgarian, therefore, both Italian and Bulgarian law may apply. The case is interesting for this study since the Italian and Bulgarian government relied on Roma tradition to justify their inaction with respect to the alleged forced child marriage, while the ECtHR decided that tradition could not stand in the way of investigations when the case involved clear signs of violence and the victim concerned a minor.

The case concerned a 17-year-old Roma girl, M., in a cross-border situation between Bulgaria and Italy. The facts were contested. According to one account, she was trafficked, kidnapped, and forced into marriage and exploitation. According to another, she entered into an arranged marriage in line with Roma customs. The case arose in the broader context of economic migration, marginalisation, and the practice of child and early marriage within Roma communities.

Applicants' version of the facts: In 2003, a Bulgarian Roma family travelled to Italy for promised work. The parents said they were beaten and forced back home, while their 17-year-old daughter was left behind, held under surveillance, forced to steal, she was beaten, raped, and coerced into marriage. They claimed Italian authorities ignored their complaints, pressured them to withdraw accusations, and failed to investigate properly, despite medical reports confirming abuse. The perpetrator was a Roma man of Serbian nationality.

Italian government's version of the facts: The Italian Government argued that the case was properly investigated. After the family's complaint, the police located and raided the villa, questioned all parties, and seized photos showing what appeared to be a consensual Roma wedding with money exchanged between families. Based on the first applicant's inconsistent statements and these photographs, the authorities concluded there had been no kidnapping but rather an arranged marriage. As a result, proceedings for kidnapping were dropped, and charges of perjury and libel were brought against the first and third applicants. The Government maintained that the applicants were provided with legal assistance and that Bulgarian authorities were kept informed.

Bulgarian government's version of the facts: The Bulgarian Government relied on Italian documents and statements from X., Y., and Z., concluding that the first applicant voluntarily entered into a marriage arranged according to Roma customs. The families agreed on a bride price, celebrations were held, and the marriage was consummated. The bride's parents returned to Bulgaria on 18 May 2003. After the second applicant complained to Bulgarian authorities on 31 May, the claim was forwarded to the Italian Embassy, leading to a police raid on 11 June 2003. Subsequent questioning by a prosecutor and an investigation resulted in perjury proceedings against the first and third applicants, which were not communicated to Bulgarian authorities.

Elements of the crime and outcome of the case

The ECtHR considered the case under Articles 3 and 8 of the European Convention on Human Rights, relating to the prohibition of inhuman or degrading treatment and the right to respect for private and family life. The ECtHR rejected most of the applicants' complaints as inadmissible due to lack of evidence. Nevertheless, the Court noted that M. was still a minor at the time of marriage, "a few months away from adulthood," and stressed that even where marriages are celebrated according to tradition, allegations of beatings and rape engage the State's obligation to investigate and to deter serious violations of integrity, especially when the victim is a minor.

Observations

Roma tradition was used as a justification by the States to not take action and further investigate the allegations made by the applicants. The ECtHR decided that the tradition of early child marriage could not excuse a state from its obligation to investigate signs of force that have been used to coerce the person into the marriage, especially when the victim is a minor.

Case Study XII: The misuse of vulnerability, Lithuania (January 2023)[68]

Background and relevant facts of the case

In Lithuania, forced marriage is primarily addressed under Article 147 of the Criminal Code as a form of exploitation under the offence of trafficking in human beings. Forced and sham marriages are explicitly listed as forms of exploitation. The provision criminalises conduct where a person is sold, bought, otherwise transferred or acquired, recruited, transported, or held in captivity. The means covered include the use of physical violence or threats, depriving the victim of the opportunity to resist, taking advantage of the victim's dependence or vulnerability, deception, or the acceptance or giving of money or other benefits to a person controlling the victim. If the perpetrator knew or intended that the victim, regardless of consent, would be exploited for forced or sham marriage, the punishment is imprisonment from three to ten years.

In January 2023, the Supreme Court of Lithuania examined a case involving two convicted persons, one of whom was a foreign citizen, accused of recruiting and exploiting a vulnerable woman. The victim, who suffered from mild mental impairment and lived in severe material and social hardship, was approached and offered to enter into a fictitious marriage with a foreign national in exchange for financial compensation. The purpose of this arrangement was to enable the foreign citizen to obtain a residence permit in Lithuania. The victim was promised monthly payments of 100 euros following the marriage and received a total of at least 700 euros in several instalments.

The lower courts held that the victim, due to her vulnerability and lack of viable alternatives, was recruited to enter into this marriage, thus satisfying the elements of human trafficking. They convicted both perpetrators accordingly.

Elements of the crime and outcome of the case

The convicts were charged under Article 147(1) of the Lithuanian Criminal Code for trafficking in human beings, based on allegations that they took advantage of the victim's vulnerability to recruit her for a sham marriage in exchange for money. The courts of first and appellate instances found that the victim's difficult financial and social conditions, her mental disability, and her dependence made her unable to freely decide, and therefore, she had no other acceptable choice but to agree to the proposal.

However, upon appeal, the Supreme Court of Lithuania annulled these decisions and terminated the criminal case. The Court found that although the marriage had been fictitious, its mere fictitiousness did not amount to forced marriage or human trafficking. The Court stressed that while the victim was indeed vulnerable, vulnerability alone is insufficient to establish the offence of trafficking. It must also be proven that such vulnerability was abused to an extent that negated the victim's ability to act of her own free will.

The Court determined that the evidence did not show coercion, control, or restriction of the victim's freedom. The victim had time to consider the offer, consulted with a friend, and voluntarily participated in all marriage formalities. Communication between her and the foreign spouse remained free and friendly

[68] Lietuvos Aukščiausiasis Teismas. *Santuokos fiktyvumas savaime nėra aplinkybė, patvirtinanti prekybos žmonėmis nusikalstamos veikos buvimą*, (Case No. 2K-1-1073/2023, January 2023). https://www.teismai.lt/lt/santuokos-fiktyvumas-savaime-nera-aplinkybe-patvirtinanti-prekybos-zmonemis-nusikalstamos-veikos-buvima/10818.

even after the marriage. Consequently, the essential elements of human trafficking (particularly the purpose of exploitation and the intent to control the victim) were not established.

The Supreme Court concluded that both parties entered the fictitious marriage voluntarily, pursuing mutually beneficial aims: the foreign citizen sought legal residence, while the victim received monetary gain. As such, the conduct did not constitute human trafficking, but rather reflected an arrangement more closely associated with acts of illegal migration.

The Court emphasised that criminal convictions must rest on conclusive, indisputable evidence, not on assumptions or moral disapproval of the conduct. Since the lower courts' findings were unsupported by sufficient proof of exploitation or control, the convictions were overturned and the proceedings terminated. This ruling is final and cannot be appealed.

Observations

While the victim's precarious financial and psychological situation indicated heightened risk of exploitation, the Court required concrete proof of the abuse of that vulnerability and the intent to exploit the victim for the situation to be considered as human trafficking. In absence thereof, the case was acquitted.

Case study XIII - The case of a Slovakian minor, the Netherlands (December 2009)

Background and relevant facts of the case

The case before the Utrecht District Court[69] concerned a male defendant of Roma origin who claimed to have "bought" a 15-year-old girl from Slovakia as his bride. The case revolved around allegations of human trafficking for the purpose of exploitation, sexual intercourse with a minor, and property damage. The offences were committed in Dutch territory, therefore, Dutch criminal law applies.

The defendant, having expressed a wish to marry, contacted another Roma man in Slovakia to find him a potential wife. The victim, a 15-year-old Roma girl, was brought from Slovakia to the Netherlands by intermediaries. Upon arrival, the defendant handed over money to one of the men, who informed the girl that she had been "sold" as a wife.

The girl did not explicitly object and was taken to the house of the defendant's mother, who surrendered her identity card. She was reportedly treated well and allowed to contact her family. The next day, she told the defendant she was pregnant, already had a child, and wished to return home. Both she and the defendant stated that the defendant had not used force, threats, or coercion, and that she had not told him she was unwilling to stay.

The elements of the crime and outcome of the case

The court examined whether the conduct constituted trafficking for the purpose of exploitation under Article 273f of the Dutch Criminal Code. It reaffirmed that exploitation refers to situations resembling modern slavery, characterized by coercion, deception, or deprivation of autonomy.

[69] Criminal Case No. 16/600535-08
https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBUTR:2009:BK8230&showbutton=true&keyword=gedwongen%2Bhuwelijk,%2B273f&idx=3

After assessing the evidence, the court found no proof of coercion, deception, or intent to exploit. The girl had voluntarily travelled, was not restrained, and had not expressed unwillingness. The possession of her ID card by the defendant's mother did not amount to deprivation of liberty. Consequently, the element of purpose of exploitation was not fulfilled.

The prosecution emphasized that the so-called "bride purchase" amounted to treating the girl as property, constituting exploitation and thus trafficking in human beings under Article 273f of the Dutch Criminal Code. The defence countered that this was consistent with Roma marriage customs, and that the defendant acted under the belief that the arrangement was consensual and legitimate.

The court acquitted the defendant of trafficking in human beings, finding insufficient evidence of exploitation or coercion. He was convicted of having sexual intercourse with a minor and for property damage. Taking into account his cooperation, the minor's prior sexual experience, the absence of harm, and his mental health condition (schizophrenia), the court imposed a 90-day prison sentence, of which 75 days were suspended, with a two-year probation period under supervision by the Probation Service.

Observations

The monetary payment for bringing the girl to the Netherlands by the intermediary was not considered sufficient to establish the intent to exploit of the defendant, without the presence of further exploitation. The Dutch court did not take cultural tradition into account as a mediating factor but just looked factually at the case.

Case study XIV - The case of Pakistani Victim, Spain/UK

Background and relevant facts of the case

In Spain, forced marriage can be both prosecuted as a separate offence (Article 172bis Spanish Criminal Code) or as human trafficking conduct (Article 177bis Spanish Criminal Code). The crime of forced marriage criminalises the person who - with serious intimidation or violence - forced another person into wedlock. The severity of the coercion or the means employed will impact the severity of the punishment. At the same time, forced marriage can be prosecuted in the context of human trafficking, if all elements are met - act, means (not in the case of minors) and the end purpose. Article 177bis Spanish Criminal Code mentions explicitly the purpose of the "solemnisation of forced marriages". Since there is no exploitation added, it is not entirely clear which cases in practice will be prosecuted under which provision.

This case concerns a Pakistani girl who was subjected to forced marriage by her family. The events took place in both the United Kingdom (London) and Spain (Barcelona), making the abuse transnational. The case was prosecuted in Spain; therefore, Spanish law applies. An 18-year-old girl of Pakistani origin was subjected to repeated attempts of forced marriage by her father and uncles. While still a minor, her father had already tried twice to force her into marriage. Following the second failed attempt, while the family was living in London, the father compelled the entire family to travel to Barcelona, where a third attempt was made. When the young woman refused and insisted on returning to England, her father confiscated her passport and locked her inside the family home. Subsequently, she was coerced by her father and uncles to proceed with the marriage. Her mobile phone was taken away, and she was subjected to repeated physical assaults. Eventually, during a moment of carelessness, she managed to escape and report the situation to the police.

Elements of the crime and outcome of the case

Despite the clear indicators of forced marriage, the case was not prosecuted under any specific forced marriage provision - either as a separate criminal offence or as a purpose in the context of the human trafficking provision - but rather for the offence of ill-treatment (coercion in the family environment) under Article 173 Spanish Criminal Code. The coercion in the family environment can consist of physical or mental violence and can be punished with a prison sentence of 6 months to three years, in line with the separate forced marriage provision. Since the crime is more generic ("ill-treatment") it does not do justice to the specific crime committed against the girl, which was not only ill treatment but resulted in being forced to marry someone else, which has more long-term consequences. There is no available information about the trial outcome, conviction, or sentencing.

Observations

Despite the clear indicators of forced marriage and trafficking, the case was not legally addressed as such. The way Spain has formulated the forced marriage provisions, the separate offence of forced marriage and human trafficking with the purpose of forced marriage, are quite alike, since there is no need for additional exploitation other than the conclusion of the forced marriage itself. This raises questions about whether both provisions do not overlap too much in this way. Since forcing someone into a marriage is also separately criminalised. It still has to be seen how this works out in practice.

Concluding Observations

Some national jurisdictions recognise that when a dowry is paid to a parent (rather than the spouse) in combination with violence or coercion to force the person into marriage, it constitutes *exploitation*, even without requiring evidence of further exploitation within the marriage itself, as illustrated in Bosnia and Herzegovina. Forced marriage can function both as a *means* of trafficking - used to recruit or transfer victims - and as a *form of exploitation* in its own right, often pursued for monetary or other material gain. The intent to exploit may manifest in several ways: in the forced marriage itself, as seen in Spain; in the involuntary nature of the marriage combined with a dowry payment to the parents, as in Bosnia and Herzegovina; or in additional exploitative practices. In Italy, however, such additional exploitation was prosecuted under the slavery and servitude provision rather than human trafficking, adding to the legal uncertainty surrounding these concepts. Similarly, in Spain, the coexistence of separate offences for forced marriage, trafficking for the purpose of forced marriage, and ill-treatment within family structures further contributes to this overlap.

Courts at both national (e.g. Bulgaria) and European levels have reaffirmed that *cultural practices cannot excuse criminal conduct*. Customs such as bride kidnapping or child marriage, even if embedded in certain traditions, remain criminal - particularly when involving minors. The European Court of Human Rights has made clear that states have a *positive obligation* to investigate potential coercion, even where cultural or traditional explanations are invoked. At the same time, allowing for the exemption of criminal liability in such cases - by classifying them as "minor offences" and imposing administrative rather than criminal penalties - tends to minimise the gravity of the crime and the seriousness of the actions involved, as witnessed in some cases before the Bulgarian courts.

The case study findings further suggest that *coercive attempts* to force someone into marriage should fall within the scope of criminal provisions, as such acts demonstrate an *intent to exploit* even if the marriage ultimately does not occur. This is a key added value of the trafficking framework. However, if such attempts are also included under the separate criminal offence of forced marriage, it could reinforce the existing legal overlap.

Finally, victims' reluctance to report forced marriages often results in indirect prosecutions under offences such as coercion or domestic violence. To ensure that cases are appropriately recognised and prosecuted as forced marriage or trafficking where relevant, authorities should strengthen *victim protection, support mechanisms, and trust-building measures*.

Conclusion

Forced marriage, child marriage, and human trafficking are internationally recognised crimes that frequently overlap. While their definitions and legal treatment vary across European jurisdictions, the recent adoption of the EU Directive 2024/1385 on Violence Against Women and Domestic Violence and the Revised EU Anti-Trafficking Directive marks a decisive step toward a more harmonised European approach, in addition to the CoE Istanbul Convention. By 2026–2027, all EU Member States will be required to criminalise both forced marriage and the exploitation of forced marriage as human trafficking, when all the elements of the trafficking definition are established, signalling stronger alignment with the standards set by the Istanbul Convention.

The comparative analysis of 38 European countries reveals that most have already criminalised forced marriage, while only a few - such as Croatia, Iceland, Spain, and Ukraine - recognise it within both forced marriage and human trafficking frameworks. The inclusion of forced marriage in trafficking legislation holds potential to enhance prosecution, raise penalties, and improve victim protection, yet practical challenges remain. Differences in national definitions, evidentiary thresholds, and the controversy over whether forced marriage itself constitutes exploitation continue to limit effective prosecution.

Limited case law and inconsistent data collection hinder a comprehensive understanding of the scale and dynamics of forced marriage across Europe. Victims' reluctance to report - often linked to fear of retaliation, family involvement, and lack of trust in authorities - further constrains enforcement. As a result, many cases are prosecuted under related offences such as coercion or domestic violence, or remain unaddressed altogether. This underlines the importance of strengthening victim-centred protection, specialised support services, and trust-building measures to ensure access to justice.

National courts and the European Court of Human Rights (ECHR) have reaffirmed that cultural or traditional practices cannot justify criminal acts, including bride kidnapping or child marriage. However, disparities persist, as some national courts continue to treat cultural factors as mitigating circumstances, or even reclassify such cases as minor offences-risking the minimisation of their severity.

Beyond criminal law, most European jurisdictions also provide civil and administrative remedies to prevent or annul marriages concluded without free consent. Yet, significant inconsistencies remain regarding which unions or relationships are criminalised when consent is lacking, the legal minimum age of marriage/union, the availability and time limits for annulment, the extent of victim protection in such proceedings and their access to protection and support in general. These inconsistencies weaken victims' access to justice and the protective function of civil law remedies.

Non-legislative measures-such as awareness campaigns, professional training, and prevention programmes-remain uneven across Europe. Only a handful of countries have adopted more targeted initiatives, but in most countries, such efforts are still limited or absent. Overall, the findings indicate that while Europe's legal and policy frameworks are converging towards stronger protection and accountability, criminalisation alone is insufficient. Effective prevention and prosecution of forced marriage require a multi-dimensional approach, combining robust legislation with coordinated implementation, early detection, data collection, and victim-centred support. Continued monitoring, capacity-building, and harmonisation of legal standards will be essential to ensure that the recent EU legislative developments translate into tangible improvements in protection, justice, and prevention across all Member States.

Recommendations

While the recent EU legislative reforms mark an important milestone in strengthening the legal framework on forced marriage and its exploitative aspects, their impact on prosecution and victim protection will depend on consistent and effective implementation. Criminalisation alone will not suffice. A broader, multi-dimensional approach-combining legal, institutional, preventive, and data-driven measures-is essential to ensure accountability, protection, and justice for victims.

1. Strengthen Legislation and Ensure Comprehensive Criminalisation

EU Member States should ensure the adequate criminalisation of forced marriage, both as a stand-alone offence and as a form of exploitation within human trafficking legislation. This dual approach strengthens prosecutorial options, ensures consistency with EU Directives, and enhances victim protection and access to justice.

2. Investigate and Prosecute Trafficking-Related Cases Proactively

Cases showing even initial signs of trafficking in human beings must be promptly and proactively investigated under anti-trafficking legislation. This includes specialised investigation, proportionate penalties, stronger victim-centred procedures, and more reliable data collection.

3. Clarify and Harmonise the Concept of "Exploitation"

Further guidance is needed-both at the EU and national levels-on how "exploitation" should be interpreted and proven in the context of forced marriage. Legal professionals, investigators, and frontline actors should receive specialised training to detect or identify, assess, and document elements of exploitation, while strengthening cooperation among agencies working on forced marriage and trafficking in human beings. Those that can detect presumed victims should be informed about existing referral and support services.

4. Strengthen Training and Cooperation on Exploitation in Forced Marriage Cases

Legal professionals, investigators, and frontline actors should receive specialised training to detect, identify, assess, and document elements of exploitation of forced marriage, while strengthening cooperation among agencies working on forced marriage and trafficking in human beings. Those that can detect presumed victims should be informed about existing referral and support services.

5. Guarantee Victim Protection, Support and Access to Justice

States must ensure that victims of forced marriage have unhindered access to protection, assistance, and justice, and that legal procedures prioritise their safety and dignity. National frameworks should guarantee the right to rebuild their lives free from coercion, discrimination, or dependency on perpetrators.

6. Set the Legal Minimum Age for Marriage at 18

All European states should establish a strict minimum marriage age of 18 without exceptions, aligning national laws with international human rights standards. Any limited exceptions should require judicial- not parental-approval, recognising that parental consent is frequently implicated in coercive practices.

7. Broaden the Definition of Forced Marriage

Across Europe, attitudes towards marriage have evolved significantly. While the overall number of marriages has declined, alternative forms of relationships (e.g. civil partnerships, marriage-like relationships) have become increasingly common, alongside a steady rise in divorce rates. This social transformation makes it essential to broaden the legal definition of forced marriage to encompass other forms of unions that are comparable in nature and function to marriage, even if they do not have legal validity. Furthermore, the scope of criminalisation should extend to religious or other comparable extrajudicial marriage ceremonies in jurisdictions where such unions lack legal recognition. In contrast, in countries where religious marriages hold legal validity, the offence of forced marriage automatically applies to them within the existing framework.

8. Enable Unrestricted Annulment of Coerced Marriages

EU Member States should ensure that forced or coerced marriages can be annulled without restrictive time limits. Legal frameworks must comply with the EU Directive on Violence Against Women and Domestic Violence, which requires limitation periods that allow victims-particularly minors-to initiate proceedings after reaching adulthood.

9. Complement Legal Reforms with Non-Legislative Measures

In addition to criminalisation, countries should adopt preventive and educational measures, including awareness-raising, school programmes, professional training, and targeted national action plans. Such initiatives are crucial to early detection, prevention, and empowerment of potential victims.

10. Ensure Systematic Monitoring and Data Collection

In line with the VAW/DV Directive, the Revised EU Anti-Trafficking Directive, and the Istanbul Convention, Member States must establish systematic and disaggregated data collection on forced marriage and trafficking for its exploitation. Data should be collected annually, made publicly accessible, and include victim demographics, relationships to perpetrators, and case outcomes. Regular victimisation surveys and independent research should accompany these efforts to inform policy, monitor effectiveness, and enhance public awareness.

In conclusion, the path forward requires a coordinated and sustained commitment from governments, EU institutions, and civil society. Only through comprehensive legislation, consistent enforcement, effective prevention, and reliable data can Europe ensure genuine protection and justice for victims of forced and exploitative marriages.

Annex I Country-Specific analysis

1. Albania

Historically, marriage in Albania functioned as an economic institution, where women were primarily valued for their labour and child-rearing capabilities, and male dominance was unquestioned.[70] Arranged marriages were the norm until the 1960's.[71] While economic and structural changes have shifted society toward greater gender equality, arranged marriages still occur in some cases without the full consent of one or both spouses.[72] In Albania, minors often drop out of school after entering into a forced marriage.[73] Information from NGOs indicates that Roma girls and girls living in rural areas are particularly vulnerable to dropping out on account of forced marriage.[74] Although the gross marriage rate in the EU has declined in recent years, accompanied by rising divorce rates, Albania (despite having one of the highest marriage rates in Europe)[75] has also experienced a consistent downward trend.[76]

According to Article 7 of the Family Code of Albania (FCA), the legal minimum age for marriage is set at 18 years, however, exceptions exist. The court of the place where the marriage is contracted may permit marriage before this age for 'important reasons'. However, the Code does not specify what qualifies as "*important reason*", and therefore a determination is made on a case-by-case basis. In Albania, a religious ceremony does not constitute a legal marriage.

Albania's Family Code establishes the requirement of free consent for marriage. Article 8 FCA mandates that both spouses must willingly enter into the union, and Article 33 FCA states that a marriage lacking full and free consent can be declared invalid. Article 37 FCA further declares that a marriage entered into under conditions where one of the spouses is under the influence of a threat, without which the marriage would not have taken place, is declared null and void. However, this means that the marriage can only be annulled if it was entered into under the influence of 'threat', which does not cover all possible forms a person may be compelled into a marriage. However, the request for annulment is time-barred if there has been continuous cohabitation for six months from the moment the spouse gained full freedom. This means that over time, a marriage that has been forced, can be considered consensual by law. This, however, can create significant challenges in cases of forced marriage. Case studies show that victims are typically entirely dependent on their spouse – including financially – and even if they are not anymore subjected to strict control and violence, they are usually deprived of financial resources, and they lack legal knowledge and social support, which makes it impossible for them to immediately survive on their own. Many also fear retaliation or further abuse. Consequently, this limitation may prevent victims from effectively escaping

[70] Berth Danermark, Haluk Soydan, Gramos Pashko, and Ylli Vejsiu, "Women, Marriage and Family - Traditionalism vs Modernity in Albania," *International Journal of Sociology of the Family* 19, no. 2 (1989), p. 21, http://www.jstor.org/stable/23028475.

[71] Ibid.

[72] Ibid. p. 34

[73] GREVIO, *First Thematic Evaluation Report on Albania* (Strasbourg: Council of Europe, 2024), p. 22, https://rm.coe.int/grevio-s-first-thematic-evaluation-report-on-albania/1680b1a0ca.

[74] Ibid.

[75] *Albania Has One of the Highest Marriage Rates in Europe*, Euronews Albania, https://euronews.al/en/albania-has-one-of-the-highest-marriage-rates-in-europe/.

[76] *Albanians are no longer "getting married", celebrations are at a historic low*, VNA, August 15, 2025, https://vna.al/english/sociale/shqiptaret-nuk-po-martohen-me-celebrimet-zbresin-ne-minimum-historik-i13195.

the marriage, leaving divorce as their only option. Divorce in these cases is problematic because, in addition to the reasons mentioned above, places the entire legal burden on the victim to initiate and sustain often lengthy and adversarial proceedings against the coercing spouse.

Criminalisation

In Albania, forced marriage is criminalised as a stand-alone offence under Article 130 of the Albanian Criminal Code under 'Coercion or Obstruction to Cohabit, Marry or Divorce'. According to this provision, coercing or obstructing someone to start or continue cohabitation, or coercing them to enter into or dissolve a marriage constitutes a criminal misdemeanour and is punishable by a fine or imprisonment of up to three months. The criminal offence also encompasses 'luring,' in accordance with the provisions of the Istanbul Convention. Therefore, deliberately requesting or offering an adult or a child to travel outside the territory of the Republic of Albania and to persuade the person into a marriage without the persons' full consent, constitutes a criminal misdemeanour and is punishable by a fine or imprisonment of up to three months. Particularly notable about Albania's legislation, that forced marriage is criminalised under a broader provision that covers coercion or obstruction related not only to marriage but also to cohabitation and divorce, which is unusual compared to other countries that have specific standalone forced marriage offences. However, the relatively mild penalties – misdemeanour level with fines or imprisonment up to three months – could impact the deterrent effect of the law.

Although forced marriage is not explicitly classified as a form of exploitation under the country's trafficking legislation, Article 110/a of the Albanian Criminal Code criminalises trafficking in human beings by including "other forms of exploitation," thereby rendering the list non-exhaustive and potentially encompassing forced marriage. Consequently, if all three constitutive elements of the legal definition of trafficking (means, act, and purpose) are satisfied in a forced marriage case, this provision may also be applied. According to the available data, this has not been utilised yet.

Additionally, under Article 284 of the Albanian Criminal Proceedings Code, certain crimes – including forced marriage – require a formal complaint from the victim. This subjects such cases to the law on mediation, which mandates reconciliation efforts, potentially obstructing justice for victims of forced marriage and related violence.[77]

Policy and non-legislative measures

Despite the existence of these legal provisions, practical implementation remains a challenge, and according to GREVIO's report on Albania (2024), while professionals receive training on forced marriage, detection remains insufficient.[78]

There are no established protocols or standard operating procedures for handling forced marriage cases.[79] While the National Health Strategy mandates regular screening for violence against all women and girls over the age of 14, available information suggests that this requirement is not consistently enforced. [80]

[77] GREVIO, *First Thematic Evaluation Report on Albania* (Strasbourg: Council of Europe, 2024), p. 35, https://rm.coe.int/grevio-s-first-thematic-evaluation-report-on-albania/1680b1a0ca.
[78] Ibid. p. 22
[79] Ibid. p. 25
[80] Ibid. p. 27

2. Austria

Marriage still has legal benefits compared to other domestic partnerships, but de facto partnerships and civil registrations are popular in Austria, and marriage rates have been declining, as in most of Europe.[81] This reflects a more relaxed attitude towards living together without marriage.[82] By contrast, when it comes to forced and early marriages, the number of girls and young women at risk is steadily increasing in Austria, especially in its capital, Vienna.[83] Studies estimate around 200 cases of forced marriage per year, based on reports from specialized NGOs in Vienna, Graz, and Innsbruck.[84] Most of those affected in Austria are girls with Austrian citizenship, with foreign roots, often second- or third-generation residents.[85] In some cases, however, girls are brought from another country of origin to Austria specifically to be married to a man living there.[86] These girls, often lacking education and language skills, find themselves in a particularly vulnerable and dependent situation.[87] Furthermore, there are community-specific patterns, which include issues such as forced marriage among Afghani refugees and Roma populations.[88] According to the FORMA Management Report (2024), the reported cases likely represent only the "tip of the iceberg", as forced marriage remains significantly underreported in Austria.[89]

According to the Austrian Civil Code (ACiC), the legal minimum age to marry is set at 18 years without exceptions. Marriage may be entered into by two persons of either different or the same sex. In Austria, a religious ceremony does not constitute a legal marriage. Additionally, the institution of engagement prior to marriage is also legally regulated, requiring the mutual agreement of both individuals to enter into the engagement.

According to Article 17 ACiC, the marriage is concluded when the engaged couple "*declare in person*" and in the presence of the registrar that they wish to enter into marriage with each other. Article 39 ACiC provides that a spouse may seek annulment of a marriage if they were unlawfully compelled to enter into it by means of a threat. However, the term 'threat' does not encompass all circumstances in which a person might be coerced into marriage. According to Article 40 ACiC, the action for annulment can only be brought within one year. This means that over time, a marriage that has been forced, can be considered consensual by law. When a marriage can be subjected to annulment under Article 39 ACiC, therefore a person was unlawfully compelled to enter into it by means of threat, this limitation period begins when the situation of duress ends. Although entering into marriage under duress constitutes legal grounds for annulment, in practice, divorce tends to play a more significant role. According to the FORMA Management Report, this is likely due to the fact that many victims feel unable to admit they were forced into marriage, often out of shame or loyalty to their parents.[90] Moreover, coercion alone is rarely the sole reason individuals

[81] Gayatri Bhaumik, "How to Get Married: Weddings in Austria," *Expatica*, May 5, 2025, https://www.expatica.com/at/living/love/getting-married-in-austria-78806/#attitudes.
[82] Ibid.
[83] Anna Trauner, "Trapped in Marriage: Forced Marriage in Austria," *Hope for the Future*, April 26, 2023, https://www.hopeforthefuture.at/en/trapped-in-marriage-forced-marriage-in-austria/.
[84] Ibid.
[85] Ibid.
[86] Ibid.
[87] Ibid.
[88] *Child Marriage Atlas: Austria*, Girls Not Brides, accessed September 17, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/austria/.
[89] *Projekt FORMA*, Caritas Wien, accessed September 17, 2025, https://www.caritas-wien.at/hilfe-angebote/asyl-integration/projekt-forma.
[90] Ibid. p. 105

attempt to leave such marriages. Instead, most remain until additional factors (most notably domestic violence) render the relationship intolerable.[91] In practice, however, the distinction between annulment and divorce is of limited significance, as Article 42 of the Austrian Marriage Act equates the legal consequences of annulment with those of divorce.[92] In cases of forced marriage, limiting the available remedy to divorce is highly problematic, as it places the entire legal burden on the victim to initiate and sustain often lengthy and adversarial proceedings against the coercing spouse. Case studies reveal that victims are typically wholly dependent on their spouse, subjected to strict control, surveillance, and threats, and deprived of financial means, legal awareness, and social support upon leaving the relationship. Many also fear retaliation or further abuse. As a result, the requirement to pursue divorce proceedings can, in practice, prevent victims from escaping the marriage altogether.

Criminalisation

In Austria, forced marriage is criminalised as a stand-alone offence under Article 106a of the Austrian Criminal Code (ACC). This provision applies regardless of whether the forced marriage takes place within Austria or abroad and extends to cases involving Austrian citizens and residents. Notably, *registered partnerships* are also included under this legal framework alongside marriage. However, this provision does not extend criminal liability to similarly problematic situations, such as forced ritual or religious (non-state-recognised) marriages, coercion to remain in a forced marriage, or coercion to enter into an engagement.[93] Section 106a ACC defines forced marriage as '*(c)oercing a person into marriage or a registered partnership through violence, dangerous threats, or the threat of severing family ties.'* Austria, therefore, moves beyond the criterion of physical violence in defining forced marriage, recognising a broader range of coercive actions – including not only violence, but also threats and the risk of familial alienation – as capable of giving rise to such marriages. The criminal offence also encompasses 'luring,' in accordance with the provisions of the Istanbul Convention. However, this provision sets an unreasonably high threshold for criminal liability by requiring proof of intent to marry specifically in the country of destination.[94] In practice, the presence of contingent intent should be sufficient.[95] The punishment ranges from six months to five years of imprisonment. The crime of trafficking in human beings is addressed under Article 104a of the Austrian Criminal Code. Paragraph 3 explicitly lists the possible forms of exploitation, however, forced marriage is not listed, nor does the provision include an open category such as "other forms of exploitation." As a result, in the absence of the third constitutive element of trafficking – i.e. exploitation – forced marriage on its own, without additional forms of exploitation, such as sexual or labour exploitation, cannot be prosecuted as trafficking in human beings.

Policy and non-legislative measures

In Austria, prevention through awareness raising among families and training of relevant professionals on warning signs was found to be key to decreasing the number of cases, followed by the need for more emergency accommodation places for victims of forced marriage, as they are not always accepted at women's shelters.[96]

[91] Ibid.
[92] Ibid.
[93] Ibid. p. 15
[94] Ibid.
[95] Ibid.
[96] GREVIO, *Evaluation Report: Austria* (Strasbourg: Council of Europe, 2024), p. 31

3. Belarus

In Belarus, as in many European countries, the family is still considered very important, but family life has become less stable.[97] People are getting married later, and the divorce rate remains high.[98] In the past arranged marriages were quite common and usually set up essentially by fathers.[99] However, there is very limited information on forced and child marriages in Belarus. According to Article 18 of the Code of Belarus on Marriage and Family (BMF), the minimum legal age for marriage for both boys and girls is set at 18 years old, however, exceptions exist. In cases of pregnancy, the presence of a common child, as well as in the event of a minor acquiring full legal capacity before reaching the age of majority, the civil registration authority may reduce the marriage age, but by no more than three years (e.g. 15 years), upon the application of the persons entering into marriage. In this case, the consent of the parents or guardians of the minors for the conclusion of marriage is not required. In Belarus, a religious ceremony does not constitute a legal marriage. Article 12 of the Code affirms that marriage must be entered into voluntarily, while Article 17 BMF requires mutual consent. Article 45 BMF states that a marriage is invalid if the conditions outlined in Article 17 BMF are not met, therefore if a marriage was entered into without mutual consent. However, there is no explicit mention of marriages entered into under threat or coercion.

Criminalisation

Despite the fact that voluntary consent is required in civil law for a marriage to be considered valid, there is no explicit criminal provision criminalising forcing someone into marriage in the Belarusian Criminal Code (BCC). It may, however, be prosecuted under the following two provisions. First, forced marriage can be prosecuted under the crime of trafficking in human beings (Article 181 BCC) when all three constitutive elements of trafficking are met. The Belarusian Criminal Code article defining trafficking in human beings explicitly enumerates the possible forms of exploitation, however, forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, forced marriage in Belarus can only be prosecuted under the crime of trafficking in human beings if it involves further forms of exploitation, such as sexual or labour exploitation. Second, the offence of forced marriage may also be prosecuted under the general provision of coercion (Article 185 BCC) when the act of forcing someone into a marriage meets the elements of coercion as defined in the BCC.

This means that if a person is compelled to enter into a marriage (or prevented from ending one) through threats of violence against him/her or his/her relatives, threats to destroy or damage his/her property, threats to disseminate slander or expose private information he/she wishes to keep secret, or threats to infringe on his/her rights, freedoms or legitimate interests. In this case, the most severe punishment is restriction of liberty for up to two years. This provision can only be applied in the absence of grave criminal conduct, such as trafficking in human beings. Even though the penalty for trafficking in human beings is significantly more severe, carrying a term of imprisonment from three to seven years and a fine, this requires proof of multiple constitutive elements, making prosecution more complex. No publicly accessible case law was found, making it impossible to determine whether forced marriage has been prosecuted under trafficking in human beings provisions or how such prosecutions have been conducted.

[97] Vladimir Bichev, "Belarus Marriage Practices," *Vladimir Bichev Photography*, December 3, 2023, https://vladimirbichev.com/2023/12/03/belarus-marriage-practices/.
[98] Ibid.
[99] Ibid.

4. Belgium

Generally, in Belgium, while the number of marriages has declined overall since the early 2000s, legal cohabitation has increased, suggesting a shift in partnership trends.[100] Belgium's general attitude towards marriage reflects strong familial involvement, particularly within migrant communities, where parents, especially mothers, often act as matchmakers.[101] While this influence has weakened among second - and third-generation migrants, traditional expectations remain present.[102] Marriage is not always perceived solely as a personal or romantic union, but also as a means to protect family honour, fulfil caregiving roles, or secure stability.[103] In some cases, marriages are arranged or forced out of fear for daughters' safety, influenced by public anxieties linked to paedophilia cases and Catholic Church scandals in Belgium.[104] Moreover, forced or arranged marriages are sometimes used to bring women to Belgium to care for ageing relatives, as elderly migrants in Belgium typically do not enter residential care homes because there are no specific institutions for elderly people of migrant origin, so they remain at home instead.[105] Internet and transnational connections also shape marriage arrangements, with some victims reportedly lured to Belgium under false pretences.[106] In Belgium, between 2011 and 2022, there were 194 cases of forced marriage reported.[107] The highest number was noted in 2018 (29), but the numbers are showing a decline since (in 2022, there were only 8 registered cases).[108]

According to Article 144 of Belgium's Civil Code (BCiC), the legal minimum age for marriage is set at 18 years, with no exceptions allowed. Marriage may be entered into by two persons of either different or the same sex. In Belgium, a religious ceremony does not constitute a legal marriage.

According to Article 146 BCiC, a marriage is not considered valid if there is no consent between the parties. Article 146ter BCiC further specifies that a marriage is also invalid when at least one of the spouses entered into it without free will, having been subjected to violence or threats. This means that more subtle forms of coercion are not covered. In line with this, Article 184 BCiC provides that such a marriage may be annulled upon request by either spouse, an interested third party, or the public prosecutor. The public prosecutor may and must request the annulment of the marriage, during the lifetime of both spouses, and have them ordered to separate. This seems a good practice, as it provides an alternative route to justice in situations where victims may be too afraid or otherwise unable to initiate proceedings themselves.

Criminalisation

[100] *Marriages and Legal Cohabitations Down in 2023, Anniversary Year of Same-Sex Marriage*, Statbel, June 18, 2024, https://statbel.fgov.be/en/news/marriages-and-legal-cohabitations-down-2023-anniversary-year-same-sex-marriage.
[101] Institute for the Equality of Women and Men, *Forced Marriage in Belgium* (Brussels: Institute for the Equality of Women and Men, 2015), p. 28, https://igvmiefh.belgium.be/sites/default/files/forced_marriage_in_belgium.pdf
[102] Ibid. p. 29
[103] Ibid. pp. 30-33
[104] Ibid. p. 32
[105] Ibid. p. 33
[106] Ibid. p. 29
[107] Statista, "Number of Forced Marriages in Belgium from 2011 to 2022," Statista, September 2023, https://www.statista.com/statistics/536025/forced-marriages-in-belgium/.
[108] Ibid.

In Belgium, forced marriage is criminalised as a stand-alone offence in the Belgian Criminal Code (Articles 391sexies BCC) The country asserts jurisdiction over forced marriage cases involving elements of violence or threats, regardless of whether they occur on Belgian territory or abroad. 'Luring' is not included in the provision. Notably, "legal cohabitation" is also covered under this provision alongside marriage. Legal cohabitation is a form of union between two people who agree to live together as life partners, within the framework of official recognition by the State in Belgium.[109] Legal cohabitation in Belgium is open to all persons living together, including heterosexual and same-sex couples, family members, or any two individuals, regardless of whether their relationship has a romantic or sexual nature. If they live together and make a declaration of legal cohabitation, that declaration provides them with certain legal protection.[110] However, this provision does not extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages, coercion to remain in a forced marriage, or coercion to enter into an engagement.

Under Article 391sexies BCC, forcing a person into marriage through violence or threats constitutes a criminal offence and is punishable by imprisonment ranging from three months to five years, along with a fine between 250 and 5,000 euros. The same penalties apply in cases of attempted forced marriage. Article 391septies BCC extends this criminal liability to situations where a person is forced into legal cohabitation under similar coercive circumstances, applying the same range of penalties. Furthermore, Article 391octies BCC grants the judge the authority to declare a marriage or legal cohabitation null and void if a conviction is pronounced or guilt is established under these provisions. This may be done at the request of the public prosecutor or any party with a legitimate interest in the matter. This could be a good practice, as it provides an alternative route to justice in situations where victims may be too afraid or otherwise unable to initiate civil annulment proceedings themselves.

Trafficking in human beings is addressed under Article 433quinquies BCC. The provision explicitly enumerates the possible forms of exploitation, however, forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, in the absence of the third constitutive element of trafficking – i.e. exploitation – forced marriage on its own, without additional forms such as sexual or labour exploitation, cannot be prosecuted as trafficking in human beings. In contrast, it can be prosecuted under the offence of forced marriage even in the absence of additional exploitative elements, meaning that the act of forcing someone to enter into a marriage, in and of itself, suffices to establish the offence. In Belgium, no publicly available cases were identified, therefore its practical implementation cannot be assessed.

The penalty for trafficking in human beings is not much more severe than the penalty for forced marriage, carrying a term of imprisonment of one to five years and a fine of 500 euros to 50,000 euros. Research by ICRH Global[111] examined the situation of forced marriages in Belgium including their connection to trafficking in human beings. According to the findings, only a few respondents identified a clear link

[109] *Legal Cohabitation*, Catalog.be.brussels, accessed September 17, 2025, https://catalog.be.brussels/en/citizen/family/couples/living-together/legal-cohabitation.

[110] *Statutory Cohabitation*, Belgium.be, accessed September 17, 2025, https://www.belgium.be/en/family/statutory_cohabitation.

[111] Institute for the Equality of Women and Men, *Forced Marriage in Belgium* (Brussels: Institute for the Equality of Women and Men, 2015), https://igvm-iefh.belgium.be/sites/default/files/forced_marriage_in_belgium.pdf.

between the two.[112] Instead, trafficking in human beings was more commonly associated with arranged marriages or marriages of convenience, particularly those involving financial exchange.[113] It was also mentioned in cases where marriages were used to obtain residence permits or were tied to prostitution.[114] One respondent noted that trafficking for forced prostitution was sometimes linked to marriage, when marriage served as a means to enable the migration and secure legal residency in Belgium.[115] Some respondents saw a connection where victims were isolated and exploited, for example when they were confined to caregiving roles while the partner-controlled finances and the victim lacked any opportunity to integrate.[116]

Policy and non-legislative measures

Belgium has adopted a comprehensive National Action Plan (NAP) on gender-based violence (2021-2025), aligned with the Istanbul Convention, including forced marriage specifically.[117]

[112] Ibid. p. 60
[113] Ibid.
[114] Ibid.
[115] Ibid.
[116] Ibid.
[117] Plan d'Action National de Lutte Contre les Violences Basés sur le Genre (2021-2025)

5. Bosnia and Herzegovina

Marriage rates are steadily declining in Bosnia and Herzegovina, similar to other parts of Europe.[118] With respect to early and forced marriages, available evidence shows that child marriage remains particularly prevalent within the Roma community, where practices such as arranged marriages, early betrothals, and elopements are more common than formally registered unions.[119] Low levels of school enrolment and limited employment opportunities significantly increase the risk of Romani girls being married off at an early age.[120] Child marriage appears most widespread in the Brčko District.[121] At the same time, Bosnia continues to be both a source and a destination country for trafficking and the sexual exploitation of children.[122] Trafficking for the purpose of marriage and for sexual exploitation are identified as the most frequent forms in the country.[123]

According to the following articles, (Article 35 of the Family Law of Republika Srpska [RS], Article 26 of the Brčko Family Law [BD], Article 15 of the Family Law of the Federation of Bosnia and Herzegovina [FBiH]) the legal minimum age for marriage is set at 18 years, however, exceptions exist. For justified reasons, the court may permit the conclusion of marriage to a minor over the age of 16, if it determines that the person is physically and mentally capable of exercising the rights and duties arising from marriage. However, the Law does not specify what qualifies as "*justified reason*" and therefore a determination is made on a case-by-case basis. In Bosnia and Herzegovina, a religious ceremony does not constitute a legal marriage.
The law (RS: Article 16, BD: Articles 4 and 6, FBiH: Article 8) stipulates that marriage may only be concluded by two persons of the opposite sex with the consent of freely declared wills. Where this fundamental condition is not fulfilled the marriage is deemed null and void (RS: Article 17; BD: Article, FBiH: Article 8).

A marriage entered into in fear caused by a serious threat is invalid and may be annulled by the coerced spouse. Annulment actions must be filed within one year from the moment the danger of the threat ceased and only if the spouses lived together during that period, meaning that over time a marriage that has been forced can be considered consensual by law (RS: Articles 30 and 50, BD: Article 20; FBiH: Article 16).

This, however, can create significant challenges in cases of forced marriage. Case studies reveal that victims are often completely dependent on their spouse. Even when control and violence have ceased, they typically lack financial resources, legal knowledge, and social support to ask for annulment in time. Many also fear retaliation or further abuse. These factors can prevent them from seeking annulment within the required one-year period after the threat has ended, potentially rendering the forced marriage legally consensual. Consequently, this limitation may prevent victims from effectively escaping the marriage, leaving divorce as their only option. However, this places the entire legal burden on the victim to initiate and sustain often lengthy and adversarial proceedings against the coercing spouse. Furthermore, a marriage may only be annulled if the consent was given out of fear caused by serious threat.

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[118] *In BiH, Fewer Children and Marriages, the Divorce Rate Is Surprising!*, *Sarajevo Times*, August 7, 2025, https://sarajevotimes.com/in-bih-fewer-children-and-marriages-the-divorce-rate-is-surprising/.
[119] *Child Marriage Atlas: Bosnia and Herzegovina*, Girls Not Brides, accessed September 17, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/bosnia-and-herzegovina/.
[120] Ibid.
[121] Ibid.
[122] Ibid.
[123] Ibid.

Criminalisation

The legal frameworks of Republika Srpska and Brčko District are highly similar in their regulation of forced marriage, whereas the Federation of Bosnia and Herzegovina adopts a different approach.

Both Republika Srpska (RS) and the Brčko District (BD) criminalise forced marriage in the same way: each criminalises it as a stand-alone offence for compelling another into marriage "by force or threat" in their Criminal Code (CC) (RS CC, Article 183, BD CC, Article 212a), however, penalities differ. In Brčko District, it is a penalty of imprisonment from six months to five years, including a "luring" element for inducing travel abroad (punishment up to three years), while in Republika Srpska, it is maximum three years' imprisonment for "forcing", and a maximum two years' imprisonment for "luring". However, the means established in the stand-alone criminal offences are very limited, as "*force or threat*" does not cover situations where, for example, the victim's vulnerable state is abused.

Republika Srpska and Brčko District recognise forced marriage within their trafficking framework (RS CC Article 145, BD CC Article 207a) as well. In both regions, trafficking in human beings is defined to be committed through means such as force, threats, coercion, kidnapping, fraud, deception, abuse of authority or vulnerability, or by giving or receiving payments or benefits to obtain control over another person. Where such conduct involves recruiting, transporting, transferring, selling, buying, brokering, concealing, receiving, or otherwise exercising control over a person for the purpose of entering into a forced or arranged marriage. The provisions explicitly address forced and arranged marriage-specific methods of coercion, such as "*abuse of authority or influence or of a position of helplessness*" or "*giving or receiving payments or other benefits to induce a person who has control over another person*," encompassing practices like the bride price typically paid to the parents of victims, and thus may prove more effective in practice for prosecuting forced marriage. Even though the definitions are similar, the penalty differs. RS CC sets a punishment for imprisonment from 3 to 20 years and a fine, whereas BD CC prescribes minimum 5 years of imprisonment. However, this requires proof of multiple constitutive elements, making prosecution more complex. Furthermore, these provisions do not extend criminal liability to equally problematic situations, such as forced ritual or religious (non-state-recognised) marriages, forced non-marital partnerships (both legally recognised and non-state-recognised), or coercion to remain in a forced marriage.

Since they also criminalise forced marriage both as a stand-alone offence, including luring, and as a form of trafficking exploitation, there is potential for overlap between the offences of forced marriage and trafficking in human beings. Therefore, it would be essential that prosecutorial guidelines clearly set the circumstances in which trafficking provisions should take precedence over luring offences, ensuring that cases involving forced marriage are prosecuted with appropriate gravity, and penalties are proportionate. However, a case study[124] from the BD indicates that, even though the primacy of trafficking is not explicitly stated in the law, courts tend to pursue trafficking charges when sufficient indicators are present. In April 2020, for example, a case involving a 13-year-old girl demonstrated clear signs of trafficking for the purpose of forced marriage with the intent of obtaining unlawful financial gain. The perpetrator was ultimately convicted of trafficking in human beings.

[124] See detailed case study in chapter 5.

The Federation of Bosnia and Herzegovina (FBiH) is the only one which recognises forced marriage as a stand-alone offence but does not criminalise it as a form of exploitation of trafficking in human beings. FBiH criminalises forced marriage as a stand-alone offence under Article 215a of the Criminal Code (CC). Forced marriage is defined to be committed by anyone who, through force or threats, compels another to enter into marriage is liable to imprisonment for six months to five years.

The offence also includes luring, with a punishment of imprisonment for up to three years. If committed against a child, an aggravated punishment applies. The means in this criminal offence are limited because "*force or threat*" does not cover situations in which a victim's vulnerable state is abused. While forced marriage is not explicitly classified as exploitation under trafficking, Article 210a criminalises trafficking by including "*any other exploitation*," rendering the list non-exhaustive and potentially encompassing forced marriage, if all three constitutive elements of trafficking are satisfied. Trafficking carries at least five years' imprisonment but requires proof of multiple constitutive elements, making prosecution more complex. No publicly accessible case law was identified, making it impossible to assess the practical application of these provisions in the context of forced marriage.

All criminal codes also impose sanctions on officials who enable or register prohibited marriages (RS CC Article 182, BD CC Article 212, FBiH CC Article 215) and criminalise child marriage by holding both the adult cohabiting with a child under 16 and the parents or guardians who arranged the cohabitation legally accountable (RS CC Article 184, BD CC Article 213, FBiH CC Article 216). In the latter case, to avoid overlap, the law in BD and FBiH states that these provisions only apply where the perpetrator has not committed another criminal offence carrying a more severe punishment. Interestingly, in the FBiH, this provision applies only to those who enable the marriage, and not to the adult who cohabits with the minor. In contrast, the law of RS does not explicitly establish the primacy of other, more serious offences, therefore possibly causing overlaps in the legal framework. However, a case study[125] from the RS demonstrates that when the elements of multiple offences are present, courts often prosecute them cumulatively, rather than prioritising the more serious offence, such as trafficking. In this case, the perpetrator entered into a non-marital union with a 15-year-old girl after his father paid money to the girl's mother in exchange. The girl was subsequently subjected to further exploitation. The court convicted the perpetrator of both child trafficking and establishing an unregistered marital union with a minor. This illustrates that, although the offence of forced marriage does not expressly cover non-marital unions involving minors, courts combine this provision with trafficking offences to ensure punishment. By contrast, had the same conduct involved an adult victim, the non-marital union would not have been criminalised, and absent further exploitation, trafficking could not have been prosecuted either.

Policy and non-legislative measures

According to GREVIO's 2022 report, Bosnia and Herzegovina lacks a comprehensive policy framework to address forced marriages, awareness-raising efforts on this issue are scarce, and little to no specialised training appears to be in place. Forced marriage in Bosnia and Herzegovina is particularly prevalent yet remains largely overlooked. [126]

[125] See chapter 5 for the case studies.
[126] GREVIO, *Baseline Evaluation Report: Bosnia and Herzegovina* (Strasbourg: Council of Europe, 2022), p. 18, p.33, 36 and 47 https://rm.coe.int/grevio-baseline-evaluation-report-on-bosnia-and-herzegovina/1680a8e5f1.

6. Bulgaria

A number of studies on how couples in Bulgaria manage their relationship have revealed that the current context is characterised by a gradual decrease in the number of marriages and an increase in cohabitation, to the point that the latter is the preferred living arrangement among young people, as in other parts of Europe.[127] Regarding forced and child marriages in Bulgaria, marriages with underage girls are very common, especially within the Roma community. Such early marriages can be linked to forced marriages, and they can also be a form of child sexual abuse. The initiation of criminal proceedings by the Bulgarian Prosecutor's Office in cases of early marriage appears to be limited, with references often made to the cultural traditions of the Roma community. Consequently, despite a gradual decline in prevalence, early marriage remains a persistent risk factor for adolescents within the community. [128]

According to Article 6 of the Bulgarian Family Code (BFC), the legal minimum age for marriage is set at 18 years, with no exceptions allowed. In Bulgaria, a religious ceremony does not constitute a legal marriage. Therefore, the above-mentioned marriages are considered non-formal in Bulgaria.
The requirement of consent of the parties entering into a marriage is included in Article 5 of the Family Code. According to this, marriage is contracted by the mutual, free, and explicit consent of a man and a woman, given personally and simultaneously. If this provision is violated, Article 46 BFC applies, which states that a marriage is annulled when the consent to marriage was given due to threats of serious and imminent danger to the life, health, or honour of the person marrying or their close relatives. Annulment may be brought by the forced spouse, no later than one year from the conclusion of the marriage. This means that over time, a marriage that has been forced can be considered consensual by law. As indicated previously in relation to other countries, this limitation period can be problematic for forced marriage victims. Due to social and financial dependency on the spouse but also fear of retaliation and abuse as well as limited knowledge about available rights and support, it may take time for them to reach out. This time may often take longer than a year preventing victims from effectively escaping marriage, leaving divorce as their only option. Divorce, however, places the entire legal burden on the victim to initiate and sustain often lengthy and adversarial proceedings against the coercing spouse.

Criminalisation

In Bulgaria, forced marriage is criminalised as a stand-alone offence under Article 177 of the Bulgarian Criminal Code (BCC), which punishes anyone who forces another person into marriage through violence, threats, or abuse of power with imprisonment ranging from one to six years. The criminal offence also encompasses 'luring,' in accordance with the provisions of the Istanbul Convention, therefore, the same penalty applies to individuals who kidnap someone, deceive them into crossing into another country, or induce a person unable to comprehend the nature of the act to marry or travel abroad for the purpose of coercing them into a marriage. Additionally, Article 190 BCC addresses forced cohabitation under 'offences against youth'. It establishes that compelling another person to cohabit through force, intimidation, or

[127] Sara Alfieri, Maria Luisa Gennari, and Emiliano Sironi, "Marriage or Cohabitation in Bulgaria: How Do These Two Types of Union Relate to the Satisfaction of Psychological Needs?" *TPM* 28, no. 4 (December 2021), https://www.tpmap.org/wp-content/uploads/2021/12/28.4.6.pdf.
[128] Response LSI' member Animus Association to the survey by LSI.

abuse of power is punishable by imprisonment of one to six years. The punishment is aggravated to an imprisonment from three to eight years, when it is committed against a minor, or is committed by a parent, guardian or relative. Interestingly, cohabitation with a minor, without having contracted marriage – as included in Article 191 BCC – without including any type of coercion is criminalised when it concerns cohabitation with a person under 16 or 14 years of age. When the crime includes a person under 14 years of age, the minimum threshold of the penalty is one year more (from two to five years) than in the case of Article 190 BCC (forcing an adult into cohabitation) or in Article 177 BCC (the principal offence of forced marriage). However, if the same crime is committed involving '*a female person who has not attained the age of 16 years*', the punishment is solely imprisonment for a term not exceeding two years, probation, or public censure.

Moreover, according to the criminal code, adults who facilitate such cohabitation, shall also be punished, subjected to the same penalty as applies to the perpetrator of the cohabitation. While the Criminal Code formally provides for punishment in cases of sexual intercourse and cohabitation with a minor, this is not enforced in practice, according to practitioners. However, this provision does not extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages.

Trafficking in human beings is addressed under Article 159a of the Bulgarian Criminal Code. The provision explicitly lists the possible forms of exploitation, however, forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, in the absence of the third constitutive element of trafficking – i.e. exploitation – forced marriage on its own, without additional forms of exploitation, such as sexual or labour exploitation, cannot be prosecuted as trafficking in human beings. In contrast, it can be prosecuted under the provision of forced marriage even in the absence of additional exploitative elements, meaning that forced marriage, in and of itself, suffices to establish the offence. However, the penalty for trafficking in human beings is more severe, carrying a term of imprisonment of two to eight years and a fine from BGN 3,000 to 20,000. However, this requires proof of multiple constitutive elements, making prosecution more complex. In Bulgaria, case studies[129] show that the abduction of a person and their transportation to another location without consent, with the intent to coerce them into marriage, is criminalised under Article 177(2) BCC as kidnapping for the purpose of forced marriage. Such acts are not classified as trafficking in human beings. Notably, the provision applies even if the forced marriage does not ultimately take place. Perpetrators are prosecuted as long as the victim was abducted with the intent to compel them into marriage, usually together with other crimes committed in connection with this.

Bulgaria is one of the six European countries that have not ratified the Istanbul Convention, therefore, it has not yet entered into force there.

[129] See chapter 5 for the case study.

7. Croatia

The older generation in Croatia often holds the traditional view that marriage should come before starting a family.[130] However, among younger generations, these attitudes are shifting, with more liberal perspectives being present.[131] Fewer people are getting married overall (especially in church ceremonies), and this reflects a broader trend seen across Europe.[132] Data on the prevalence of various forms of violence against women, including forced marriage, are not publicly available.[133] However, reports from the Committee on the Rights of the Child reveal that 50% of Roma girls give birth before the age of 18. Such high rates of early marriage may indicate a widespread yet unreported prevalence of forced marriage.[134] Among the Roma in Croatia, customary marriage practices prevail and hold greater social significance than formal civil marriages.[135] Under these customs, girls are not only married underage but are often effectively sold by their families into the groom's family.[136]

According to Article 25 of the Croatian Family Law (CFL), the legal minimum age for marriage is set at 18 years, however, exceptions exist. The court may authorise marriage for individuals aged 16 or over if it determines that they are physically and mentally mature for marriage and that the marriage serves their best interests. Article 20 of the Law recognises that marriage may be solemnised either through a civil or a church ceremony. Since both civil and religious marriages are legally valid in Croatia, a forced religious marriage likewise constitutes the criminal offence of forced marriage.

The Law recognises "mutual consent" as a fundamental requirement for entering into marriage under Article 13 CFL. Article 29 CFL lists the possible grounds based on which an annulment may be brought. However, this article does not include forced marriage among the grounds for annulment, leaving divorce as the only means of exit. By contrast, annulment is expressly permitted in cases of breach of Article 25 CFL concerning the legal age for marriage. Since forced marriage is not recognised as a ground for annulment, victims are compelled to initiate divorce proceedings, which are often carried out without adequate protective measures, thereby exposing them to the risk of re-traumatisation. Article 50 CFL allows one spouse to request divorce through a lawsuit. In forced marriage cases, this is highly problematic, as it places the full legal burden on the victim to initiate and sustain often lengthy and adversarial proceedings against the coercing spouse. Case studies show that victims are typically entirely dependent on their spouse, subjected to strict control, surveillance, and threats, and deprived of financial resources, legal knowledge, and social support. Many also fear retaliation or further abuse. Hence, the requirement to pursue a lawsuit under Article 50 CFL can effectively prevent victims from escaping the marriage.

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[130] Chara Scroope, "Croatian Culture: Family," *Cultural Atlas*, SBS, published July 2017, https://culturalatlas.sbs.com.au/croatian-culture/croatian-culture-family.

[131] Ibid.

[132] *Fewer and Fewer Marriages in Croatia, Especially Church Weddings*. *Total Croatia News*. May 11, 2023. https://total-croatia-news.com/news/marriages-in-croatia/.

[133] Committee on the Rights of the Child. *Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Croatia*. CRC/C/HRV/CO/5-6. Geneva: United Nations, June 22, 2022. https://digitallibrary.un.org/record/3979172?ln=en.

[134] GREVIO, *Baseline Evaluation Report on Croatia* (Strasbourg: Council of Europe, September 6, 2023), p.67, https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9.

[135] Maja Munivrana, "Fighting Intersectional Violence Against Roma Women and Girls – The Case of Croatia," *Journal on Ethnopolitics and Minority Issues in Europe* 24, no. 1 (2025), https://www.ecmi.de/JEMIE/index.php/journal/article/view/150.

[136] Ibid.

Criminalisation

Forced marriage is primarily addressed under Article 169 of the Croatian Criminal Code (CCC) as a distinct criminal offence, while it is also recognised as a form of exploitation under the offence of trafficking in human beings. Under Article 169(1) CCC, forcing another person to enter into marriage is punishable by imprisonment from six months to five years. Article 169(2) CCC also criminalises luring, which involves bringing a person to a country other than their place of residence with the intention of forcing them into marriage, with a penalty of imprisonment for up to three years. The facilitation of an illegal marriage is recognised as a separate offence under Article 168 CCC. However, this provision does not extend criminal liability to equally problematic situations, such as forced ritual or religious (non-state-recognised) marriages, forced de facto partnerships, or coercion to remain in a forced marriage.

Forced marriage is recognised as a form of exploitation under the trafficking in human beings provision (Article 106(1) CCC) of the Croatian Criminal Code, which applies to both adults and children. The prescribed penalties are one to ten years of imprisonment for offences involving adults and three to fifteen years when minors are involved (Article 106(2) CCC). If all three constituent elements of trafficking are met in a forced marriage case, this provision may be applied without the need to prove any further exploitation, as forced marriage itself qualifies as such. However, because the required proof of all three elements, trafficking is more difficult to establish, even though it carries higher penalties. Since the Croatian Criminal Code also criminalises forced marriage both as a stand-alone offence, including luring, and as a form of trafficking exploitation, there is potential for overlap between the offences of luring and trafficking.

This overlap can function as a prosecutorial tool, providing alternative routes to hold perpetrators accountable, when the full evidentiary burden of trafficking (requiring proof of act, means, and purpose) is difficult to establish. This flexibility helps prevent impunity in cross-border forced marriage cases. On the other hand, this overlap may lead prosecutors to opt for the less serious and easier-to-prove luring charge without pursuing a more thorough investigation, resulting in lighter sentences that fail to reflect the true severity of the exploitation. Moreover, victims charged under luring alone may be denied the enhanced protection and support, specifically designed for trafficking victims. Hence, it would be essential that prosecutorial guidelines clearly set the circumstances in which trafficking provisions should take precedence over luring offences, ensuring that cases are prosecuted with appropriate gravity, and penalties are proportionate. However, due to the absence of publicly available cases of forced marriage prosecutions in Croatia, this issue cannot be empirically verified.

Policy or non-legislative measures

According to GREVIO (2023), Croatia has made no significant efforts to collect data or conduct research on forced marriage, resulting in a lack of comprehensive information on the issue.[137] Additionally, there is no systematic or mandatory training for professionals in the social welfare and healthcare systems; training remains voluntary and largely focused on domestic violence, without addressing complex forms of violence against women such as forced marriage.[138]

[137] GREVIO, *Baseline Evaluation Report on Croatia* (Strasbourg: Council of Europe, September 6, 2023), p. 26, https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9.
[138] Ibid.

8. Cyprus

In Cyprus, marriages have been steadily decreasing in recent years, while divorce rates have increased, reflecting wider European trends.[139] Many of the civil marriages taking place in Cyprus involved foreigners who were not residents in the country.[140] There have been a few investigations concerning third-country nationals who have been victims of forced marriage.[141] However, there is no data available to indicate prevalence rates, the number of investigations opened, indictments made and final convictions handed down.[142] Indeed, reports from civil society underline that, despite an increasing migrant population, forced marriage is not perceived to be a great issue of concern in Cyprus.[143]

According to Article 17 of the Marriage Law of 2003 in Cyprus, the legal minimum age for marriage is set at 18 years, with no exceptions allowed. Any marriage entered into by a person below this age is automatically void and invalid. Under Article 3, marriage is defined as the agreement for union between a woman and a man, performed either by a Marriage Officer in accordance with the provisions of this Law, or by a registered priest in line with the Canons of the Greek Orthodox Church or the doctrines of constitutionally recognised religious groups.

Since both civil and religious marriages are legally recognised in Cyprus, a forced religious marriage likewise constitutes the criminal offence of forced marriage. Article 14 of the Marriage Law requires the free consent of both parties for a marriage to be concluded. Accordingly, if a person is forced to marry through threats, the marriage is voidable. In the Marriage Law of Cyprus, threats are defined as: *"Any action, act, or omission that may cause fear in the average reasonable person that his life, honour, freedom, physical integrity, or property, or that of his family members, will be exposed to an immediate and significant danger, and he gives his consent to marriage out of such fear."*

Under Article 23, an action for annulment of a voidable marriage cannot be brought by the spouse, who was forced into marriage or subjected to duress, after 6 months have passed from the date the duress or threat ceased. This means that over time – after 6 months – a marriage that has been forced can be considered consensual by law. This is a very short period for a victim to undertake action, considering the social and financial dependency on the spouse, their lack of knowledge about and access to legal rights and support, and the fear of retaliation, as mentioned with other countries before. As a result, divorce often becomes the only available option, placing the full legal burden on the victim. This route is frequently unviable, leading many to remain in forced marriages despite their desire to leave. Such circumstances can expose victims to further gender-based violence, including domestic abuse and coercive control.

Criminalisation

[139] *Demographic Statistics 2023*, Government of Cyprus, January 15, 2025, https://www.gov.cy/en/economy-and-finance/demographic-statistics-2023/.
[140] Ibid.
[141] GREVIO, *Baseline Evaluation Report on Cyprus* (Strasbourg: Council of Europe, October 13, 2022), p. 62, https://rm.coe.int/grevio-inf-2022-29-cyprus-report-for-publication-eng-for-publication/1680a91c5b.
[142] Ibid.
[143] Ibid.

In Cyprus, forced marriage is criminalised as a stand-alone offence under Article 150 of the Criminal Code, where it is classified as a misdemeanour. Under this provision, the offence covers situations in which a person uses coercion to persuade another to marry against their will. However, the Article 150 does not cover cases where an adult or child is lured abroad for the purpose of entering into a forced marriage. In Cyprus, unlike in most European jurisdictions, the Criminal Code employs a general penalty provision system, where applicable penalties are set out in a general section at the beginning of the Code rather than within each specific offence. This general sentencing framework grants the judiciary a notably broad margin of discretion in determining sentences, as judges are not constrained by offence-specific penalty ranges. Therefore, the provision for forced marriage does not prescribe a specific penalty and does not extend criminal liability to equally problematic situations, such as forced de facto partnerships or coercion to remain in a forced marriage.

In Cyprus, a significant difference compared to the other countries studied is that trafficking in human beings is not regulated within the Criminal Code, but rather under a separate law (Law 60(I)/2014 on Prevention and Combating of Trafficking and Exploitation of Persons and Protection of Victims). Amended in 2019, the penalties of the offences provided in the Law were increased from 10 to 25 years, and when child victims are concerned, or the purpose of trafficking in human beings is for organ removal, the penalty is life sentence. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The Law explicitly lists the possible forms of exploitation, but forced marriage is not listed, nor does the provision include an open category such as “other forms of exploitation.” Forced marriage can only be prosecuted under the offence of trafficking in human beings if it involves further forms of exploitation, such as sexual or labour exploitation or slavery or other practices similar to slavery. In contrast, it may be prosecuted under the provision of forced marriage. even in the absence of additional exploitative elements, meaning that forced marriage, in and of itself, may suffice to establish the offence. The penalty for human trafficking is significantly severe, while the punishment for forced marriage cannot be assessed, as it depends completely on the judge. However, prosecution as trafficking requires proof of multiple constitutive elements, making prosecution more complex. At the same time, no publicly accessible case law was identified, making it impossible to assess the practical application of these provisions in the context of forced marriage.

Since neither luring nor forced marriage is criminalised explicitly as a form of trafficking in human beings, a legal gap exists regarding situations where a person is brought to a country other than their place of residence with the intention of forcing them into marriage there. Offenders could exploit this by taking victims abroad, arranging the marriage in another country, and avoiding Cypriot jurisdiction since the coercion and marriage occur outside its territory. If no other recognised form of exploitation is involved, the act may not fall under Cyprus’s anti-trafficking law. However, this could not be explored in practice, due to the absence of publicly available cases, and is therefore considered only as a theoretical possibility.

Policy and non-legislative measures

According to the GREVIO Report (2022), Cyprus lacks a dedicated multi-agency response mechanism and specialised support services for victims of forced marriage.[144] Furthermore, according to the report, there is no specific protocol or specialised training – such as training on forced marriage – for service providers.[145]

9. Czechia

Based on research on the opinions of Czech citizens, attitudes toward marriage in Czechia are becoming more liberal, following trends seen across Europe.[146] Support for cohabitation without marriage has increased, and for nearly two-thirds of the public, marriage is no longer seen as necessary even when parents live together and raise children.[147] Divorce is also widely accepted, with the majority agreeing it is appropriate when a family is dysfunctional.[148] Regarding forced and early marriages in the Czech Republic, forced marriage increasingly intersects with trafficking concerns.[149] Europol has identified cases in which Czech women and girls have been trafficked abroad (especially to Great Britain and Ireland) for the purposes of forced or fraudulent marriages.[150] According to data collected by the Czech Statistical Office, in 2018 there were 13 cases of girls being married at 17 or below, decreasing from almost 2000 cases 30 years ago.[151] Reports estimate that the child marriage rates are higher amongst the Roma community.[152] It is speculated that these marriages are only registered once the girl and boy are 18 years old or are not registered at all.[153]

According to Article 13 of the Act of Czechia on Family, the minimum legal age for marriage is set at 18 years, however, exceptions exist. The court may authorise the marriage of a minor over the age of 16, provided that such authorisation aligns with the social purpose of marriage and is justified by important reasons. However, the Act does not specify what qualifies as "*important reasons"* and therefore a determination is made on a case-by-case basis. Without such judicial approval, the marriage is invalid, and the court must declare its invalidity even without a petition. Article 4 of the Act recognises that marriage may be solemnised either through a civil or a church ceremony. Since both civil and religious marriages are legally valid in the Czech Republic, a forced religious marriage likewise constitutes the criminal offence of forced marriage.

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[144] GREVIO, *Baseline Evaluation Report on Cyprus* (Strasbourg: Council of Europe, October 13, 2022), p. 42, https://rm.coe.int/grevio-inf-2022-29-cyprus-report-for-publication-eng-for-publication/1680a91c5b.
[145] Ibid. p. 34
[146] Monika Kyselá, "The Opinions of Czech Citizens on Partnership, Marriage and Parenthood - April/May 2024," *CVVM*, July 9, 2024, https://cvvm.soc.cas.cz/en/press-releases/other/relations-attitudes/5834-the-opinions-of-czech-citizens-on-partnership-marriage-and-parenthood-april-may-2024.
[147] Ibid.
[148] Ibid.
[149] ECPAT International, *Czechia (Czech Republic) – Country Overview: A Report on the Scale, Scope, and Context of the Sexual Exploitation of Children* (2019), p. 13, https://ecpat.org/wp-content/uploads/2021/08/ECPAT-Country-Overview-Czechia-Czech-Republic-2019.pdf.
[150] Ibid.
[151] *Child Marriage Atlas: Czech Republic*, Girls Not Brides, accessed September 17, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/czech-republic/.
[152] Ibid.
[153] Ibid.

Article 3 of the Act affirms that marriage must be based upon the "free and complete consent" of both spouses. Pursuant to Article 15a, a marriage is invalid where the declaration of consent was made as a result of an unlawful threat. Such invalidity is not automatic and must be asserted by one of the spouses through a petition, which must be lodged within one year of the date on which the spouse became aware of the decisive fact. This means that over time (after one year), a marriage that has been forced, can be considered consensual by law. This limits the possibility for victims to get the marriage annulled, particularly since it takes time for them to take this step due to the coercive setting they have been in. The only available option is then divorce, but as mentioned before, it poses significant challenges for this group of victims too as it places the full legal burden on the victim to initiate and endure often lengthy and adversarial proceedings against the coercive spouse, which can ultimately lead them to remain in the forced marriage instead.

Where a marriage is declared invalid, it is treated as though it had never legally existed. Article 17a further stipulates that a marriage shall not come into existence if a party was compelled to declare consent through physical violence. This means that, under Czech law, a marriage is considered "forced" only where physical violence or an unlawful threat can be proven. This narrow definition excludes other coercive circumstances, such as psychological pressure, emotional manipulation or financial control, which may equally deprive an individual of genuine free will.

Criminalisation

Despite the fact that free and complete consent is required in civil law for a marriage to be considered valid, there is no explicit criminal provision criminalising forcing someone into marriage. Instead, such conduct may be addressed under various general provisions of the Criminal Code, including trafficking in human beings (Section 168), abduction (Section 172), and extortion (Section 175). Forced marriage may be prosecuted as trafficking in human beings under Section 168 if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The Czech Criminal Code criminalises trafficking in human beings by including "other forms of exploitation," thereby rendering the list non-exhaustive and potentially encompassing forced marriage. The coercive conduct may also fall within the scope of extortion under Section 175, which criminalises compelling a person – through violence, threats of violence, or other serious detriment – to act, refrain from acting, or endure something against their will. This definition aligns with the "forcing" element of the standard definition of forced marriage, meaning that if the compelled act is entering into a marriage, prosecution under Section 175 is possible. Similarly, abduction under Section 172, defined as taking a person to a foreign country by deceit, violence, threats, or other detriment, or preventing their return, corresponds to the "luring" element of forced marriage. Where the purpose of such abduction is to compel marriage, prosecution under this provision is also applicable. The 2021 case of *J.R. and Others*[154] in Czechia illustrates how forced marriage can be successfully prosecuted under the offence of trafficking in human beings. In this case, alongside other forms of exploitation (labour exploitation, sexual exploitation, benefits fraud) forced sham marriages were prosecuted as trafficking in human beings. The forced marriages not only constituted an exploitative purpose in themselves, qualifying under the category of "other forms of exploitation," but also served as a means to facilitate further exploitation by creating a state of dependency between the victims and the perpetrators.

Czechia is one of the six European countries that have signed, but not ratified the Istanbul Convention, therefore, it has not yet entered into force in Czechia.

[154] *See* detailed case study on p. x

10. Denmark

In Denmark, the attitude towards marriage generally focuses on individual choice and equality within relationships.[155] Marriage is not seen as a prerequisite for starting a family, and divorce is relatively common, with a high divorce rate.[156] Nearly half of all marriages ending in divorce, according to research from the Berkley Center for Religion, Peace and World Affairs.[157] Denmark has an inclusive and welcoming attitude towards diverse relationships, including same-sex and mixed-citizenship couples.[158] Only 0.7% of girls marry before age 18, however, this estimate excludes any women who were in a cohabiting relationship before age 16, or in a cohabiting relationship with a man 15+ years their senior.[159]

According to Article 2 of the Danish Act on the Conclusion and Dissolution of Marriage The legal minimum age for marriage is set at 18 years, with no exceptions allowed. Marriage may be entered into by two persons of either different or the same sex.

Article 15 of the Act recognises that marriage may be solemnised either through a civil or a church ceremony. Since both civil and religious marriages are legally recognised in Denmark, a forced religious marriage likewise constitutes the criminal act of forced marriage. In terms of civil remedies, Section 24 of the Danish Marriage Act provides that a marriage may be annulled at the request of one spouse if they were forced to enter into the marriage. An action may be brought within 6 months after the condition or compulsion has ceased. An action may be brought within 3 years after the marriage was entered into. This means that over time, a marriage that has been forced, can be considered consensual by law. As seen in other countries' analyses above, this limitation period is too restrictive for victims of forced marriage as it takes time to leave the spouse and to undertake action. This leaves them with the only option of divorce, which places the full legal burden on them and can be dreadful processes. In Denmark, annulment entails the same legal effects as divorce.

Criminalisation

Denmark does not have a specific criminal (stand-alone) offence for forced marriage, however, forcing someone to enter into a marriage or a religious ceremony is considered an aggravating circumstance under the general offence of duress, as outlined in Section 260 of the Danish Criminal Code. Section 260(1) specifically addresses the offence of duress, which can be applied directly to cases of forced marriage. The law outlines that duress is committed when a person uses violence, threats of violence, serious property damage, unlawful detention, false accusations, or the threat of revealing private or criminal matters to compel another individual to act against their will, whether by doing, tolerating, or refraining from certain actions. Importantly, forced marriage or participation in a religious wedding lacking civil validity is explicitly recognised as an aggravating circumstance within this provision. While the standard penalty for duress ranges from fines to imprisonment of up to two years, involvement of forced marriage allows for the

[155] Zoe Weiner, "Love and Relationships in the 'Happiest Country in the World'," *Berkley Center for Religion, Peace & World Affairs*, Georgetown University, March 12, 2012, https://berkleycenter.georgetown.edu/posts/love-and-relationships-in-the-happiest-country-in-the-world

[156] Ibid.

[157] Ibid.

[158] Sam, "Foreign Wedding Tips: Getting Married in Denmark," *Marry Abroad Simply*, February 4, 2025, https://marryabroadsimply.com/wedding-blog/foreign-wedding-tips-getting-married-in-denmark.

[159] *Child Marriage Atlas: Denmark*, Girls Not Brides, accessed September 17, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/denmark/.

penalty to be increased significantly, with sentences reaching up to four years. Furthermore, A foreign national may be expelled if they have compelled someone to enter into a marriage or participate in a religious wedding without civil recognition, against that person's will. However, this provision does not extend criminal liability to equally problematic situations, such as forced de facto partnerships or coercion to remain in a forced marriage.

Trafficking in human beings is addressed under Section 262a of the Danish Criminal Code. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The Code explicitly lists the possible forms of exploitation, however, forced marriage is not yet among them, nor does the provision include an open category such as "other forms of exploitation." As a result, forced marriage in Denmark can only be prosecuted under the offence of trafficking in human beings if it involves (the intent of) further forms of exploitation, such as sexual exploitation, labour exploitation or slavery or slavery-like practices. The penalty for trafficking in human beings is significantly more severe, carrying a term of imprisonment for up to 10 years. However, this requires proof of multiple constitutive elements, making prosecution more complex. At the same time, the absence of publicly accessible case law makes it impossible to evaluate how these provisions are applied in practice in the context of forced marriage.

Furthermore, since neither luring nor forced marriage as a form of trafficking in human beings is criminalised, a legal gap exists regarding situations where a person is brought to a country other than their place of residence with the intention of forcing them into marriage there. Offenders could exploit this by taking victims abroad, arranging the marriage in another country, and avoiding Danish jurisdiction since the coercion and marriage occur outside its territory.

Policy and non-legislative measures

According to the GREVIO Evaluation Report (2024), In Denmark, data pertaining to prosecution and conviction levels of forced marriage is absent, which further complicates the comprehensive understanding of the judiciary's response to forced marriage covered by the convention.[160] In Denmark, many perpetrators of, for example, forced marriage threaten their victims with serious violence, including death, and have subjected their victims to serious violence in the past, including non-fatal strangulation.[161]

[160] GREVIO, *Baseline Evaluation Report: Denmark* (Strasbourg: Council of Europe, 2017), p. 42, https://rm.coe.int/grevio-first-baseline-report-on-denmark/16807688ae.
[161] Ibid. p. 43

11. Estonia

While the institution of marriage continues to hold cultural significance, cohabitation is widely practised and socially accepted in Estonia, often serving as a step towards formalising a relationship. The legalisation of same-sex marriage on 1 January 2024 marks a significant shift towards inclusivity and equal recognition of diverse family structures.[162] According to Article 1 of the Estonian Family Law Act, the legal minimum age for marriage is set at 18 years, with no exceptions allowed. Marriage may be entered into by two persons of either different or the same sex. In Estonia, a religious ceremony does not constitute a legal marriage. Article 9 of the Act sets out the civil consequences of forced marriage, allowing the courts to annul a marriage if the legal age requirement was not met, or if the marriage was entered into under threat or violence. 'Threat or violence' however, does not cover many possible forms a person may be forced into a marriage. A spouse who has married under such circumstances may bring an action for annulment within one year from the end of the threat or violence. This means that a marriage that has been forced, can be considered consensual by law. This leaves divorce as the only option, which might also be complex, costly and time consuming, resulting in victims remaining in the forced marriage after all, with other types of (continued) violence as a result. Once a court judgment annulling the marriage enters into force, the marriage is deemed void from inception, meaning it is considered as it has never existed in law.

Criminalisation

In Estonia, forced marriage is criminalised within the broader framework of trafficking in human beings under Article 133 of the Criminal Code. The provision prohibits placing a person in a situation where they are compelled to marry, whether for financial gain or without such motivation. This offence is punishable by one to seven years of imprisonment, with the penalty increasing to three to fifteen years in the presence of aggravating circumstances. If committed by a legal entity, an additional fine may be imposed. Article 175 contains specific provisions regarding minors, prohibiting the influencing or coercion of a person under the age of eighteen to marry against their will, including for financial gain. However, the legislation does not explicitly criminalise the act of luring a victim to another country for the purpose of forced marriage - as required under Article 37(2) of the Istanbul Convention – but refers only to "placing" a person in an exploitative situation, which leaves other preparatory acts, such as recruitment or transportation, outside its scope. Notably, the explicit inclusion of forced marriage for the purpose of obtaining financial benefit is relatively uncommon in European legislation and reflects situations involving dowry or bride price practices. However, this provision does not extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages, forced de facto partnerships or coercion to remain in a forced marriage.

Policy and non-legislative measures

According to the 2022 GREVIO report, there is a lack of research on women's experiences of forced marriage in Estonia.[163] Awareness-raising efforts regarding forced marriage remain insufficient, and a coordinated response to violence against women (particularly within the asylum system) is lacking.[164]

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[162] *Marriages and Divorces*, Statistics Estonia, accessed September 17, 2025, https://www.stat.ee/en/find-statistics/statistics-theme/population/marriages-and-divorces.

[163] GREVIO, *Baseline Evaluation Report: Estonia* (Strasbourg: Council of Europe, 2022), p. 25, https://rm.coe.int/grevio-inf-2022-32-eng-final-report-on-estonia-publication/1680a8fcc2.

[164] Ibid. p. 27

12. Finland

In Finland, societal attitudes towards marriage have evolved, with a decline in marriage rates and an increase in cohabitation.[165] Many Finns choose to live together and build families without getting married, reflecting a more flexible approach to partnerships and family life.[166] In Finland, the number of forced marriage cases identified has increased significantly since 2016.[167] Victims are usually identified in the context of trafficking in human beings[168], also because there is no stand-alone criminal offence for forced marriage, see below.

According to Section 4 of the Finnish Marriage Act, the legal minimum age for marriage is set at 18 years, with no exceptions allowed. Section 14 of the Act recognises that marriage may be solemnized either through a civil or a church ceremony. Since both civil and religious marriages are legally recognised in Finland, a forced religious marriage likewise constitutes the criminal offence of forced marriage. Marriage may be entered into by two persons of either different or the same sex. Additionally, the institution of engagement prior to marriage is also legally regulated, requiring the mutual agreement of both individuals to enter into the engagement. Concerning the civil consequences of forced marriages, Section 27a of the Marriage Act stipulates that a marriage must be annulled if one spouse has been forced into it. An application for annulment of marriage may be made by a spouse who has been forced into marriage. The limitation period for the annulment to be made is not specified, which can be considered as a good practice. The annulment carries the same legal effects as a divorce.

Criminalisation

In Finland, forced marriage is not explicitly defined as a separate criminal offence. However, it can be prosecuted under several general provisions of the Finnish Criminal Code, such as trafficking in human beings (Chapter 25, Section 3), aggravated trafficking in human beings (Chapter 25, Section 3a), and coercion (Chapter 25, Section 8). However, these provisions do not extend criminal liability to equally problematic situations such as forced de facto partnerships or coercion to enter into an engagement.
Coercion, as defined under Chapter 25, Section 8 of the Finnish Criminal Code, occurs when a person, through violence or threats, forces another to perform, endure, or refrain from an act, unless a more severe penalty is prescribed elsewhere in law. If the more serious offence of trafficking in human beings cannot be established, forced marriage can be prosecuted under this provision when an individual is forced, through violence or any form of threat, to enter into or remain in a marriage. While the sanctions for coercion are significantly less severe, ranging from a fine to a maximum of two years' imprisonment, this offence is generally easier to prove. Nevertheless, there are no known cases in Finland where forced marriage has been prosecuted under this provision.

Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. Although forced marriage is not explicitly

[165] Minna, "Marriage and Divorce in Finland," *Finnwards*, https://www.finnwards.com/living-in-finland/marriage-and-divorce-in-finland/.
[166] Ibid.
[167] Carolina Villacampa & Marc Salat, *Legal Approaches to Forced Marriage: Germany, Spain, Ireland, and Finland* (Helsinki: HEUNI, 2023), p. 9, https://heuni.fi/documents/47074104/49421853/EASY%2BLegislative%2Banalysis%2BWEB.pdf.
[168] Ibid.

classified as a form of exploitation under trafficking in human beings, Chapter 25, Section 3 of the Finnish Criminal Code criminalises trafficking in human beings by including "other conditions that violate human dignity," thereby rendering the list non-exhaustive and potentially encompassing forced marriage. If any of the aggravating circumstances set out in Chapter 25, Section 3a of the Finnish Criminal Code are present in a trafficking case, such as when the offence is committed against a person under 18 years of age or results in grievous bodily injury to the victim, the offence may be prosecuted as aggravated trafficking in human beings. The penalty for aggravated trafficking ranges from a minimum of two years to a maximum of ten years' imprisonment, whereas trafficking without such aggravating circumstances carries a lower penalty of four months to six years' imprisonment. According to case studies by various organisations, forced marriage cases in Finland are most often prosecuted under the provisions on trafficking in human beings or aggravated trafficking.[169] However, a significant challenge in applying trafficking legislation is the requirement to prove several constitutive elements, many of which are absent in typical forced marriage situations. The majority of identified cases do not meet the legal definition of trafficking in human beings.[170] This is particularly true in situations where a girl is compelled to marry a spouse chosen by her parents, but where there is no intention on the part of the parents to subject her to exploitation or conditions contrary to human dignity.[171] In many such cases, the parents act under the belief that the marriage serves the best interests of their child.[172]

Furthermore, the application of trafficking in human beings legislation to cases of forced marriage in Finland remains unclear. This is partly due to difficulties in establishing the requisite intent of defendants, as it is often impossible to prove that they knew, at the time of the marriage, that the victim would be placed in a situation contrary to human dignity.[173] In many instances, exploitative circumstances within the marriage or relationship emerge over time, rather than being present from the outset.[174] Moreover, there is a large gap between the number of forced marriage cases investigated by the police and the significantly higher number of victims identified by third-sector organisations.[175] As highlighted in the 2021 National Finnish Anti-Trafficking Plan, forced marriage cases are rarely reported to the police and result in criminal justice proceedings.[176]

According to Chapter 1, Sections 5-7 of the Finnish Criminal Code, in Finland, crimes such as forced marriage committed outside the country can still be prosecuted if there is a connection to Finland. This is possible when the offender is a Finnish national, the victim is a Finnish national, or when the offence is of such a serious nature that Finland can prosecute it regardless of nationality or location.[177]

However, according to the GREVIO Evaluation Report on Finland (2024), further legislative developments are also forthcoming, including explicit criminalisation of forced marriage.[178]

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[169] Ibid.
[170] Ibid. p. 45
[171] Ibid.
[172] Ibid.
[173] Ibid.
[174] Ibid.
[175] Ibid. p. 10
[176] Ibid.
[177] Ibid. p. 46
[178] GREVIO, *First Thematic Evaluation Report: Finland* (Strasbourg: Council of Europe, 2024), p. 4, https://rm.coe.int/first-thematic-evaluation-report-finland/1680b2ab48.

13. France

In France, marriage rates have declined significantly in recent decades, while the Civil Unions (PACS – Civil Solidarity Pact, see below) has grown in popularity among both same-sex and opposite-sex couples.[179] Cohabitation is broadly accepted, with many couples opting to live together without formalizing their relationship through marriage or a PACS.[180] In France, non-consensual marriages are more common among the first-generation migrant women than among the daughters of immigrants.[181] Non-consensual marriage in France is often associated with a low level of education, both among the parents and the brides/grooms themselves.[182]

According to Article 144 of the French Civil Code, the legal minimum age for marriage is set at 18 years, however, exceptions exist. The public prosecutor in the place where the marriage is to be celebrated may grant an age exemption for serious reasons. However, the Civil Code does not specify what qualifies as "*serious reasons*" and therefore a determination is made on a case-by-case basis. Marriage may be entered into by two persons of either different or the same sex. Under French law, a religious ceremony alone does not create a legally valid marriage.
The Civil Code requires matrimonial intent as a prerequisite for a valid union, and Article 146 specifies that no marriage exists without genuine consent. Furthermore, Article 180 allows for the annulment of a marriage if it was contracted without the free consent of one or both spouses, although such an application is inadmissible after five years from the date of marriage, which is longer than in many other countries. However, this still means that over time, a marriage that has been forced, can be considered consensual by law. The public prosecutor also has the authority to challenge a forced marriage, which could be a good practice, as it provides an alternative route to justice in situations where victims may be too afraid or otherwise unable to initiate proceedings themselves. As a preventive measure, Article 515-13 of the Civil Code empowers a judge to urgently issue a protection order for an adult who is threatened with a forced marriage.

Criminalisation

Forced marriage is explicitly criminalised in France as a stand-alone offence under Article 222-14-4 of the French Criminal Code and is also recognised as an aggravating circumstance in relation to certain violent crimes. The legislation covers not only marriage but also other legally recognised forms of union. In this context, the term "union" in French civil law refers to the Civil Solidarity Pact (PACS), a contractual form of civil partnership between two adults that provides a legal framework for their shared life. A PACS can be entered into by partners of the same or opposite sex who either cannot or choose not to marry, with at least one partner required to be a French citizen. While it shares some similarities with marriage, it entails

[179] *France's Conservative Politics Face New Test*, *The New York Times*, December 15, 2010, https://www.nytimes.com/2010/12/16/world/europe/16france.html.; Claude Martin and Irène Théry, "The PACS and Marriage and Cohabitation in France," *International Journal of Law, Policy and the Family* 14, no. 3, pp. 135-158 (2001) https://doi.org/10.1093/lawfam/15.1.135
[180] Ibid.
[181] Christelle Hamel, "Forced Marriages among Immigrant Women and Daughters of Immigrants in France," *Extended Abstract*, EPC 2012, https://epc2012.eaps.nl/papers/121087.
[182] Ibid.

fewer legal obligations and offers a simpler procedure for dissolution.[183] Article 222-14-4 of the French Criminal Code defines forced marriage as the act of using deceptive means to persuade a person to leave the territory of France with the intention of compelling them into a marriage or union abroad, punishable by up to three years' imprisonment and a €45,000 fine.

While the provision explicitly includes luring as a method, it does not enumerate other possible forms of coercion. Forced marriage is also recognised as an aggravating circumstance in violent crimes resulting in death without intent to kill, mutilation, permanent disability, or total incapacity to work for more than eight days, when these acts are committed to compel a person into marriage or union, or in retaliation for their refusal. In such cases, the victim's status as being in a forced marriage can heighten the severity of other offences. Conversely, the commission of these violent acts can also aggravate the offence of forced marriage, as they intensify the victim's exploitation and suffering. However, these provisions do not extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages or coercion to remain in a forced marriage.

Trafficking in human beings is addressed under Article 225-4-1 of the French Criminal Code. The Code explicitly lists the possible forms of exploitation, however, forced marriage is not (yet) among them, nor does the provision include an open category such as "other forms of exploitation." As a result, in the absence of the third constitutive element of trafficking – i.e. exploitation – forced marriage on its own, without additional forms of exploitation, such as sexual or labour exploitation, cannot be prosecuted as trafficking in human beings. The penalty for trafficking in human beings is significantly more severe than it is of forced marriage, carrying a term of imprisonment up to seven years and a fine of 150,000 EURO. However, this requires proof of multiple constitutive elements, making prosecution more complex. At the same time, no publicly accessible case law was identified, making it impossible to assess the practical application of these provisions in the context of forced marriage.
Under the French Violence Against Women Act, penalties for crimes such as violence, torture, barbaric acts, or murder are heightened if the perpetrator committed them to force a person into marriage or targeted a person who refused to marry.

Policy and non-legislative measures

According to the GREVIO Evaluation Report (2019), France had not sufficiently addressed forced marriage through non-legislative measures.[184] However, since 2019, mandatory training courses for job changes have included content on violence against women.[185] Specialist organisations such as the Group for the Abolition of Female Genital Mutilation, Forced Marriage, and Other Harmful Traditional Practices have implemented good practices, including research promotion, prevention efforts, child monitoring, and restorative surgery operations.[186] Additionally, women victims may benefit from specialized psycho-medical follow-up in rare services such as the Institute of Victimology in Paris or the specialized care unit at the Women's House in Saint-Denis.[187]

[183] *Civil Unions in France*, France.fr, accessed September 17, 2025, https://www.france.fr/en/article/civil-unions-france.
[184] GREVIO, *Baseline Evaluation Report: France* (Strasbourg: Council of Europe, 2019), https://rm.coe.int/grevio-inf-2019-16/168098c61a.
[185] Ibid. p. 35
[186] Ibid. p. 42
[187] Ibid. p. 44

14. Germany

Regarding marriage generally, while marriage is becoming less central to defining relationships, it's not necessarily seen as irrelevant, especially by younger generations who may be seeking stability and security.[188] Germany has seen a decrease in the proportion of married adults over the past few decades, but cohabitation is increasingly accepted and practiced.[189] However, the traditional family model with marriage and children is gaining popularity among younger people, especially women, who still view marriage as a desirable life goal, often linked to having children and building a stable family.[190] Regarding forced marriages in Germany, the gap between the number of victims supported by organisations and reported cases suggests that official figures represent only the tip of the iceberg.[191] Forced marriage in Germany is most often associated with Muslims of Turkish origin, Germany's largest immigrant group, though it also occurs among families who have lived in the country for decades.[192] Such families may not be deeply religious but maintain the patriarchal moral ideals of their country of origin.[193] Girls and young women are sometimes coerced through subtle pressure, such as repeated proposals and assurances that they will learn to love the intended spouse.[194] Germany makes a clear distinction between forced and arranged marriages, as unlike in forced marriages, the future spouses may reject the partners proposed by family, friends or marriage brokers.[195] However, only forced marriage is criminalised, whereas arranged marriage remains a respected cultural tradition.[196]

Germany addresses forced marriage through the German Civil Code, the German Civil Status Act, and the Act to Combat Child Marriages. The latter, introduced in 2017, was designed to protect young girls and women, both German and foreign nationals, from forced marriages. This Act amended the German Civil Code by raising the minimum legal age for marriage declaring that any marriage involving a minor null, and void. Therefore, according to Article 1303 of the German Civil Code, the legal minimum age for marriage is set at 18 years, with no exceptions allowed. It further prohibits religious pre-marriage ceremonies and any traditional practices aimed at establishing a permanent bond comparable to marriage when involving minors, as set out in Section 11(2) of the German Civil Status Act. Consequently, a forced religious marriage constitutes a criminal offence of forced marriage only when it involves a minor. Forced marriages in Germany can be annulled regardless of the victim's age at the time the request is made. The German Civil Code distinguishes between marriages involving children under the age of 16, which are automatically void under Section 1303, and those involving minors aged 16 to 18, which may be annulled under Section 1314(1)(1). Section 1314 further provides that a marriage may be annulled if a spouse was unlawfully

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[188] Statista, "Topics: Weddings and Marriage in Germany," *Statista*, accessed October 13, 2025, https://www.statista.com/topics/12269/weddings-and-marriage-in-germany/#topicOverview.
[189] Ibid.
[190] CNE.news, "Survey: Majority of German Young People Thinks Married Life Is Desirable," *CNE. news*, September 1, 2021, https://cne.news/article/145-survey-majority-of-german-young-people-thinks-married-life-is-desirable.
[191] Carolina Villacampa & Marc Salat, *Legal Approaches to Forced Marriage: Germany, Spain, Ireland, and Finland* (Helsinki: HEUNI, 2023), p. 8, https://heuni.fi/documents/47074104/49421853/EASY%2BLegislative%2Banalysis%2BWEB.pdf.
[192] Ibid. p. 12
[193] Ibid.
[194] Ibid.
[195] Ibid. p. 32
[196] Ibid.

compelled to marry through duress. In such cases, only the affected spouse may file for annulment, and the petition must be submitted within three years from the date the duress ended. This means that over time, a marriage that has been forced, can be considered consensual by law, but at least a considerable period is given to file for annulment. The legal consequences of annulment are, under Section 1318, governed by divorce provisions only in the specified cases and are not entirely identical to those of divorce. Additionally, Article 27 of the General Administrative Regulation prohibits family reunification where there are concrete indications that one spouse has been forced into marriage.

Criminalisation

Forced marriage is explicitly criminalised in Germany as a stand-alone criminal offence under Section 237 of the Criminal Code (StGB). This provision defines forced marriage as unlawfully compelling a person to enter into marriage through force or threats of serious harm. An act is considered unlawful if the use of force or the threat of harm is deemed reprehensible in relation to the intended objective. The offence is punishable by imprisonment ranging from six months to five years. Section 237 also covers luring, in line with the Istanbul Convention, applying the same penalty to those who, through force, threats of serious harm, or deception, take or cause another person to travel abroad, or prevent them from returning, for the purpose of forced marriage. While the scope of the offence is more advanced than countries that only recognise force or the threat thereof as means, this provision also includes the use of deception and the exploitation of a victim's vulnerable state. Yet it still is not comprehensive enough since most cases involve more subtle ways of pressuring a person into a marriage. Furthermore, this provision does not extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages in cases of adults, forced de facto partnerships or coercion to remain in a forced marriage.

Additionally, Section 5(6)(c) StGB stipulates that in cases of forced marriage, German criminal law applies to offences committed abroad if, at the time of the offence, the offender is a German national or if the offence is committed against a person whose domicile or habitual residence is in Germany. This applies irrespective of the laws in force at the location where the offence occurred. Therefore, forced marriages committed outside Germany are also prosecutable, as they fall under the offences covered by extraterritorial jurisdiction.[197]

Trafficking in human beings is addressed under Section 232 StGB. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The Criminal Code explicitly lists the possible forms of exploitation, however, forced marriage is not (yet) listed among them, nor does the provision include an open category such as "other forms of exploitation." As a result, forced marriage in Germany can only be prosecuted under the offence of trafficking in human beings if it involves further forms of exploitation, such as sexual exploitation, labour exploitation or slavery and slavery like practices. In Germany, the penalty for trafficking in human beings is, unusually, identical to that for forced marriage. However, trafficking requires proof of multiple constitutive elements, which makes prosecution significantly more complex. Consequently, in the case of N.B.[198] in Potsdam (2021), the offence was prosecuted as forced marriage, The conduct fulfilled the elements set out in Section 237 StGB (both the use of force and threats of serious harm) but did not involve

[197] Ibid. p. 47
[198] *See* detailed case study on p. x

any further exploitation. As such, it could not have been prosecuted as trafficking in human beings, nor would doing so have been necessary, given that StGB prescribes the same penalty for both offences.

Policy and non-legislative measures

Despite these legislative measures, the GREVIO Report (2022) notes that German policy initiatives largely focus on domestic and sexual violence, with insufficient attention given to forced marriage.[199] Awareness-raising campaigns are often fragmented, lacking a systematic mechanism for coordination, stocktaking, and evaluation.[200] However, victims of domestic violence, including forced marriage victims, have access to public employment services, including job placement and counselling.[201]

[199] GREVIO, *Baseline Evaluation Report: Germany* (Strasbourg: Council of Europe, 2022), p. 12, https://rm.coe.int/report-on-germany-for-publication/1680a86937.
[200] Ibid. p. 31
[201] Ibid. p. 44

15. Greece

Greek society is becoming less traditional, and the – earlier strong - influence of social norms, family pressures, and religious doctrines on young adults' family decisions is slowly fading.[202] Young adults postpone marriage (and childbearing) and show a greater preference for cohabitation than older generations. [203] Forced marriage, particularly child marriage, is believed to be prevalent within the Greek Muslim and Roma communities, predominantly residing in the Thrace region.[204] Due to the fact that such marriages often remain unregistered, very limited data exists.[205] Greece operates on a dual judicial system under which the Muslim minority in Western Thrace region of Greece may apply Sharia law.[206] In such cases, the legal framework governing marriage is less strict, and the minimum marriageable age is lower.[207]

According to Article 1350 of the Greek Civil Code, the legal minimum age for marriage is set at 18 years, however, exceptions exist. A court may permit the marriage before this age, after hearing the future spouses and the custodians of any minor, finds that a serious reason justifies it. However, the Civil Code does not specify what qualifies as "*serious reason*", and therefore a determination is made on a case-by-case basis. Article 1367 of the Code recognises that marriage may be solemnised either through a civil or a church ceremony. Since both civil and religious marriages are legally recognised in Greece, a forced religious marriage likewise constitutes the crime of forced marriage. Article 1350 further requires the consent of both future spouses, and any marriage conducted without such consent is invalid under Article 1372. Pursuant to Article 1375, a marriage may be annulled if a spouse was coerced into it by threat, by unlawful means, or in a manner contrary to good morals. The latter category is broad enough to include various forms of coercion, though annulment is not automatic and must be granted by a court. Only the coerced spouse may seek annulment, and the right expires six months after it becomes possible to file or, in any event, three years after the marriage took place. This means that over time, a marriage that has been forced, can be considered consensual by law. An irrevocable annulment judgment retroactively nullifies all legal effects of the marriage, regardless of the grounds for annulment.

Criminalisation

In Greece, forced marriage is expressly recognised as a form of exploitation under Article 323A of the Greek Criminal Code, which criminalises trafficking in human beings committed both domestically and abroad. Article 323A(5) defines exploitation to include "obtaining illegal material benefit from […] forcing another person to conclude a marriage," meaning that forced marriage is punishable only when it results in financial gain. Consequently, while the provision explicitly lists forced marriage, the absence of a profit element excludes many cases from criminal liability. The offence is punishable by imprisonment and a fine, with aggravated forms (such as those involving minors) carrying a minimum sentence of ten years' imprisonment and a fine. However, the high evidentiary threshold for proving both the three constitutive

[202]Kostas Rontos et al., "Demographic Change and Beliefs toward Marriage: Exploring the Associated Factors in Urban and Rural Greece Before and During Recession," in *Environmental Sustainability and Global Change*, ed. [Editor names] (Cambridge: Elsevier, 2025), 205-235, https://doi.org/10.1016/B978-0-443-31596-1.00015-5
[203] Ibid.
[204]Girls Not Brides, "Greece," *Child Marriage Atlas*, Girls Not Brides, accessed October 14, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/greece/.
[205] Ibid.
[206] Ibid.
[207] Ibid.

elements of trafficking and material benefit means that numerous instances of forced marriage cannot be prosecuted under this provision. However, it may be prosecuted under the general provision of 'unlawful violence' under Article 330 even in the absence of additional exploitative elements, meaning that forced marriage, in and of itself, may suffice to establish this offence. This criminalises compelling another person, through physical violence, threats of physical violence, or other unlawful acts or omissions, to perform, omit, or tolerate something they are not legally obliged to do. This includes threats against the victim or their relatives. If someone was forced into a marriage by the aforementioned means, this provision can be applied. "Other unlawful acts or omissions" is a broad category, which is capable of encompassing a wide range of conduct used to force someone into marriage. This formulation also allows for the prosecution of coercion aimed at compelling a person to remain in a marriage against their will. However, these provisions still do not extend criminal liability to equally problematic situations such as forced de facto partnerships. In the absence of publicly accessible case law it cannot be determined whether and how this provision has been utilised in the context of forced marriage.

Policy and non-legislative measures

According to the GREVIO Evaluation Report (2023), Greece has given limited attention to the prevention and combating of forced marriage.[208] However, the National Action Plan on Gender Equality (2021–2025) involves multiple ministries and addresses various forms of violence against women, including forced marriage.[209] Despite this, GREVIO noted significant gaps in data collection[210], research[211], training[212], and specialised support services related to forced marriage[213].

[208] GREVIO, *Baseline Evaluation Report: Greece* (Strasbourg: Council of Europe, 2023), p. 11, https://rm.coe.int/grevio-s-baseline-evaluation-report-on-legislative-and-other-measures-/1680ad469d.
[209] Ibid. p. 15
[210] Ibid. p. 20
[211] Ibid. p. 22
[212] Ibid. p. 27
[213] Ibid. p. 36

16. Hungary

In Hungary, marriage is generally viewed positively and is considered the ideal form of partnership, particularly for young couples.[214] Traditional values play a significant role in the Hungarian perspective on marriage.[215] Although cohabitation is increasingly accepted, a strong majority still regard marriage as the most suitable structure for a long-term relationship.[216] Public opinion emphasizes marriage as a central social institution and as a foundational element for family life.[217] Regarding forced and child marriages in Hungary, the most recent publicly accessible data from the Hungarian Central Statistical Office indicate that in 2018, 370 girls and 33 boys under the age of 18 were married.[218] A 2013 study by the European Parliament highlighted that Romani girls in Hungary are particularly at risk of early marriage due to gender power dynamics within the family, strongly differentiated gender roles, and discrimination faced by Romani women in accessing the labour market.[219] Consequently, in Hungary, girls from the Roma community represent the highest-risk group for child marriages as well.[220]

According to Book 4, Section 4 of the Hungarian Civil Code, the legal minimum age for marriage is 18 years, however, the Social and Guardianship Office may authorise marriages for persons between the ages of 16 and 18. The guardianship authority may grant permission if the marriage is considered to be in the minor's best interests and if the application is submitted by the child of their own free will. The marriage of a minor is invalid if concluded without the prior permission of the guardianship authority. In Hungary, a minor is defined as a person who has not reached the age of eighteen, and a minor legally becomes an adult upon marriage. Hungarian legislation does not contain a specific reference to forced marriage, but marriage requires the personal and voluntary consent of both parties before the civil registrar. If these conditions are not met, the marriage is considered non-existent under Book 4, Section 5. A non-existent marriage is treated as if it had never been entered into. However, being forced into a marriage is not listed as a ground for annulment under Book 4, Title II, Chapter 1. Therefore, forced marriage can only be dissolved through divorce, and Book 4, Section 21 of the Hungarian Civil Code allows spouses to request divorce through a lawsuit. In forced marriage cases, this is highly problematic, as it places the full legal burden on the victim to initiate and sustain often lengthy and adversarial proceedings against the coercing spouse. Consequently, the requirement to pursue a lawsuit can effectively prevent victims from escaping the marriage.

Criminalisation

In Hungary, forced marriage is not explicitly addressed in criminal law and can only be prosecuted within the framework of other general offences. Forced marriage may be prosecuted under the general criminal provision of coercion (Section 195, Hungarian Criminal Code), or in specific cases, under trafficking in

[214]Kopp Mária Institute for Demography and Families (KINCS), "Most Hungarians Consider Marriage to Be the Most Ideal Form of Relationship," *KINCS Research & Analysis*, February 11, 2025, https://www.koppmariaintezet.hu/en/allarticles/839-most-hungarians-consider-marriage-to-be-the-most-ideal-form-of-relationship.
[215] Ibid.
[216] Ibid.
[217] Ibid.
[218]Girls Not Brides, "Hungary," *Child Marriage Atlas*, Girls Not Brides, accessed October 14, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/hungary/.
[219] Ibid.
[220] Ibid.

human beings (Section 192, Hungarian Criminal Code, in which case the punishment can be from 1 to 5 years of imprisonment). As for the general coercion provision of the Criminal Code, the law criminalises compelling another person by violence or threat to do, not to do, or tolerate something, resulting in significant harm to their interests. The punishment is imprisonment for a term of up to three years, if no other criminal offence, such as trafficking in human beings, is committed. In the context of forced marriage, this means that if a person uses threats or actual violence to force someone to enter into a marriage, their actions may constitute coercion. The coercion must aim to make the victim act against their free will, and it must cause significant harm, which can include, for example, psychological trauma or loss of personal autonomy. However, the scope of this criminal offence is limited, as 'violence or threat' does not cover situations in which, for example, the victim's vulnerable state is exploited or when the victim is compelled to marry through deceit. Being a general provision, it may also encompass luring, forced ritual or religious (non-state-recognised) marriages, forced de facto partnerships or coercion to remain in a forced marriage.

Trafficking in human beings is addressed alongside forced labour under Section 192 of the Hungarian Criminal Code. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The Code explicitly lists the possible forms of exploitation; however, forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, in the absence of the third constitutive element of trafficking – i.e. exploitation – forced marriage on its own, without additional forms of exploitation, such as sexual or labour exploitation, cannot be prosecuted as trafficking in human beings.

In contrast, it may be prosecuted under the general provision of coercion even in the absence of additional exploitative elements, meaning that forced marriage, in and of itself, may suffice to establish the offence. The penalty for trafficking in human beings is not significantly more severe, carrying a term of imprisonment from one to five years and a fine. However, this requires proof of multiple constitutive elements, making prosecution more complex. At the same time, no publicly accessible case law was identified, making it impossible to assess the practical application of these provisions in the context of forced marriage.

Hungary is one of the 5 EU countries that have not ratified the Istanbul Convention, therefore it has not yet entered into force there.

17. Iceland

Marriage in Iceland is regarded strictly as a civil institution, unlike in many other European countries where it is viewed as the primary and traditional foundation of family life and childbearing.[221] It is defined as a recognised form of cohabitation with specific legal effects.[222] Many couples in Iceland cohabit for years, often becoming parents before choosing to marry.[223] A significant proportion of Icelandic children are born to unmarried parents, with Statistics Iceland indicating that over 70% of first births occur to unwed mothers.[224]

According to Article 7 of the Marriage Act, in Iceland, the legal minimum age for marriage is set at 18 years, with no exceptions allowed. Marriage may be entered into by two persons of either different or the same sex. Article 16 of the Act recognises that marriage may be solemnised either through a civil or a church ceremony. Since both civil and religious marriages are legally recognised in Iceland, a forced religious marriage likewise constitutes the criminal offence of forced marriage. Article 28 of the Marriage Act provides for the annulment of a marriage where one of the spouses was forced into it. A claim for annulment can be filed by one of the spouses, but it must be filed within six months of the coercion ceasing and, in any event, no later than three years after the marriage was concluded. This means that over time, a marriage that has been forced, can be considered consensual by law. The annulment of a marriage has the same legal effects as divorce.

Criminalisation

In Iceland, forced marriage is primarily addressed under Article 225 of the Criminal Code of Iceland as a separate criminal offence, while it is also recognised as a form of exploitation of trafficking in human beings under Article 227a. Under Icelandic law, Article 225 criminalises forcing a person into marriage or into a similar ceremony, even if the marriage has no legal validity. The provision stipulates that anyone who compels another person to marry may be punished by imprisonment for up to four years. However, the offence does not encompass the element of luring.

Forced marriage is explicitly mentioned as a form of exploitation of trafficking in human beings under Article 227a of the Criminal Code of Iceland. Forced marriage may be prosecuted as such if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The penalty for trafficking in human beings is significantly more severe, carrying a term of imprisonment of up to 12 years. However, this requires proof of multiple constitutive elements, making prosecution more complex. While luring is not explicitly criminalised under the separate criminal offence of forced marriage, it may be prosecuted under this provision. However, this does not necessarily cover all possible constellations of this crime. At the same time, no publicly available case law was identified, therefore, its practical implementation could not be assessed. Furthermore, these provisions do not extend criminal liability to

[221] Government of Iceland, "Marriages and Co-habitation," Government.is, accessed October 14, 2025, https://www.government.is/topics/social-welfare-and-families/marriages-and-co-habitation/.
[222] Ibid.
[223] A. K. Jónsson, "A Nation of Bastards? Registered Cohabitation, Childbearing, and First-Marriage Formation in Iceland, 1994-2013," (2020) https://pmc.ncbi.nlm.nih.gov/articles/PMC7865053/.
[224] Ibid.

equally problematic situations such as forced de facto partnerships, coercion to remain in a forced marriage, or coercion to enter into an engagement.

Policy and non-legislative measures

According to the GREVIO Evaluation Report (2022), Iceland lacks specific policies, protocols, or dedicated services addressing forced marriage.[225] Action plans related to forced marriage are primarily framed within the context of trafficking in human beings, failing to address all potential scenarios.[226] There is no available data on the prevalence of forced marriage[227], awareness-raising campaigns tend to focus on other forms of violence[228], and specialised training and support services appear to be lacking[229]. To provide victims with information, a website titled "You Have Hope" has been established as a resource for those affected by violence in close relationships.[230]

[225] GREVIO, *Baseline Evaluation Report: Iceland* (Strasbourg: Council of Europe, 2022), p. 13, https://rm.coe.int/grevio-inf-2022-26-eng-final-report-on-iceland/1680a8efae.
[226] Ibid. p. 18
[227] Ibid. p. 25
[228] Ibid. p. 28
[229] Ibid. p. 31
[230] Ibid. p. 36

18. Ireland

In Ireland, marriage and the marital family are accorded the highest levels of legal protection, with the Constitution granting elevated recognition to the family based on marriage.[231] Marriage continues to occupy an important place in Irish society.[232] Although cohabitation has grown significantly in recent decades, it is often viewed as a precursor or 'trial period' for marriage, with many cohabiting couples eventually formalising their relationship through marriage.[233] Public opinion further reflects a strong attachment to marriage as the foundation of commitment within intimate relationships.[234] More recently in Ireland, a new form of child trafficking involving sham and forced marriages has been on the rise.[235] These marriages of convenience often involve young European girls, predominantly from Eastern Europe, as well as nationals from non-European Union countries seeking legal residence in Ireland.[236] However, according to research conducted by HEUNI[237], as of Quarter 1 2023, in 2021 and 2022 there were only 5 recorded incidents of forced marriage offences.[238] The statistics reflect when a crime is reported to An Garda Síochána (AGS), the Irish police.[239]

According to Section 31 of the Family Law Act 1995, the legal minimum age for marriage is set at 18 years, with no exceptions allowed. Marriage may be entered into by two persons of either different or the same sex. Any marriage in which one or both parties are under 18 is not valid in law, whether it takes place in Ireland or abroad where either spouse is ordinarily resident in Ireland. In such cases, an application can be made for a decree of nullity, rendering the marriage null and void. Law in Ireland recognises that marriage may be solemnised either through a civil or a church ceremony. Since both civil and religious marriages are legally valid in Ireland, a forced religious marriage likewise constitutes the criminal offence of forced marriage.

Furthermore, under Section 31(4) of the Family Law Act 1995, anyone who knowingly solemnises, permits the solemnisation of, or is a party in a marriage that is legally invalid is guilty of an offence and may be subject to a fine. Marriages entered into without the genuine consent of both parties are considered void and may therefore be annulled.[240] Lack of consent may result from duress, among other factors, where one party was forced into the marriage.[241] A Decree of Annulment may be granted by the Circuit Court or the High Court if the legal grounds are satisfied. When a marriage is declared void, it is treated as though it never legally existed.

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[231] Susan Leahy and Kathryn O'Sullivan, "Changing Conceptions of Marriage in Ireland: Law and Practice," *Child and Family Law Quarterly* 30, no. 3 (2018): 279-300.
[232] Ibid.
[233] Ibid.
[234] Ibid.
[235] *Girls Not Brides*, "Ireland," *Child Marriage Atlas*, hozzáférés: 2025. október 14., https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/ireland/.
[236] Ibid.
[237] Carolina Villacampa & Marc Salat, *Legal Approaches to Forced Marriage: Germany, Spain, Ireland, and Finland* (Helsinki: HEUNI, 2023), https://heuni.fi/documents/47074104/49421853/EASY%2BLegislative%2Banalysis%2BWEB.pdf.
[238] Ibid. p. 11
[239] Ibid.
[240] Courts Service of Ireland. *Annulments (Nullity)*. Dublin: Courts Service of Ireland, February 4 2025.. https://www.courts.ie/guides/annulments-(nullity).
[241] Ibid.

Criminalisation

In Ireland, forced marriage is explicitly criminalised under Section 38 of the Domestic Violence Act of 2018 as a separate offence. Forced marriage is not limited to the act of entering into a marriage but is defined as *"to enter into a ceremony of marriage".* According to Section 38(11) of the Act, a 'ceremony of marriage' means any religious, civil, or secular ceremony of marriage, whether legally binding or not. Hence, this broad interpretation of a marriage can be considered a good practice. The offence of forced marriage is committed when a person engages *"in relevant conduct"* for the purpose of causing another person to enter into a ceremony of marriage. The act defines 'relevant conduct' as violence, threats, undue influence, or any form of coercion or duress. These coercive measures may be directed toward the victim of forced marriage or another individual, depending on the circumstances. The criminal offence also encompasses 'luring,' in accordance with the provisions of the Istanbul Convention. Therefore, forced marriage is also committed when an individual removes another person from the State and intends for that person to be subjected to relevant conduct outside the State for the purpose of coercing them into a ceremony of marriage. The term *'removes another person from the State'* is non-exhaustive and includes actions such as arranging travel, accompanying the person, coordinating their reception upon arrival, or undertaking any other actions facilitating their departure from Ireland. Ireland's legislation does not provide for an aggravated offence when the victim is a minor. Furthermore, this provision does not extend criminal liability to equally problematic situations, such as forced cohabitation, coercion to remain in a forced marriage.

Trafficking in human beings is addressed under the Criminal Law (Trafficking in human beings) Act of 2008. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. Section 1 of the Criminal Law (Trafficking in human beings) (Amendment) Act 2013 lists the possible forms of exploitation, however, forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, in the absence of the third constitutive element of trafficking – i.e. exploitation – forced marriage on its own, without additional forms of exploitation, such as sexual or labour exploitation, cannot be prosecuted as trafficking in human beings under Irish law.

Policy and non-legislative measures

According to the GREVIO Report (2023), Ireland significantly lags in data collection.[242] In terms of victim protection and support, there is no coordinated, multi-agency response mechanism for most forms of violence against women, including forced marriage.[243] Awareness-raising campaigns have largely overlooked forced marriage[244], and teachers are not systematically trained to identify at-risk girls[245]. There is also no explicit training for professionals dealing with forced marriage cases.[246]

The Third National Strategy on Domestic, Sexual, and Gender-Based Violence (2022–2026) does not explicitly mention forced marriage but does reference Sustainable Development Goal 5, which aims to

[242] GREVIO, *Baseline Evaluation Report: Ireland* (Strasbourg : Council of Europe, 2023), p. 6 https://rm.coe.int/grevio-s-baseline-evaluation-report-on-legislative-and-other-measures-/1680ad3feb.
[243] Ibid. p. 7
[244] Ibid. p. 31
[245] Ibid. p. 35
[246] Ibid. p. 36

eliminate harmful practices such as child, early, and forced marriage.[247] Additionally, forced marriage victims are considered among the vulnerable crime victims prioritised by the Irish Minister for Justice.[248] In a 2023 parliamentary response, the Minister stated that the Department of Justice is developing legislation to implement the recommendations of the O'Malley Review to strengthen the rights of victims of sexual offences.[249] The Department is also exploring ways to enhance protections for vulnerable victims, including those of forced marriage, to minimise re-traumatisation and intimidation during trials, particularly when they testify as witnesses.[250]

[247] Carolina Villacampa & Marc Salat, *Legal Approaches to Forced Marriage: Germany, Spain, Ireland, and Finland* (Helsinki: HEUNI, 2023), p. 21 https://heuni.fi/documents/47074104/49421853/EASY%2BLegislative%2Banalysis%2BWEB.pdf.
[248] Ibid.
[249] Ibid.
[250] Ibid.

19. Italy

As in much of Europe, patterns of marriage in Italy are evolving.[251] Nevertheless, Italy retains a traditionalist view of family life, particularly among Christians, where marriage is often regarded as the ideal foundation for starting a family and carries distinct legal and social benefits.[252] At the same time, younger Italians are increasingly delaying marriage, prioritising stable careers and financial independence, and cohabitation without formal marriage is becoming more prevalent.[253] Regarding forced marriages in Italy, the cases officially identified and registered likely represent only the tip of the iceberg, and do not reflect the true scale of the crime.[254] To illustrate its scope within the anti-trafficking framework, as of September 30, 2024, a total of 26 victims of forced marriage had been identified and registered, accounting for approximately 1.5% of the 1,737 individuals assisted under Italy's anti-trafficking system during that period.[255]

According to Article 84 of the Italian Civil Code, the legal minimum age for marriage is set at 18 years, however, exceptions exist. The court may, upon request of the interested party and after verifying their psychological and physical maturity, the validity of the reasons provided, and hearing the public prosecutor, parents, or guardian, authorise marriage from the age of 16 for serious reasons. The Civil Code does not specify what qualifies as "*serious reasons*", therefore, a determination is made on a case-by-case basis. In Italy, a religious ceremony does not constitute a legal marriage.

Regarding prevention and annulment, Article 107 of the Italian Civil Code requires that both parties freely declare their intent for a marriage to be valid. Article 122 allows a spouse to contest a marriage if their consent was obtained through violence or induced by fear of exceptional gravity caused by external factors beyond their control. However, annulment cannot be pursued if the couple cohabited for more than a year after the coercion ended or the deception was discovered. This means that over time, a marriage that has been forced, can be considered consensual by law. This limitation can be an obstacle for victims to get out of the marriage because it is impossible as a result of the dependent, coercive situation, to take quick action. Consequently, this limitation may prevent victims from effectively escaping the marriage, leaving divorce as their only option. Divorce is particularly problematic because, in addition to the reasons mentioned above, places the entire legal burden on the victim to initiate and sustain often lengthy and adversarial proceedings against the coercing spouse.

Criminalisation

In Italy, forced marriage is criminalised as a stand-alone offence under Article 558-bis of the Italian Criminal Code. This provision applies even when the offence is committed abroad by an Italian citizen, a foreign resident in Italy, or against an Italian citizen or foreign resident in Italy. Under Article 558-bis of the Criminal Code, the offence of forced marriage applies to situations where a person, through violence or threats,

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[251] SBS Cultural Atlas, "Italian – Family," *Italian Culture*, accessed October 14, 2025, https://culturalatlas.sbs.com.au/italian-culture/italian-culture-family.; Expatica, "Italian Weddings: How to Get Married in Italy," *Expatica*, updated June 5, 2025, https://www.expatica.com/it/living/love/getting-married-in-italy-79368/.
[252] Ibid.
[253] Ibid.
[254] Osservatorio Interventi Tratta.it, *Data Extracted from the Computerized System for the Collection of Information on Trafficking (SIRIT) as of 09/10/2024 – Compiled by the Anti-Trafficking Helpline*.
[255] Ibid.

compels another to enter into a marriage or civil union. The punishment is a term of imprisonment from one to five years. The provision explicitly covers both marriages and civil unions. 'Civil unions' are a legally recognised union available to same-sex couples that carries effects largely similar to those of marriage.[256] The same penalty applies to anyone who, by exploiting a person's vulnerable condition, mental inferiority, or need, induces them to enter into a marriage or civil union through abuse of family, domestic, or work relationships, or by abusing authority derived from care, education, supervision, or custody. Therefore, the framework of forced marriage in Italy is broader than in most European countries, as the means are not limited to violence and threats but also include other, several possible forms of coercion. The element of 'luring', however, is not included in the provision. Penalties are increased if the victim is under 18 years of age, and further aggravated if the victim is under 14, in which case imprisonment ranges from two to seven years. However, this provision does not extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages, or coercion to remain in a forced marriage. Additionally, Article 558 criminalises marriage fraud, covering cases where a person fraudulently conceals an impediment when entering into a marriage with civil effects.

In certain cases, Italian jurisprudence exhibits a tendency to subsume forced marriage under the broader criminal offence of reduction or maintenance in slavery or servitude, as defined in Article 600 of the Italian Criminal Code. This provision, which criminalises practices akin to slavery, is also recognised as encompassing one of the constituent forms of trafficking in human beings under Italian law. The punishment for this offence is a term of imprisonment from eight to twenty years. A notable example is a recent judgment by the Italian Supreme Court[257], wherein the Court classified a case of forced marriage under Article 600, rather than under the newly introduced and more specific offence codified in Article 588-bis, as contended by the appellant.

Trafficking in human beings is addressed under Article 601 of the Italian Criminal Code. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The Code explicitly lists the possible forms of exploitation, however, forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, in the absence of the third constitutive element of trafficking – i.e. exploitation – forced marriage on its own, without additional forms of exploitation, such as sexual exploitation, labour exploitation, or forced begging, cannot be prosecuted as trafficking in human beings. The penalty for trafficking in human beings is significantly more severe than the penalty for forced marriage (but the same as for reduction or maintenance in slavery or servitude), carrying a term of imprisonment from eight to twenty years. However, this requires proof of multiple constitutive elements, making prosecution more complex.

In practice, victims of forced marriage in Italy may receive support either through organisations specialising in gender-based violence or via the national anti-trafficking protection system. This dual approach reflects the complex and overlapping nature of the phenomenon, situated at the intersection of both forms of abuse.

[256] Consiglio Nazionale del Notariato, "Civil Unions," *Notariato.it*, accessed October 14, 2025, https://www.notariato.it/en/famiglia/civil-unions/.
[257] *See* detailed case study on page 52.

Policy and non-legislative measures

The GREVIO Evaluation Report (2020) highlights that comprehensive measures covering prevention, protection, and prosecution remain undeveloped for forced marriage.[258] Data on forced marriage is either missing or insufficient.[259] Awareness campaigns on harmful practices such as forced marriage should be expanded, although risk assessment obligations extend to all forms of violence against women, including forced marriage.[260]

[258] GREVIO, *Baseline Evaluation Report: Italy* (Strasbourg: Council of Europe, 2020), p. 21 https://www.coe.int/en/web/istanbul-convention/italy.
[259] Ibid. p. 30
[260] Ibid. p. 35

20. Latvia

Younger generations in Latvia are more likely to see marriage as an outdated concept.[261] Cohabitation, including long-term relationships with children, is increasingly common, even though many in Latvia still view marriage as the traditional union of a man and a woman, forming the basis for family life and raising children.[262] The Civil Law of Latvia treats marriages as fictitious (and therefore subject to annulment) if they are entered into without the intent to establish a family.[263] In the context of forced marriages, Latvia has been identified as an origin country for trafficked young women from vulnerable backgrounds who are subjected to convenient "sham" marriages.[264] These arrangements may involve either voluntary or coerced marriage to a third-country national outside Latvia, typically aimed at securing a residence permit within the European Union.[265]

In Latvia, forced marriage is primarily addressed through civil law. According to Sections 32 and 33 of the Civil Law of Latvia, the legal minimum age for marriage is set at 18 years, except for individuals aged 16 and older who obtain consent from parents, guardians, or the Orphans' and Custody Court, provided they marry an adult. Under Section 61, a marriage shall be declared annulled if it has been entered into before the spouses or one of them has reached the minimum age for marriage. However, such marriage shall not be declared annulled if, following the marriage, the wife has become pregnant. Section 51 of the Law recognises that marriage may be solemnized either through a civil or a religious ceremony. Since both civil and religious marriages are legally recognised in Latvia, a forced religious marriage likewise can constitute a criminal offence of forced marriage. Regarding consent, the law requires the bride and groom to express *"their wish to marry."* According to Section 67, a spouse may contest a marriage if they were married under the influence of criminal threats. 'Criminal threats', however, does not cover many possible situations a person can be forced to enter into a marriage. Such an action shall be submitted within six months of the termination of the influence of the threats. This means that over time, a marriage that has been forced, can be considered consensual by law. This limitation poses serious obstacles for victims of forced marriage. Case studies reveal that they are often financially dependent, isolated, and lack legal knowledge or support networks. Even without ongoing abuse, many fear retaliation. As a result, escaping the marriage becomes difficult, with divorce often being the only path – yet it places the full legal burden on the victim to pursue a complex and confrontational process.

Criminalisation

Despite the fact that full and free consent is required in civil law for a marriage to be considered valid, there is no explicit criminal provision criminalising forcing someone into marriage. Although forced marriage is not explicitly classified as a form of exploitation under trafficking in human beings, cases of forced marriage in Latvia have been prosecuted as trafficking in human beings offences, with at least two

[261] Ilze Koroleva, Maruta Pranka, and Ginta Elksne, "Family Values from the Perspective of Different Generations in Latvian Society Today," *Language, Individual & Society* 17 (2023): 109–123, p. 109 https://doi.org/10.62991/LIS1996090987.
[262] Ibid.
[263] *Girls Not Brides*, "Latvia," *Child Marriage Atlas*, accessed October 14, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/latvia/.
[264] Ibid.
[265] Ibid.

criminal proceedings initiated in 2009 and one in 2010.[266] Article 154 of the Criminal Code defines trafficking in human beings as acts carried out for the purpose of exploitation, which may involve violence, threats, deception, or taking advantage of a person's dependence, vulnerability, or helplessness. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. Exploitation is further defined to encompass keeping a person in slavery or in other similar conditions, including "*serfdom or compulsory transfer of a person into dependence upon another person*." Consequently, for instance, parents who compel their child into marriage, whether by mutual agreement or otherwise, are deemed criminally liable. This provision, however, is quite narrow in scope and primarily applies to arranged marriages, whereas forced marriages encompass a much broader range of circumstances. Despite these specific cases, the Code explicitly lists the possible forms of exploitation, and forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, in the absence of the third constitutive element of trafficking – i.e. exploitation – forced marriage on its own, without additional forms of exploitation, such as sexual or labour exploitation, cannot be prosecuted as trafficking in human beings, unless the specific case described above applies. Furthermore, this requires proof of multiple constitutive elements, making prosecution more complex, and the penalty is not significantly severe, carrying a term of imprisonment for up to eight years. In Latvia's state report to GREVIO, forced marriage is explicitly noted as being criminalised under the national provision on trafficking in human beings.[267]

Policy and non-legislative measures

The Baseline Evaluation of GREVIO is only due September 2026, as in Latvia the Istanbul Convention only entered into force on 1st May 2024.

[266] Council of Europe, *Guidelines for the Prevention of Trafficking in Human Beings* (Strasbourg: Council of Europe, January 21 2014), p. 36 https://rm.coe.int/1680631cc4.
[267] GREVIO, *State Report: Latvia* (Strasbourg: Council of Europe, 2025), p. 31 https://rm.coe.int/state-report-of-latvia-addressed-to-grevio-received-on-25-march-2025/1680b4fa6f.

21. Liechtenstein

In Liechtenstein, marriage is the only act that gives legal recognition to couples in the formation of a family.[268] While traditional views of marriage still exist, there's a growing acceptance of cohabitation and diverse family structures in Liechtenstein, which is evidenced by the very recent legalisation of same-sex marriages.[269]

According to Article 9 of the Marriage Act of Liechtenstein, the legal minimum age for marriage is set at 18 years, however, exceptions exist. Where serious considerations justify, the court may, with the consent of the legal representative, declare one of the spouses of legal age to be of marriageable age. The Act does not specify what qualifies as "*serious considerations*" and therefore a determination is made on a case-by-case basis. Marriage may be entered into by two persons of either different or the same sex. In Liechtenstein, a religious ceremony does not constitute a legal marriage. Additionally**,** the institution of engagement prior to marriage is also legally regulated, requiring the mutual promise of both individuals to enter into the engagement. Article 26 of the Marriage Act requires a marriage to only be concluded with the mutual consent of both parties. Article 37 provides for the annulment of marriages entered into without free will, stating that a marriage is invalid if one spouse was compelled to marry under the influence of a well-founded fear. The presence of a well-founded fear is assessed based on the magnitude and probability of the danger and from the physical and mental condition of the threatened spouse. However, the marriage is considered valid if, after the coercion ceased, the spouse indicated a wish to continue the marriage. In such cases, the action may be brought only by the spouse whose rights have been violated. The limitation period is not specified, which can be considered a good practice as it gives victims time needed to break free from the spouse and file for the annulment.

Criminalisation

In Liechtenstein, forced marriage is criminalised as a stand-alone offence under Article 106a of the Criminal Code. This law applies regardless of whether the crime was committed abroad. The provision also criminalises forcing someone into a registered partnership alongside marriages. Registered partnerships were available as an option for same-sex couples, offering legal recognition of their relationship prior to January 1, 2025.[270] However, a recent amendment to the Marriage Act allows same-sex couples to marry.[271] This means that while existing registered partnerships can be converted to marriages or remain as partnerships, no new registered partnerships will be formed after this date.[272]

Under the Criminal Code, forced marriage is punishable under the provision for anyone who forced another person to enter into marriage or a registered partnership through force, dangerous threats, or threats to withdraw family contact, with a penalty of six months to five years of imprisonment. The law also criminalises inducing someone to travel to another state under false pretences, with the intention of

[268] *Marry on Chain*, "Everything You Need to Know About Marriage in Liechtenstein," *Marry on Chain*, July 14, 2023, https://marryonchain.com/p/articles/everything-you-need-to-know-about-marriage-in-liechtenstein.
[269] Ibid.
[270] Library of Congress, "Liechtenstein: Marriage Act Amended to Allow Same-Sex Marriage," *Global Legal Monitor*, August 14, 2024, https://www.loc.gov/item/global-legal-monitor/2024-08-14/liechtenstein-marriage-act-amended-to-allow-same-sex-marriage/.
[271] Ibid.
[272] Ibid.

forcing a person to marry or enter into a registered partnership, or compels them to do so through force or threats, or transports them to another state by taking advantage of their misunderstanding of the intention. Furthermore, this provision does not extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages, coercion to remain in a forced marriage, or coercion to enter into an engagement.

Trafficking in human beings is addressed under Article 104a of the Criminal Code of Liechtenstein. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. Paragraph 3 explicitly lists the possible forms of exploitation, however, forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, forced marriage in Liechtenstein can only be prosecuted under the offence of trafficking in human beings if it involves further forms of exploitation, such as sexual or labour exploitation. In contrast, it may be prosecuted under the stand-alone offence of forced marriage even in the absence of additional exploitative elements, meaning that forced marriage, in and of itself, is sufficient. However, this requires proof of multiple constitutive elements, making prosecution more complex, and the penalty is the same as for forced marriage, carrying only a term of imprisonment from six months to five years.

Policy and non-legislative measures

The GREVIO Evaluation Report for Liechtenstein (2023) notes that there is no comprehensive national strategy to combat violence against women, including forced marriage.[273] Liechtenstein lacks a dedicated women's helpline that meets Istanbul Convention requirements, and there is no systematic data collection on forced marriage.[274] No dedicated policies, protocols, or specialized services exist for forced marriage victims, and training on the issue is not systematically included in professional development.[275] In January 2020, the National Police introduced new intervention guidelines for domestic violence cases, including forced marriage, requiring officers to collect circumstantial evidence and ensure victims receive medical care.[276]

[273] GREVIO, *Baseline Evaluation Report: Liechtenstein* (Strasbourg: Council of Europe, 2023), p. 6-7, https://www.coe.int/en/web/istanbul-convention/liechtenstein.
[274] Ibid. p. 7
[275] Ibid.
[276] Ibid. p. 53

22. Lithuania

In Lithuania, registered marriage is considered to be the norm, particularly in smaller towns and among older generations.[277] At the same time, cohabitation is increasingly accepted, and many couples choose to postpone marriage until later in life.[278] Nevertheless, in smaller communities, social pressure to adhere to traditional marriage norms also plays a significant role.[279] Regarding forced and child marriages in Lithuania, girls within the Roma community are disproportionately affected.[280]

Marriage is regulated under Book Three, Chapter 2 of the Civil Code of Lithuania. According to Article 3.14 of the Code, the legal minimum age for marriage is set at 18 years, however, exceptions exist. At the request of a person under eighteen who wishes to marry, the court may reduce the marriageable age by up to two years through a simplified procedure. In cases of pregnancy, the court may permit marriage even for a person under sixteen. When deciding on lowering the marriageable age, the court must hear the opinion of the parents, guardians, or caretakers of the minor and take into account the minor's mental and psychological state, financial situation, and the important reasons justifying the request. Pregnancy is expressly mentioned in the Civil Code as one such important reason. However, violation of this law does not automatically render the marriage invalid. Instead, a spouse who entered into marriage before the age of eighteen may request that the marriage be declared invalid within one year from reaching the age of majority. Article 3.24 of the Code recognises that marriage may be solemnized either through a civil or a church ceremony.

Since both civil and religious marriages are legally recognised in Lithuania, a forced religious marriage can likewise constitute the criminal offence of forced marriage as a form of exploitation of trafficking in human beings. According to Article 3.7 of the Civil Code, marriage is a voluntary agreement between a man and a woman. The institution of engagement, as an "*agreement to marry*" prior to marriage is also legally regulated, requiring the mutual agreement of both individuals to enter into the engagement. In this regard, Article 3.8 of the Civil Code provides that an agreement to marry does not create a binding obligation and cannot be enforced by coercion. Article 3.13 further establishes that marriage must be entered into by the free will of both spouses, and that threats, coercion, fraud, or other defects of will constitute grounds for declaring the marriage invalid. Article 3.38(4) allows either a spouse or a prosecutor to seek annulment of a marriage concluded without free will. This could be a good practice, as it provides an alternative route to justice in situations where victims may be too afraid or otherwise unable to initiate proceedings themselves. Under Article 3.40, a spouse may also request annulment if he or she entered into the marriage under the influence of threats, coercion, or fraud. However, Article 3.41(5) limits this right, as a marriage concluded without true consent cannot be declared invalid if, after the marriage or after the circumstances justifying annulment became apparent, the spouses have cohabited for more than one year, or if they have or are expecting a child together. The statute of limitations under Article 3.42 allows a claim for annulment within one year from when the coercion or fraud ceased or became known. This means that

[277] Vida Česnuitytė, "The Strategies of Matrimonial Behaviour in Contemporary Lithuania: Reflection in the Media," *Social Inquiry into Well-Being* 7, no. 2 (2008), https://ojs.mruni.eu/ojs/social-inquiry-into-well-being/article/view/1919.
[278] Ibid.
[279] Ibid.
[280] Girls Not Brides, "Lithuania," *Child Marriage Atlas*, accessed October 14, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/lithuania/.

over time, a marriage that has been forced, can be considered consensual by law. This situation can be highly problematic, as case studies indicate that individuals forced into marriage often become pregnant, and it is not uncommon for them to have a child with their spouse. Furthermore, case studies show that victims are typically entirely dependent on their spouse, and even if they are not anymore subjected to strict control and violence, they are usually deprived of financial resources, and they lack legal knowledge and social support. Many also fear retaliation or further abuse. Consequently, this limitation may prevent victims from effectively escaping the marriage, leaving divorce as their only option. Divorce is challenging, because, in addition to the reasons mentioned above, places the entire legal burden on the victim to initiate and sustain often lengthy and adversarial proceedings against the coercing spouse.

Criminalisation

In Lithuania, forced marriage is primarily addressed under Article 147 of the Criminal Code of Lithuania as a form of exploitation under the offence of trafficking in human beings. Forced marriage can be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. Forced and sham marriages are explicitly listed as forms of exploitation. The provision criminalises conduct where a person is sold, bought, otherwise transferred or acquired, recruited, transported, or held in captivity. The means covered include the use of physical violence or threats, depriving the victim of the opportunity to resist, taking advantage of the victim's dependence or vulnerability, deception, or the acceptance or giving of money or other benefits to a person controlling the victim. If the perpetrator knew or intended that the victim, regardless of consent, would be exploited for forced or sham marriage, the punishment is imprisonment from three to ten years. While prosecution requires proof of all constitutive elements, making cases more complex, the provision establishes a broad framework. Importantly, because deception is expressly included as a means, the element of luring can also be included in the provision. It is worth highlighting that the provision also covers situations where the perpetrator takes advantage of the dependence or vulnerability of the victim, as well as cases involving the acceptance or giving of money or other benefits to a person controlling the victim (reflecting the practice of bride price in the context of forced marriages). Compared to many other European jurisdictions, which often do not explicitly address such circumstances, this broader scope is particularly significant, as both practices are very common in forced marriage cases. However, this provision does not extend criminal liability to equally problematic situations such as forced de facto partnerships, or coercion to enter into an engagement.

The complexity and low success rate of prosecuting forced marriage cases under the framework of trafficking in human beings is illustrated by a 2023 case before the Supreme Court of Lithuania[281]. In this case, a woman had been recruited and, by exploiting her vulnerability, was forced into marriage. However, due to insufficient evidence, the Supreme Court held that the acts of the convicted persons did not fulfil the elements of the criminal offence of trafficking in human beings. As a result, it annulled the decisions of the lower courts and terminated the criminal proceedings.

Lithuania is one of the six European countries that have signed, but not ratified the Istanbul Convention, therefore it has not yet entered into force there.

[281] *See* detailed case study on p. x

23. Luxembourg

In Luxembourg, attitudes towards marriage are generally positive, with a high number of couples choosing to marry each year.[282] There is also a growing trend of living in civil partnerships, which offer similar benefits to marriage, and a noticeable increase in divorce rates.[283]

According to Article 144 and 145 of the Civil Code of Luxembourg, the legal minimum age for marriage is set at 18 years, however, exceptions exist. The family court judge may, for serious reasons, lift this prohibition. The request is submitted either by one or both of the parents, by the guardian, or by the minor. However, the Civil Code does not specify what qualifies as "*serious reason*", and therefore a determination is made on a case-by-case basis. If this law is violated, the marriage is not automatically invalid but may be annulled. However, under Article 185, the marriage can no longer be contested once one year has passed since the spouse or spouses reached the required age, or if the woman, who was underage at the time, became pregnant within that one-year period. Marriage may be entered into by two persons of either different or the same sex. In Luxembourg, a religious ceremony does not constitute a legal marriage. Article 146 establishes that a marriage cannot exist without consent. Article 146-2 further clarifies that a marriage is invalid if it is entered into without the free consent of both spouses, or if the consent of at least one spouse was obtained through violence or threat. According to Article 180 of the Code, a marriage can be challenged by the spouses if it was entered into without the free consent of both or of one of them. The challenge may be brought by the affected spouse, the public prosecutor, or any interested party. This could be a good practice, as it provides an alternative route to justice in situations where victims may be too afraid or otherwise unable to initiate proceedings themselves. The application for annulment is no longer admissible, once there has been continuous cohabitation for one year after the spouse regained full freedom. This means, a marriage that has been forced, can be considered consensual by law.

This approach differs from other countries analysed and could be considered exemplary. Unlike in many jurisdictions where the limitation period starts when coercion ceases, in Luxembourg it begins when the spouse actually regains their freedom, acknowledging that a former victim may remain dependent, without financial sources, or fearful even after coercion ends. By tying the limitation to the moment of regained freedom, the law better ensures that the spouse is in a position to assert their rights and seek help. Furthermore, the limitation period does not restrict the public prosecutor, who may and must request annulment during the lifetimes of both spouses and can order their separation.
Article 180 also establishes that coercion on one or both spouses, including coercion arising from reverential fear toward an ancestor, constitutes grounds for nullifying the marriage. This provision is specifically aimed at addressing marriages arranged under traditional or familial pressure and ensures that such coercion can justify declaring the marriage invalid. This law stands out as exceptional among the other analysed countries' legislation, challenging deeply rooted traditional practices.

[282]Government of the Grand Duchy of Luxembourg, "Marriages and Partnerships," *luxembourg.public.lu*, last modified November 11, 2024, https://luxembourg.public.lu/en/living/family/mariages-partenariats.html#:~:text=Getting%20married%2
[283] Ibid.

Criminalisation

In Luxembourg, forced marriage is criminalised as a stand-alone offence under Article 389 of the Criminal Code. According to this provision, anyone who forces a person to enter into a marriage or partnership through violence or threats faces imprisonment of one to four years and a fine ranging from 20,000 to 40,000 euros, or one of these penalties. The law explicitly includes partnerships alongside marriages, referring to civil partnerships, which are legal unions available to both heterosexual and same-sex couples and serve as a less restrictive alternative to marriage. However, the legislation does not criminalise luring adults or children abroad for the purpose of forcing them into marriage, and the scope of means covered by this law is limited, as it only includes "*violence or threat*" and does not account for situations where a victim's vulnerability is exploited or where mental pressure is used to force someone into a marriage. Furthermore, this provision does not extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages, or coercion to remain in a forced marriage.
Trafficking in human beings is addressed under Article 382-1 of the Criminal Code of Luxembourg. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The code explicitly lists the possible forms of exploitation, however, forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, forced marriage in Luxembourg can only be prosecuted under the offence of trafficking in human beings if it involves further forms of exploitation, such as sexual or labour exploitation. In contrast, it may be prosecuted under the general provision of coercion even in the absence of additional exploitative elements, meaning that forced marriage, in and of itself, may suffice to establish the offence. The penalty for trafficking in human beings is not significantly more severe, carrying only a term of imprisonment from three to five years and a fine of 10,000 to 50,000 euros. However, this requires proof of multiple constitutive elements, making prosecution more complex. As a result, prosecuting forced marriage as human trafficking cannot be considered worthwhile, since the potential penalties are similar, but proving the elements of trafficking is more difficult. At the same time, no publicly accessible case law was identified, making it impossible to assess the practical application

Policy and non-legislative measures

GREVIO highlighted (2023) that, apart from policies on domestic violence, Luxembourg has not adopted a specific strategy or action plan to implement comprehensive and coordinated long-term measures to combat all forms of violence against women covered by the Istanbul Convention, including forced marriage[284]. In 2010, the authorities launched an information website for perpetrators and victims of violence, which, as of 2018, includes all forms of violence covered by the Istanbul Convention, including forced marriage.[285] While various specialist service providers offer advice and protection to victims of domestic violence, gaps remain, such as the lack of specialist services addressing forms of violence like forced marriage.[286] Furthermore, there is a lack of police and judicial data on the issue[287], along with persistent shortcomings in staff training on violence against women, particularly forced marriage[288].

[284] GREVIO, *Baseline Evaluation Report: Luxembourg* (Strasbourg: Council of Europe, 2023), p. 15, https://rm.coe.int/grevio-s-baseline-evaluation-report-on-legislative-and-other-measures-/1680abe1bb.
[285] Ibid. p. 23
[286] Ibid. p. 12
[287] Ibid. p. 19
[288] Ibid. p. 25

24. Malta

In Malta, marriage continues to be shaped by a strong Catholic heritage, with traditional values emphasising love, family formation, and lifelong commitment.[289] Religious marriages are especially popular, although civil marriages are becoming increasingly common.[290] As in much of Europe, there is a noticeable trend towards a broader recognition of diverse relationship forms, including civil unions and cohabitation.[291] It is also increasingly common for young people to start families outside traditional marriage structures, reflected in the rise of teenage pregnancies and children born outside of wedlock.[292]

In Malta, in 2025, a new Act (Various Laws relating to Child Marriage and Forced Marriage (Amendment) Act, 2025) was enacted. This legislation amended articles regarding forced and child marriages, in both the Criminal and Civil Codes (including the legal age for marriage), to broaden the scope of the law and introduce stricter measures.

According to Article 3 of the Marriage Act of Malta, the legal minimum age for marriage is set at 18 years, with no exceptions allowed. A marriage contracted in violation of this article shall be considered null and void by law. According to Article 11, a marriage is contracted between two consenting individuals, either in a civil or a religious form. Since both civil and religious marriages are legally recognised in Malta, a forced religious marriage likewise constitutes the criminal offence of forced marriage. Marriage may be entered into by two persons of either different or the same sex.
Article 19 of the Act states that a marriage shall be void if the consent of either of the parties is extorted by violence, whether physical or moral, or fear. An action for the annulment of a marriage may only be requested by one of the parties to that marriage. The limitation period for an annulment to be brought is not specified, which can be considered a good practice as it allows victims to take the time they need to get away from the coercive spouse and to file for annulment.

Criminalisation

In Malta, forced marriage is criminalised as a stand-alone criminal offence under Sections 251G and 251GA of the Criminal Code. This legislation applies in cases where at least part of the offence occurred in Malta, the offender is a Maltese national or a permanent or habitual resident of Malta, or the offence was committed against a Maltese national or a permanent or habitual resident of Malta. Section 251G of the Maltese Criminal Code defines forced marriage as an offence committed by anyone who, through force, bribery, deceit, deprivation of liberty, improper pressure, or any other unlawful conduct, or by threats of such conduct, compels another person to enter into a marriage. The penalty for this offence is imprisonment for a term of three to five years, unless the act constitutes a more serious offence under another provision of the Code. In addition, Section 251GA criminalises the act of luring a person to another state with the purpose of forcing them into marriage, when such luring is carried out by force, bribery, deceit, deprivation of liberty, improper pressure, or other unlawful conduct, or by threats of such conduct. This offence is punishable by imprisonment for a term of four to six years, unless it constitutes a more serious offence under another provision of the Code. In both instances, the marriage is considered null and

[289] Paul Galea, "Marriage: Quo Vadis?" *Laikos*, August 16, 2007, https://www.laikos.org/GaleaPaul01.pdf.
[290] Ibid.
[291] Ibid.
[292] Ibid.

void by law. Furthermore, the 2025 amendment clarified that, for the purposes of these provisions, marriage encompasses any religious or civil ceremony, whether legally binding or not. When a marriage is not legally recognised, it is still considered socially valid and carries similar effects to a legally recognised marriage. The offence is framed as an alternative provision, meaning it applies only when a more serious offence, such as trafficking in human beings, cannot be established. Malta's legal provisions on forced marriage align fully with the Istanbul Convention. Notably, the provision sets out a broad framework, encompassing a wide range of means through which a person may be coerced into marriage, thereby ensuring applicability to many different instances of this crime. However, this provision does not extend criminal liability to equally problematic situations, such as forced de facto partnerships or coercion to remain in a forced marriage.

Although forced marriage is not explicitly classified as a form of exploitation under trafficking in human beings, Sections 248A-248G of the Criminal Code of Malta criminalises trafficking in human beings by including "*any other unlawful activities not specifically provided for elsewhere under this Sub-title*" thereby rendering the list non-exhaustive and potentially encompassing forced marriage. The punishment is a term of imprisonment from six to twelve years. The Criminal Code recognises forced marriage as a separate offence, but treats it as subsidiary, giving primacy to trafficking where the circumstances allow. This approach can help to avoid overlap. Consequently, if all three constitutive elements of trafficking are satisfied in a forced marriage case, this provision shall be applied. This approach is consistent with the fact that the legal definition of trafficking is formulated in an open manner, allowing for prosecution without the need to establish additional forms of exploitation beyond the existence of the forced marriage itself.

Policy and non-legislative measures

The GREVIO Evaluation Report (2020) noted that Malta lacks policies, protocols, or dedicated service provisions regarding other forms of violence against women, including forced marriage.[293] Awareness-raising campaigns do not specifically address forced marriage[294], and there appears to be insufficient understanding and training on how to identify children at risk of being taken out of Malta for the purpose of forced marriage[295]. For instance, civil society organisations have reported cases of children not returning to school, which may be linked to forced marriage.[296] Despite this, very little information is available on the issue, and victims remain inadequately informed about the services available to them and their rights.[297] No specialised protocols or coordinated mechanisms exist among relevant stakeholders to identify, prevent, protect, and support such victims.[298]

[293] GREVIO, *Baseline Evaluation Report: Malta* (Strasbourg: Council of Europe, 2020), p. 12, https://rm.coe.int/grevio-inf-2020-17-malta-final-report-web/1680a06bd2.
[294] Ibid. p. 25
[295] Ibid. p. 26
[296] Ibid.
[297] Ibid. p. 35
[298] Ibid. p. 37

25. Moldova

Marriage in Moldova is traditionally regarded as a sacred institution, with religious ceremonies often following civil registration.[299] As in much of Europe, societal attitudes are gradually shifting, and today a majority of both men and women in Moldova consider cohabitation without formal marriage socially acceptable.[300] Historically, arranged marriages were widespread, with families playing a central role in choosing spouses.[301] While these practices have become less common, certain traditional customs still persist in specific communities. [302] Forced and child marriages are especially prevalent among Moldova's Roma communities.[303] Within these communities, child marriage is reportedly accepted, with girls sometimes married between the ages of 12 and 14.[304] These marriages may be forced, where a girl is wed to an adult against her will, or arranged, where families or matchmakers plan marriages between children for the future.[305] Such unions typically occur without official documentation or registration.[306] Following marriage, it is common for girls to leave school and assume domestic responsibilities.[307]

According to Article 14 of the Family Code of Moldova, the legal minimum age for marriage is set at 18 years, however, exceptions exist. For "*good reasons*", the legal age of consent to marry may be reduced by up to two years. Such a reduction can only be granted by the local guardianship authority with jurisdiction over the residence of the parties wishing to marry, upon their request and with the consent of the minor's parents. However, the Code does not specify what qualifies as "*good reason*" and therefore a determination is made on a case-by-case basis. In Moldova, a religious ceremony does not constitute a legal marriage.

The Family Code of Moldova sets out detailed requirements for valid marriage consent in Article 11, which stipulates that marriage requires the mutual, untainted, personally expressed, and unconditional consent of both parties, as well as their reaching the legal matrimonial age. According to Article 41, a marriage can be declared null if the conditions of consent under Article 11 or the legal age requirement under Article 14 are violated. A marriage declared void is considered invalid from the moment of its conclusion. In cases of lack of consent, only the spouse whose rights were violated by the marriage is entitled to claim its nullity. A marriage declared null and void by a court shall be considered as such from the day of its conclusion and it does not give rise to rights and obligations between the spouses, with the exceptions provided in Article 44. This article further provides that the spouse acting in good faith is entitled to seek reparation for moral and material damages under civil legislation. The limitation period is not specified, which can be considered a good practice since it gives a victim of forced marriage all the time needed to be disconnected from the coercive spouse and to file for annulment.

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[299] https://marryonchain.com/p/articles/everything-you-need-to-know-about-marriage-in-moldova

[300] UNFPA Moldova, *Summary of the Generations and Gender Survey* (Chisinau: Ministry of Labour and Social Protection, 2022), p. 6, https://moldova.unfpa.org/sites/default/files/pub-pdf/summary_of_generations_and_gender_survey_1.pdf.

[301] UNFPA Moldova, "Ada Duminică: 'If you marry young, you'll never have time for education; other worries arise,'" *UNFPA Moldova News*, April 8, 2021, https://moldova.unfpa.org/en/news/ada-duminic%C4%83-if-you-marry-young-youll-never-have-time-education-other-worries-arise.

[302] Ibid.

[303] Girls Not Brides, "Moldova," *Child Marriage Atlas*, accessed October 15, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/moldova/.

[304] Ibid.

[305] Ibid.

[306] Ibid.

[307] Ibid.

Criminalisation

Forced marriages are criminalised under Article 167 of the Moldovan Criminal Code, under *"Slavery and Conditions Similar to Slavery."* This provision criminalises placing or keeping a person under the control of another, or compelling them through deceit, coercion, violence, or threat of violence to enter into or remain in either a marriage or a concubinage relationship. The offence is punishable by imprisonment for a term of three to ten years, with the possible additional penalty of deprivation of the right to hold certain positions or engage in specific activities for up to five years. Notably, the definition extends beyond marriage to also cover "concubinage relationships," which refers to the cohabitation of a man and a woman without the full legal recognition of marriage. The means established in this criminal offence are very limited and do not cover situations where, for example, the victim's vulnerable state is exploited in order to force them into a marriage, or where psychological pressure is used. However, this provision does not extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages, coercion to remain in a forced marriage, or coercion to enter into an engagement. It has been noted by a NGO[308] that the broader offences such as slavery or trafficking in human beings – under which forced marriage is included - do not fully encompass all forms of forced marriage, as they focus primarily on coercion. Addressing forced marriage under the offence of coercion presents further challenges, as it is a complainant offence, meaning police will only investigate if the victim reports the crime. Additionally, prosecution requires the victim's consent, which is problematic given the extreme vulnerability of forced marriage victims. This approach hinders an adequate response from law enforcement and criminal justice institutions.

Although forced marriage is not explicitly classified as a form of exploitation under trafficking in human beings, Article 165 of the Criminal Code of Moldova criminalises human trafficking by including "*slavery or conditions similar to slavery*" as a form of exploitation, which, in Moldova's legislation, encompasses forced marriage. Consequently, if all three constitutive elements of trafficking are satisfied in a forced marriage case, this provision may also be applied. Forced marriage, therefore, may be prosecuted even in the absence of additional exploitative elements, meaning that forced marriage, in and of itself, may suffice to establish the offence. The penalty for human trafficking is not significantly more severe, carrying a term of imprisonment from 6 to 10 years, with deprivation of the right to hold certain positions or to exercise a certain activity for a term of 2 to 5 years. However, this requires proof of multiple constitutive elements, making prosecution more complex. As a result, prosecuting forced marriage as trafficking cannot be considered worthwhile, since the potential penalties are similar while proving trafficking is more difficult. However, this may cause an overlap, and it would be essential that prosecutorial guidelines clearly set the circumstances in which trafficking provisions should take precedence over offence of forced marriage under slavery and conditions similar to slavery. In cases involving minors, forced marriage can also be prosecuted as child trafficking under Article 206 the same way, without having to prove the means element, with aggravated penalties.

Policy and non-legislative measures

The GREVIO Evaluation Report (2023) notes that Moldova lacks policy measures specifically addressing forced marriage.[309]

[308] Response to LSI survey by La Strada Moldova.
[309] GREVIO, *Baseline Evaluation Report: Republic of Moldova* (Strasbourg: Council of Europe, November 14, 2023), p. 15, https://rm.coe.int/grevio-s-baseline-evaluation-report-on-legislative-and-other-measures-/1680ad46a1

26. Netherlands

The Netherlands generally has inclusive and progressive family policies, offering couples a variety of options to formalize their relationships.[310] Also, here the overall popularity of marriage is declining, while registered partnerships are becoming increasingly common, particularly among younger generations.[311] At the same time, couples with a migration background, especially those from Turkish, Middle Eastern, or African communities, often continue to prefer marriage.[312] In these groups, cultural and religious norms may restrict cohabitation outside of marriage, making formal marriage the dominant choice.[313]

According to Article 31, Book 1 of the Dutch Civil Code, the legal minimum age for marriage is set at 18 years, with no exceptions allowed. Marriage may be entered into by two persons of either different or the same sex. In the Netherlands, a religious ceremony does not constitute a legal marriage. According to Article 50, a marriage may be terminated if both parties do not give their free consent to the marriage. In addition, Article 71 allows a spouse to request the annulment of a marriage if it was concluded under coercion. This right to apply for annulment is lost if the spouses have lived together for three years without coercion aimed at maintaining the marriage, and no application has been made during that time. This means that over time, a marriage that has been forced, can be considered consensual by law.
If annulment is granted, it takes effect retroactively from the date of the marriage once the decision becomes final and binding. However, in certain cases specified under Article 77, the annulment does not operate retroactively but instead carries the same consequences as a divorce. Additionally, Article 31, Book 10 of the Civil Code regulates the recognition of marriages contracted abroad. It provides that recognition must be refused if such recognition would be manifestly incompatible with Dutch public policy. This explicitly includes cases where one of the spouses had not freely consented to the marriage at the time it was contracted, unless that spouse later gives express consent to the recognition of the marriage.

Criminalisation

Despite the fact that free consent is required in civil law for a marriage to be considered valid, there is no explicit criminal provision criminalising forcing someone into a marriage. However, the Netherlands criminalises forced marriage under the general provision of coercion as stipulated in Article 284 of the Criminal Code. This provision criminalises compelling another person, by means of violence, threats of violence, or other unlawful acts, to perform, refrain from, or tolerate certain conduct. In this case, if forced marriage takes the form of coercion as described in the provision, it can be prosecuted under the general offence of coercion. However, the means set out here are very broad and not always well-adapted to the specific nature of forced marriage cases. For example, the law does not cover situations where a victim's vulnerable state is exploited to force them into marriage, or where psychological pressure (if not unlawful) serves as the means of coercion. Moreover, the law does not expressly cover luring or deception as a means of forcing someone into marriage. As a result, forced marriage can only be prosecuted under this provision as a general instance of coercion, where the victim is unlawfully compelled to enter into marriage. Due to

[310] BMW Voor Elkaar, "Partnerships and Cohabitation in the Netherlands: Understanding the Changing Norms," *BMW Voor Elkaar – Expats*, accessed October 15, 2025, https://bmwvoorelkaar.nl/en/expats/partnerships-and-cohabitation-in-the-netherlands-understanding-the-changing-norms/.
[311] Ibid.
[312] Ibid.
[313] Ibid.

the general definition, however, this provision may also extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages, forced de facto partnerships, or coercion to remain in a forced marriage. The punishment of coercion is very low and does not reflect the gravity of the crime, but since the provision is easier to prove, it increases the likelihood that a forced marriage case may at least be prosecuted. The Law of 7 March 2013 amending the Criminal Code and the Code of Criminal Procedure expanded the scope of criminal proceedings against forced marriage. This amendment allows for the prosecution of a Dutch national who has forced someone to marry abroad, even if forced marriage is not a criminal offence in the country where the marriage took place. The same provision applies to non-Dutch nationals who are permanent residents of the Netherlands.

Although forced marriage is not explicitly classified as a form of exploitation under trafficking in human beings, Article 273f of the Dutch Criminal Code criminalises trafficking in human beings by including "*slavery and practices similar to slavery*" as a form of exploitation, which may encompass forced marriage. Consequently, if all three constitutive elements of trafficking are satisfied in a forced marriage case, this provision may also be applied. Forced marriage therefore may be prosecuted even in the absence of additional exploitative elements, meaning that forced marriage, in and of itself, may suffice to establish the offence. The penalty for trafficking in human beings is significantly more severe, carrying a term of imprisonment up to twelve years or a category 5 fine. However, this requires proof of multiple constitutive elements, making prosecution more complex. The Minister of Justice and Security has indicated that forced marriage, when classified as trafficking in human beings, constitutes an aggravating circumstance (2011). There have been no successful criminal prosecutions for forced marriage, either as an act of coercion or as a form of trafficking in human beings. Although it has previously been pursued under trafficking in human beings legislation, the case was ultimately unsuccessful.[314] For marriages contracted abroad, the law of the country where the marriage took place governs the grounds for annulment rather than Dutch law. This suggests that the annulment of a forced marriage contracted abroad is only possible in the Netherlands if permitted by the law of the country where the marriage was concluded.

Policy and non-legislative measures

Dutch authorities have launched various awareness campaigns and support initiatives to combat forced marriage, targeting both men and women, including the LGBT+ community.[315] Campaigns like the White Ribbon and "Recognisable?" aim to prevent marriage coercion and abandonment, while policies and protocols support a multi-agency, victim-centred approach aligned with the Istanbul Convention.[316] Tools such as informational leaflets and the Mandatory Reporting Code Act help professionals identify and respond to forced marriage cases.[317] However, research from 2025 shows that despite these efforts, the national response remains insufficient, with hundreds to thousands - mainly girls and women - still at risk each year.[318]

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[314] See detailed case study on p. x

[315] Landelijk Knooppunt Huwelijksdwang en Achterlating (LKHA), "Campagne 'Herkenbaar?' over voorkomen van huwelijksdwang en achterlating gestart," *Huiselijk Geweld*, June 18, 2024, https://www.huiselijkgeweld.nl/themas/huwelijksdwang-en-achterlating/nieuws/2024/06/18/campagne-herkenbaar-over-voorkomen-huwelijksdwang-en-achterlating-gestart.

[316] Ibid.

[317] Research and Documentation Centre (WODC). *Evaluation of the Effects of the Legislation on Registered Partnership: A Quick Scan*. Ministry of Justice, 2000. https://repository.wodc.nl/handle/20.500.12832/3461.

[318] Ibid.

27. North Macedonia

Current statistics in North Macedonia, as in much of Europe, indicate a rising divorce rate, a declining number of formal marriages, and an increase in extramarital unions.[319] Traditional patriarchal attitudes persist in certain communities, where family honour and gender roles continue to influence marriage decisions, sometimes resulting in early or forced marriages, particularly among girls.[320] Cultural and religious traditions also shape perceptions of marriage, with some communities viewing it as a cornerstone of social life.[321] Early and forced marriage is especially prevalent within Roma communities.[322] Within these communities in North Macedonia, early and forced marriage is considered to be a norm or custom, hence a cultural practice that does not necessarily entail the state's responsibility to act.[323]

According to Article 16 of the Family Law of North Macedonia, the minimum legal age for marriage is set at 18 years, however, exceptions exist. The competent court may allow a person who has reached the age of 16 to marry if it determines that the person has attained the physical and mental maturity necessary to exercise the rights and duties arising from marriage, based on a prior opinion from a healthcare institution and professional assistance provided by the social work center. If this provision were violated, the marriage may be annulled under Article 16. According to Article 30 of the Family Law, a marriage concluded according to religious customs has no legal effect. According to Article 19, a marriage is invalid if consent to the marriage was given under duress. According to Article 36, a marriage that was concluded under duress may be annulled only by the spouse who was forced to enter into the marriage. The lawsuit must be filed within one year from the day the threat of coercion ceased. The Family Law of North Macedonia treats an annulled marriage as if it never existed. However, with regard to the rights of children born within an annulled marriage, they enjoy the same rights as children born within a valid marriage that was subsequently dissolved by divorce, including the right to maintenance and the right of inheritance.

Criminalisation

Forced marriage in North Macedonia is explicitly criminalised as a form of exploitation of trafficking in human beings (Article 418-a) and child trafficking (Article 418-d) under the Criminal Code. Article 418-a criminalises the recruitment, transport, transfer, purchase, sale, sheltering, or acceptance of persons for the purpose of exploitation through forced marriage, using a wide array of coercive means. These include force, serious threats, deception, abduction, fraud, abuse of position, or the exploitation of a person's vulnerability, such as pregnancy, helplessness, disability, or other physical or mental incapacity. This provision encompasses several coercive means, potentially including the luring element of forced marriage. It explicitly criminalises "*abuse of helplessness*" and "*giving or receiving money or other benefits*

[319] Radulović, Makedonka, Irena Avirovic Bundalevska, and Angelka Keskinova. "Youth Perception of Extramarital and Homosexual Unions in North Macedonia." *Proceedings of The World Conference on Social Sciences*, May 2023. https://www.researchgate.net/publication/370856242_Youth_Perception_of_Extramarital_and_Homosexual_Unions_in_North_Macedonia.

[320] United Nations Population Fund (UNFPA). "Escaping Child Marriage in North Macedonia: 'Once You Leave Your Mark, Others Can Follow.'" *UNFPA Eastern Europe and Central Asia*, June 30, 2020. https://eeca.unfpa.org/en/news/escaping-child-marriage-north-macedonia-once-you-leave-your-mark-others-can-follow.

[321] Ibid.

[322] Ibid.

[323] GREVIO, *Baseline Evaluation Report: North Macedonia* (Strasbourg: Council of Europe, September 7, 2023), p. 16, https://rm.coe.int/baseline-evaluation-report-on-north-macedonia/1680ac76ab.

to obtain the consent of a person who has control over another person," reflecting practices such as the bride price. Due to the inclusion of such forms, the provision captures forced marriage-specific methods of coercion as well, making it potentially more effective in practice for prosecuting forced marriage. The punishment for trafficking in human beings for adults is a minimum of four years of imprisonment. Child trafficking is separately addressed under Article 418-d, with penalties ranging from a minimum of eight years' imprisonment. These provisions, however, do not extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages, forced de facto partnerships, or coercion to remain in a forced marriage.

Additionally, Article 196 criminalises enabling unauthorised marriages, while Article 197 criminalises the cohabitation of an adult with a minor and penalises parents or guardians who permit such arrangements.

Policy and non-legislative measures

According to the GREVIO evaluation report (2022), forced marriage has received little attention in North Macedonia in terms of policies and measures to combat this form of violence.[324] There is a significant lack of data on forced marriage[325], and little to no awareness-raising campaigns exist on the issue[326]. Women and girls at risk of or subjected to forced marriage have no dedicated shelters, although support services originally designed for domestic violence victims may be available.[327]

[324] Ibid. p. 13
[325] Ibid. p. 28
[326] Ibid. p. 32
[327] Ibid. p. 48

28. Poland

The Polish Constitution defines marriage as a union between a man and a woman, reflecting a traditional perspective (Article 18). However, there is also a growing acceptance of cohabitation and live-in relationships as a stage in family development, as in most parts of Europe.[328] According to the 2021 GREVIO Evaluation Report, forced marriage in Poland is most prevalent within Roma communities.[329]

According to Article 10 of the Polish Family and Guardianship Code, the legal minimum age for marriage is set at 18 years, however, exceptions exist. For important reasons, the guardianship court may permit a woman who has reached the age of sixteen to enter into marriage, when the circumstances indicate that entering into marriage would be in the best

interests of the newly established family. However, the Code does not specify what qualifies as "*important reasons*" and therefore a determination is made on a case-by-case basis. If these provisions are violated, an annulment can be requested, but the marriage does not become automatically void. The law provides special protection for pregnant women by stipulating that if a woman is pregnant, her husband cannot seek annulment of the marriage on the grounds of her not having reached the prescribed legal age. Furthermore, Article 1 of the Code establishes that marriage may be solemnized through a civil ceremony, a recognised church ceremony, or by other religious associations. Since both civil and religious marriages are legally recognised in Poland, a forced religious marriage likewise constitutes the criminal offence of forced marriage. Under Article 15, a marriage may be annulled if the declaration of consent was made under the influence of an unlawful threat from the other party or a third party, where the circumstances indicate that the person could reasonably have feared serious personal danger to themselves or another. Annulment may be requested only by the spouse who made the defective declaration. This provision is highly limited, as it does not extend to the many other ways in which consent to marriage can be forced. Annulment is barred six months after the end of coercion and, in any case, three years after the marriage. This short timeframe risks legally validating a forced marriage over time. Victims, often financially dependent and socially isolated, may lack the resources, support, or legal knowledge to act within these limits. Fear of retaliation further delays action. As a result, many are left with divorce as the only option, which is a difficult process that places the full legal and emotional burden on the victim to pursue complex and often confrontational proceedings. The provisions on divorce shall apply accordingly to the effects of marriage annulment in terms of property relations, the relationship of the spouses to their common children and between the spouses.

Criminalisation

In Poland, forced marriage is criminalised as a stand-alone offence under Article 191b of the Polish Criminal Code. According to this provision, any person who, through force, unlawful threats, abuse of a relationship of dependence, or by exploiting a critical situation, induces another person to enter into a marriage or a union equivalent to marriage within the religious or cultural circle of the perpetrator, is punishable by

[328] Matysiak, Anna. "Is Poland really 'immune' to the spread of cohabitation?" MPIDR Working Paper WP-2009-012. Rostock: Max Planck Institute for Demographic Research, 2009, https://www.demogr.mpg.de/papers/working/wp-2009-012.pdf.

[329] GREVIO, *Baseline Evaluation Report: Poland* (Strasbourg: Council of Europe, June 23, 2021), https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b.

imprisonment from three months to five years. The provision also explicitly includes the element of luring: the same penalty applies to anyone who, for the purpose of committing the offence of forced marriage, uses deceit, abuses a relationship of dependence, or exploits a critical situation in order to induce another person to leave the territory of the Republic of Poland. By including "*union that corresponds to marriage in the religious or cultural circle of the perpetrator*" as a form of relationship alongside marriages, the provision extends criminal liability to marriage-like unions that are recognised as binding within the community of the perpetrator, for example, religious marriages (even if not recognised by the state) or cultural/traditional marriage ceremonies. The provision includes forced marriage-specific methods of coercion as well, such as "*abusing a relationship of dependence or taking advantage of a critical situation*" making it potentially more effective in practice for prosecuting forced marriage. However, this provision does not extend criminal liability to the equally problematic situation of coercing someone to remain in a marriage against their will.

Trafficking in human beings is addressed under Article 189a of the Polish Criminal Code. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The forms of exploitation are not explicitly listed in the Code, therefore, forced marriage may also fall under the provision. The penalty for trafficking in human beings is significantly more severe than it is of forced marriage, carrying a term of imprisonment from three to twenty years. However, no publicly available case law was found, making it difficult to evaluate how this provision is applied in practice to cases of forced marriage.

Policy and non-legislative measures

As forced marriage in Poland is most prevalent within Roma communities according to the 2021 GREVIO Evaluation Report, initiatives have been introduced to empower women and girls from these communities, particularly through education and targeted policies.[330] Notably, the employment of Roma school assistants has been identified as a promising measure in preventing early and forced marriages.[331] However, addressing the issue requires a comprehensive and multi-agency approach, which remains largely absent.[332] There are limited measures in place, and no specific information or targeted efforts appear to be available to inform and support women and girls at risk of early and forced marriage.[333]

[330] Ibid. p. 7
[331] Ibid.
[332] Ibid. p. 13-14
[333] Ibid. p. 42

29. Portugal

As in much of Europe, Portugal has experienced a steady decline in the total number of marriages over the past two decades, with many Portuguese couples now opting for domestic partnerships instead.[334] While Catholic weddings were historically the preferred choice for couples, this tradition is gradually diminishing.[335] Child, early, and forced marriages continue to occur within the country.[336] Additionally, the growing population of refugees and asylum seekers in Portugal may contribute to the persistence of these practices within sheltered families.[337]

According to Article 1601 of the Portuguese Civil Code, the legal minimum age for marriage is set at 18 years, with no exceptions allowed. However, a marriage contracted in violation of this rule is not automatically void but can be annulled. Marriage may be entered into by two persons of either different or the same sex. Article 1587 of the Code recognises that marriage may be solemnized either through a civil or a church ceremony.

Since both civil and religious marriages are legally recognised in Portugal, a forced religious marriage likewise constitutes the criminal offence of forced marriage. Article 1619 of the Civil Code establishes that the desire to marry is strictly personal to each of the spouses. Under Article 1631(b), a marriage is voidable if it was entered into with a lack of will or if the will was vitiated by coercion. Article 1635 further specifies that a marriage is voidable due to lack of will when the declaration of will has been extorted by physical coercion. Moral coercion is also explicitly regulated in Article 1638, which provides that a marriage entered into under moral duress is voidable, provided that the threatened harm is serious and the fear of its consummation is justified.

The law equates to unlawful threat situations where the betrothed is unlawfully extorted into giving consent through the promise of protection from accidental harm or harm caused by another. Moral coercion is rarely regulated explicitly in other researched countries, but its recognition could be considered a good practice, as it broadens the scope of protection by covering more situations in which a person may be forced into marriage. The annulment action may only be initiated by the spouse whose will was lacking or who was the victim of coercion. According to Articles 1644 and 1645, the action for annulment expires three years after the celebration of the marriage in cases of lack of will, while in cases of defects of will, it is subject to a six-month limitation period from the cessation of the defect. Over time, a forced marriage may be deemed legally consensual, as the six-month window to seek annulment after coercion has ceased is often too short for victims to act. This limitation poses serious challenges, as victims are typically financially dependent, socially isolated, and lack legal knowledge or support. Fear of retaliation further hinders action. As a result, many are left with divorce as the only option – a process that places the full legal and emotional burden on the victim through often lengthy and confrontational proceedings.

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[334] Joana Taborda. "Portuguese Weddings: How to Get Married in Portugal." *Expatica*, May 27, 2025. https://www.expatica.com/pt/living/love/weddings-in-portugal-105264/.
[335] Ibid.
[336] Provedoria de Justiça. *Casamentos Infantis e Forçados: Contributo da Provedoria de Justiça para o Relatório do Alto Comissariado das Nações Unidas para os Direitos Humanos, nos termos da Resolução 35/16 do Conselho de Direitos Humanos*. Lisboa: Provedoria de Justiça, setembro de 2018. https://www.provedor-jus.pt/documentos/2018_Casamentos_Infantis_e_Forcados.pdf.
[337] Ibid.

Criminalisation

In Portugal, forced marriage is criminalised as a stand-alone offence under Article 154-B of the Portuguese Criminal Code. Portuguese criminal law extends its jurisdiction to acts of forced marriage committed outside the national territory. Article 154-B of the Criminal Code criminalises forcing someone into a marriage with a penalty of up to five years' imprisonment. The provision applies to "*unions equivalent to marriage*" alongside formal marriages. These unions, known as de facto partnerships, require that a couple has lived together in the same household for at least two years, forming a relationship that, while not granting a formal marital status, produces some legal effects similar to marriage. However, this provision does not explicitly include luring someone into a foreign state to force them into marriage, and it does not extend criminal liability to equally problematic situations such as coercion to remain in a forced marriage, or coercion to enter into an engagement.

Trafficking in human beings is addressed under Article 160 of the Portuguese Criminal Code. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The Code explicitly lists the possible forms of exploitation, however, forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, forced marriage in Portugal can only be prosecuted under the offence of trafficking in human beings if it involves further forms of exploitation, such as sexual or labour exploitation. In contrast, it may be prosecuted under the offence of forced marriage even in the absence of additional exploitative elements, meaning that forced marriage, in and of itself, may suffice to establish the offence. The penalty for trafficking in human beings is significantly more severe, carrying a term of imprisonment from three to ten years. However, this requires proof of multiple constitutive elements, making prosecution more complex. At the same time, the absence of publicly available case law makes it impossible to evaluate how these provisions are applied in practice to forced marriage cases.

Policy and non-legislative measures

According to the GREVIO First thematic evaluation report (2025), on 14 August 2023 Portugal adopted its seventh consecutive National Action Plan for Preventing and Combating Violence against Women and Domestic Violence (NAP) for the period 2023-2026.[338] The NAP covers most, if not all forms, of violence covered under the Istanbul Convention in a comprehensive way, envisaging strategic goals such as preventing and combating harmful traditional practices, and places a special focus on child, early, and forced marriages.[339] The authorities have also launched the first national campaign on preventing and combating early and forced marriages, which targets the public at large but also technical professionals, informing them of, among other things, the main indicators of these phenomena.[340] Furthermore, in 2021, a working group was created to address early and forced marriages, identify best practices, and make policy proposals.[341]

[338] GREVIO, *First Thematic Evaluation Report: Building Trust by Delivering Support, Protection and Justice – Portugal* (Strasbourg: Council of Europe, March 27, 2025), p. 11, https://rm.coe.int/first-thematic-evaluation-report-building-trust-by-delivering-support-/1680b607c7.
[339] Ibid. p. 12
[340] Ibid. p. 18-19
[341] Ibid. p. 31

30. Romania

The Romanian population has grown more liberal and individualistic in its views on marriage.[342] As in most parts of Europe, however, marriage is no longer seen as a necessity.[343] While the traditional family model still remains preferred, the number of couples entering into consensual unions and cohabiting has increased.[344] The Romanian population continues to have a more conservative view of marriage in comparison to the rest of Europe.[345] Regarding early and forced marriages, according to the census conducted in 2021[346], 521 girls aged between 11 and 14 in Romania were recorded as living in so-called "consensual unions" with their partners.[347] Among adolescents aged 15 to 19, this figure rose dramatically to over 18,500.[348] While the data does not specify how many of these girls were under the legal age of 18, it nonetheless offers a significant insight into the prevalence of early and potentially forced unions in the country.[349] It further revealed that nearly 10,000 women aged between 16 and 19 were already legally married, highlighting the widespread nature of child and early marriage practices within certain communities.[350]

In Romania, forced marriage is mainly addressed in the civil law framework. According to Article 272 of the Code, the legal minimum age for marriage is set at 18 years, however, exceptions exist. For valid reasons, a minor who has reached the age of 16 may marry on the basis of a medical opinion, with the consent of his parents or of the guardian, and with the authorization of the guardianship court in whose jurisdiction the minor has his domicile. If one of the parents refuses to consent to the marriage, the guardianship court shall also decide on this divergence, taking into account the best interests of the child. However, the Civil Code does not specify what qualifies as "*valid reason*" and therefore a determination is made on a case-by-case basis. If a person marries before reaching the age of 16, the marriage is subject to absolute nullity under Article 294. However, the declaration of absolute nullity is not automatic but must be sought through legal action. Any interested party may bring such an action, and it is not subject to any limitation period. In Romania, a religious ceremony does not constitute a legal marriage.
Romanian law explicitly emphasizes the principle of free consent in marriage. Article 258 establishes that the family is founded on marriage freely consented to by the spouses, while Article 259 defines marriage as the freely consented union between a man and a woman. Under Article 271, marriage must be concluded by the personal and free consent of the spouses, and if this requirement is violated, the marriage is deemed absolutely null and void in accordance with Article 293. Additionally**,** the institution of

[342] Nina Evason. "Romanian Culture: Family." *Cultural Atlas*, January 1, 2024. https://culturalatlas.sbs.com.au/romanian-culture/romanian-culture-family.
[343] Ibid.
[344] Ibid.
[345] Ibid.
[346] Romanian National Institute of Statistics (INS), *Final Results: Demographic Characteristics – 2021 Population and Housing Census (RPL 2021)* (Bucharest: INS, May 31, 2023).
[347]Iulia Hau, "Când expresia «Nu așa-i tradiția la voi?» ascunde, de fapt, nepăsarea statului. De 8 martie, despre fetele căsătorite forțat în România," *HotNews.ro*, March 8, 2024, https://hotnews.ro/cnd-expresia-nu-asa-i-traditia-la-voi-ascunde-de-fapt-nepasarea-statului-de-8-martie-despre-fetele-casatorite-fortat-n-romnia-13279.
[348] Ibid.
[349] Ibid.
[350] Ibid.

engagement prior to marriage is also legally regulated, requiring the mutual promise of both individuals to enter into a marriage. A religious ceremony alone does not create a legally valid marriage.
In cases of relative nullity, where a spouse's consent has been vitiated by fraud or violence, Article 298 provides that the marriage may be annulled, but annulment of marriages concluded under force does not exist. However, the annulment must be sought within six months of the cessation of violence, creating a narrow timeframe for victims to act. Moreover, annulment is excluded if the spouses have cohabited for six months after the violence has ceased. In addition, nullity is considered remedied if, in the meantime, both spouses reach the age of 18, or if the wife has given birth or become pregnant. This means that over time, a marriage that has been forced, can be considered consensual by law. These provisions, set out under Article 303, impose severely restrictive conditions that significantly limit the possibility of challenging a forced marriage. This limitation poses serious challenges, as victims are typically financially dependent, socially isolated, and lack legal knowledge or support. Fear of retaliation further hinders quick action. As a result, many are left with divorce as the only option – a process that places the full legal and emotional burden on the victim through often lengthy and confrontational proceedings.

Criminalisation

Despite the fact that full and free consent is required in civil law for a marriage to be considered valid, there is no explicit criminal provision criminalising forcing someone into a marriage. Instead, authorities rely on other legal provisions, such as unlawful deprivation of liberty (Article 205), rape (Article 218), sexual intercourse with a minor (Article 220), and ill-treatment of minors (Article 197), to prosecute conduct that may constitute forced marriage. These provisions, however, do not cover every type of conduct through which a person can be forced into marriage, nor do they reflect the full gravity of the crime. The legal norms only address specific forms of exploitation. Forced marriage could only fall under the offence of deprivation of liberty where the conduct involves the abduction of a person who is unable to express their will or defend themselves. In this case, the decisive element is not the forced marriage itself, but rather the act of kidnapping and the resulting restriction of the victim's freedom of movement and decision-making. Therefore, the provision would only indirectly capture forced marriage in situations where the victim's incapacity renders them unable to resist or prevent the marriage. For example, in Romania, some girls are reportedly kidnapped and assaulted by future grooms in the hope that their parents will allow them to marry following the loss of their virginity.[351] Rape, sexual intercourse with a minor, and ill-treatment of minors do not criminalise forced marriage itself, they only address forms of further exploitation that may occur within such marriages. Forced marriage in these cases primarily serves to create a state of dependency, which allows such abuses to occur repeatedly. While it is crucial to criminalise these acts, the underlying crime of forced marriage remains unpunished.

Trafficking in human beings is addressed under Article 210 of the Romanian Criminal Code. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The forms of exploitation are not explicitly listed in the Code, therefore, forced marriage may also fall under the provision. The penalty for trafficking in human beings carries a term of imprisonment from three to ten years, and the prohibition of exercising certain rights. Even though prosecuting this offence requires proof of multiple constitutive elements, making it more

[351]Girls Not Brides, "Romania," *Child Marriage Atlas*, accessed October 15, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/romania/.

complex, it remains the only form of conduct that could potentially capture the crime of forced marriage itself, without needing to demonstrate additional exploitation.
However, none of the above-mentioned criminal provisions have been applied to date to prosecute cases of forced marriage.[352]

Policy and non-legislative measures

According to the GREVIO Evaluation Report (2022), forced and child marriage in Romania is predominantly observed within Roma communities.[353] Many early arranged marriages, a customary practice among Roma, make it difficult to determine whether force or threat was involved.[354] However, the young age of most brides suggests a likely absence of genuine consent.[355] The absence of comprehensive policies on forced marriage is evident[356], with no awareness-raising campaigns[357], limited victim information[358], and no specific support services such as helplines for women and girls at risk[359]. Additionally, the lack of a specific criminal offence for forced marriage hinders data collection and obscures the actual prevalence of the practice.[360]

[352] Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), *Baseline Evaluation Report: Romania* (Strasbourg: Council of Europe, March 4, 2022), p. 57-58, https://rm.coe.int/final-report-on-romania/1680a6e439.
[353] Ibid. p. 57
[354] Ibid.
[355] Ibid.
[356] Ibid. p. 6
[357] Ibid. p. 28
[358] Ibid. p. 37
[359] Ibid. p. 44
[360] Ibid. p. 58

31. Serbia

In Serbia, marriage rates remain comparatively high, and although a decline has been observed, it is not as significant as in most other parts of Europe.[361] At the same time, social trends indicate a growing acceptance of cohabitation as an alternative to marriage, accompanied by a rising divorce rate.[362] Child marriage continues to occur within the general population in Serbia, most often among poorer populations and in rural areas.[363] The practice is particularly prevalent in Roma communities, where, according to UNICEF's Multiple Indicator Cluster Surveys, more than half of girls are married before the age of 18.[364] Instances of child marriage are also reported among Hungarian minority populations.[365]

According to Article 23 of the Family Law of Serbia, the legal minimum age for marriage is set at 18 years, however, exceptions exist. The court may, for justified reasons, allow the marriage of a minor who has reached the age of 16 and has reached the physical and mental maturity required for the exercise of rights and duties in marriage. However, the Law does not specify what qualifies as "*justified reasons*" and therefore a determination is made on a case-by-case basis. If these provisions are violated, the marriage is not automatically void but can be annulled under Article 37. In Serbia, a religious ceremony does not constitute a legal marriage.

Under Article 3 of the Family Law, marriage can only be validly concluded if both parties give their free and voluntary consent. Article 24 explicitly recognises a lack of free will as an impediment to marriage, rendering any marriage entered into without genuine consent voidable. In cases where a spouse consents under duress, Article 38 provides that the marriage may be annulled. According to this provision, coercion exists when the other spouse or a third party causes justified fear in the spouse by force or threat, leading them to agree to the marriage. Fear is considered justified when, based on the circumstances, the life, body, or other significant property of either spouse or a third party is at risk. This framework, however, does not encompass many situations in which a person may be forced into marriage, such as cases where their vulnerability is exploited or when subtle psychological pressure is applied. Article 216 establishes that a spouse who entered into marriage under duress may initiate annulment proceedings within one year from the moment the duress ceases. This limitation poses serious challenges, as victims are typically financially dependent, socially isolated, and lack legal knowledge or support. Fear of retaliation further hinders quick action. As a result, many are left with divorce as the only option - a process that places the full legal and emotional burden on the victim through often lengthy and confrontational proceedings.

Criminalisation

In Serbia, forced marriage is criminalised as a stand-alone offence under Article 187a of the Criminal Code. The criminal offence also penalizes the act of luring an adult to a jurisdiction outside Serbia for the purpose of compelling them into marriage. Under this provision, anyone who uses force or threat to coerce another person into marriage faces imprisonment from three months to three years, while those who take or lead

[361] Statistical Office of the Republic of Serbia, *Marriages and Divorces, 2024* (Belgrade: Statistical Office of the Republic of Serbia, 2025),https://www.stat.gov.rs/en-US/vesti/statisticalrelease/?p=17040.
[362] Ibid.
[363] Girls Not Brides, "Serbia," *Child Marriage Atlas*, accessed October 16, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/serbia/.
[364] Ibid.
[365] *Ibid.*

a person abroad for that purpose may be punished by up to two years' imprisonment. This offence is officially applicable to adults or, according to Serbian authorities, minors over the age of 16 may be included if a court has authorised the marriage. In parallel, Article 190 of the Code establishes criminal liability for cohabitation with a minor, applying not only to adults who engage in such cohabitation but also to parents or guardians who facilitate it. However, Article 190(4) provides that if a formal marriage is concluded, prosecution under the cohabitation offence shall not be initiated or must be discontinued. This means that formalising a child marriage may shield the adult from prosecution under the cohabitation offence, even in cases where coercion or exploitation might be present. Furthermore, these provisions do not extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages, forced de facto partnerships or coercion to remain in a forced marriage.

Trafficking in human beings is addressed under Article 388 of the Serbian Criminal Code. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The Code explicitly lists the possible forms of exploitation, however, forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, forced marriage in Serbia can only be prosecuted under the offence of trafficking in human beings if it involves further forms of exploitation, such as sexual or labour exploitation. In contrast, it may be prosecuted under the stand-alone offence of forced marriage even in the absence of additional exploitative elements, meaning that forced marriage, in and of itself, may suffice to establish the offence. The penalty for trafficking in human beings is significantly more severe, carrying a term of imprisonment from three to twelve years. However, this requires proof of multiple constitutive elements, making prosecution more complex. At the same time, the absence of publicly available case law makes it impossible to evaluate how these provisions are applied in practice to forced marriage cases. There has been a recent positive development is Serbia's ongoing initiative to classify child marriage as a form of trafficking in human beings, which would enable the state to combat this harmful practice at a more systemic level.

Policy and non-legislative measures

According to the GREVIO First thematic evaluation report (2025), policy efforts in Serbia primarily focus on domestic violence, with little attention given to addressing forced marriage as a distinct issue.[366] Data collection remains inadequate, and the support available through social services is limited.[367] As child and forced marriages are specifically prevalent in the Roma community, professionals within the social welfare system continue to regard child marriage as a "Roma tradition".[368] In some cases, they refrain from intervening, as such intervention is perceived as interference with community norms.[369]

[366] Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), *First Thematic Evaluation Report: Building Trust by Delivering Support, Protection and Justice – Serbia* (Strasbourg: Council of Europe, July 3, 2025), p. 37, https://rm.coe.int/first-thematic-evaluation-report-building-trust-by-delivering-support-/4880289a48.
[367] Ibid. p. 27
[368] Ibid. p. 34
[369] Ibid.

32. Slovakia

According to the Constitution of Slovakia, the state comprehensively protects and values marriage.[370] Matrimony, parenthood, and family are safeguarded by law, with special protection guaranteed for children and minors.[371] While these provisions reflect the privileged status of traditional heterosexual marriage, Slovak law also ensures the protection of all family forms that provide security and solidarity to their members.[372] In recent years, traditional families in Slovakia have faced a crisis, evident in rising cohabitation rates and a relatively high divorce rate.[373] As in much of Europe, marriage rates have declined, and alternative forms of partnership have become increasingly accepted.[374] Regarding early and forced marriages, it has been reported by law enforcement officers that there has been an increase in the number of child marriage cases amongst Slovak children of Romani descent.[375] Reports state that these children are being forced to marry young by their parents/guardians for financial gain.[376]

According to Article 13 of the Family Code of Slovakia, the legal minimum age for marriage is set at 18 years, however, exceptions exist. If it is in accordance with the social purpose of marriage, the court may, for important reasons, permit a minor over the age of sixteen to enter into marriage. Without such permission, the marriage is invalid, and the court shall declare it as such even without a motion. However, the Code does not specify what qualifies as "*important reasons*" and therefore a determination is made on a case-by-case basis.

In Slovakia, a marriage may be solemnized either through a civil or a church ceremony. Since both civil and religious marriages are legally recognised, a forced religious marriage likewise constitutes the criminal offence of forced marriage.

According to Article 1 of the Code, a marriage is concluded based on the voluntary decision of a man and a woman. However, the Family Code does not include provisions for annulling a marriage that has been entered into under force. Therefore, if a forced marriage can only be dissolved through divorce, the Family Code allows the spouses to request divorce through a lawsuit. In forced marriage cases, this is highly problematic, as it places the entire legal burden on the victim to initiate and sustain often lengthy and adversarial proceedings against the coercing spouse. Case studies show that victims are typically entirely dependent on their spouse, subjected to strict control, surveillance, and threats, and deprived of financial resources, legal knowledge, and social support. Many also fear retaliation or further abuse. Consequently, the requirement to pursue a lawsuit can effectively prevent victims from escaping the marriage.

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[370] Lenka Dufalová, Tamara Cipková, and Katarína Burdová, "Legal Consequences of Marriage and Cohabitation under the Slovak Law," *Actualidad Jurídica Iberoamericana* 11 (August 2019): p. 151, https://revista-aji.com/wp-content/uploads/2019/09/148-167.pdf.
[371] Ibid.
[372] Ibid.
[373] Ibid.
[374] Ibid.
[375] Girls Not Brides, "Slovakia," *Child Marriage Atlas*, accessed October 16, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/slovakia/.
[376] Ibid.

Criminalisation

In Slovakia, forced marriage is primarily addressed under Section 179 of the Criminal Code of Slovakia as a form of exploitation of trafficking in human beings. It provides that anyone who, through fraud, deceit, restriction of personal freedom, kidnapping, violence, threats of violence or other serious harm, or other forms of coercion, as well as by the acceptance or provision of monetary payment or other benefits to obtain the consent of a person on whom another depends, or by abusing a position of authority, defencelessness, or another vulnerable situation, lures, transports, harbours, transfers, or takes over another person, even with their consent, for the purpose of forced marriage, shall be punished by imprisonment of four to ten years. Paragraph 2 of this provision applies to children (paragraph 2) without having to prove the means element of the offence. The provision includes forced marriage-specific methods of coercion as well, such as "*acceptance or provision of monetary payment or other benefits to obtain the consent of a person on whom another person depends*" mirroring, for example, the bride price, which is usually paid to the parents of the victim, or "*abuse of defencelessness or otherwise vulnerable position*" making it potentially more effective in practice for prosecuting forced marriage. Furthermore, the provision also explicitly includes luring as well. Additionally, forced marriage can also be prosecuted under coercion (Section 192) or gross coercion (Section 190), particularly when the act to force someone into a marriage is based on sensitive attributes of the victim, such as gender, ethnicity, or religion.

Forced marriage may be prosecuted under Section 192 of the Criminal Code on coercion where a person forces another to enter into marriage or to remain in a marriage against their will by exploiting the victim's material need, urgent non-material necessity, or distress caused by adverse personal circumstances. The offence is punishable by imprisonment of up to three years. Forced marriage may be prosecuted under Section 190(2) of the Criminal Code only where the coercion meets the threshold of "gross coercion", namely unlawful forcing through violence or threats of violence that violate basic human rights. In addition, prosecution requires either a discriminatory motive, targeting the victim on the basis of nationality, race, ethnic origin, age, health condition, or gender, or the intent to obtain unjust or disproportionate benefits for the perpetrator or another person. Consequently, only those cases of forced marriage that involve violence or threats combined with such motives or exploitative purposes fall within the scope of this provision. The punishment for this offence is a term of imprisonment from four to ten years.

The penalty for trafficking in human beings is significantly more severe than it is of the general offence of coercion, however, this requires proof of multiple constitutive elements, making prosecution more complex. It has the same penalty as it is for gross coercion, however, the latter only applies to only a few very specific cases of forced marriage. In all provisions mentioned, forced marriage may be prosecuted in and of itself, without having to prove further exploitation. Lack of practical application of the trafficking in human beings offence, case law, and practical interpretation of the elements of the criminal offence of trafficking in human beings are perceived as problematic by the interviewed experts, according to the HESTIA project.[377]

[377] L. Baloghová, *Forced Marriages and Sham Marriages in the Slovak Republic* (Riga: HESTIA Project, 2017), p. 34, https://www.cilvektirdznieciba.lv/uploads/files/hestia_research_national_report_sk_(eng).pdf.

Policy and non-legislative measures

Slovakia places emphasis on prevention, particularly through awareness-raising initiatives.[378] The report highlights the importance of tailored social assistance programs aimed at improving victims' quality of life, along with educational initiatives and targeted prevention measures.[379]

33. Slovenia

In Slovenia, as in other European countries, there has been a trend towards a pluralisation of partnership and forms of family life.[380] Regardless of these changes, the family remains a fundamental social institution that is of great importance for each individual.[381] Public opinion surveys show that the family is still considered important in all stages of life and is at the top of people's lists of values.[382]

According to Article 24 of the Family Code of Slovenia, the legal minimum age for marriage is set at 18 years, however, exceptions exist. The court may, for justified reasons, permit the marriage of a child who has already reached the age of 15, if he/she has reached such physical and mental maturity that he/she can understand the meaning and consequences of the rights and obligations arising from the marriage. However, the Code does not specify what qualifies as "*justified reasons*" and therefore a determination is made on a case-by-case basis. A marriage concluded in violation of this Article shall be invalid under Article 45. This, however, is not ex lege, but a lawsuit for annulment may be filed by the spouses, the state prosecutor, and anyone who has a legal interest in such annulment. Marriage may be entered into by two persons of either different or the same sex. In Slovenia, a religious ceremony does not constitute a legal marriage.

According to Article 20, marriage must be based on the free decision of the parties to enter into it. Article 23 further underlines that marriage cannot be concluded without the genuine and voluntary declaration of both spouses. The provision clarifies that there is no free expression of will if the statement was coerced. A declaration of intent to enter into marriage is only considered coerced if the spouse gave it out of fear caused by a serious threat. However, in practice, coercion may take many other forms beyond fear of serious threats. A person's intent may be compromised by vulnerability, dependency, or subtle psychological pressure, such as from parents or close relatives. Article 45 provides that any marriage concluded in violation of this principle is invalid. The annulment of a marriage concluded under duress may be requested by the spouse who was forced to the marriage. However, the annulment of the marriage cannot be requested if one year has passed since the day on which the coercion has ceased, and the spouses lived together during that time. This means that over time, a marriage that has been forced, can be considered consensual by law. As seen in other countries' analyses above, this limitation period is too restrictive for victims of forced marriage as it takes time to undertake action. This leaves them with the only option of divorce, which places the full legal burden on them and can be dreadful processes, and might compel victims to remain in the forced marriage nonetheless.

[378] Ibid.
[379] Ibid.
[380] Slovenian Government, "Marriage and Cohabitation," *GOV.SI*, accessed October 16, 2025, https://www.gov.si/en/policies/familiy-children-and-marriage/marriage-and-civil-union/.
[381] Ibid.
[382] Ibid.

Criminalisation

In Slovenia, forced marriage is criminalised as a stand-alone offence under Article 132a of the Criminal Code. It stipulates that anyone who, through force, the threat of force, or the abuse of a subordinate or dependent position, forces another person to enter into marriage or a similar legally recognised community shall be subject to imprisonment of up to three years. According to Article 4 of the Family Code of Slovenia, "*similar legally recognised community*" encompasses extramarital union, which is a long-term domestic community between two persons, and has similar legal consequences as those of marriage. The law also establishes an aggravating circumstance when the offence is committed against minors or vulnerable persons, increasing the potential penalty to up to five years of imprisonment. Due to the inclusion of means such as "*abuse of a subordinate or dependent position*", which capture forced marriage-specific methods of coercion as well, the provision is potentially more effective in practice for prosecuting forced marriage. However, this provision does not extend criminal liability to equally problematic situations, such as forced ritual or religious (non-state-recognised) marriages or coercion to remain in a forced marriage.

Even though forced marriage is not explicitly classified as a form of exploitation under trafficking in human beings, Article 113 of the Criminal Code of Slovenia criminalises human trafficking by including "*slavery or a similar relationship*" as a form of exploitation, which can potentially encompass forced marriage. Consequently, if all three constitutive elements of trafficking are satisfied in a forced marriage case, this provision may also be applied. The penalty for trafficking in human beings is significantly more severe, carrying a term of imprisonment from one to ten years and a fine. However, this requires proof of multiple constitutive elements, making prosecution more complex. At the same time, no publicly accessible case law was identified, making it impossible to assess the practical application of these provisions in the context of forced marriage.

Policy and non-legislative measures

Despite existing legal measures, the 2021 GREVIO Evaluation Report notes that Slovenia lacks a comprehensive policy specifically addressing all forms of violence against women.[383] While some awareness and training initiatives exist[384], they are insufficient[385], particularly regarding the stigmatization of the Roma community and the misperception of forced marriage as a cultural issue[386]. Slovenia also lacks specialized support services for victims and has limited research on the effects of gender-based violence, especially on children.[387] Although some progress has been made, such as judicial training and protocols targeting early and forced marriage in Roma communities, further efforts are needed to ensure effective prevention, protection, and prosecution.[388]

[383] GREVIO, *Baseline Evaluation Report: Slovenia* (Strasbourg: Council of Europe, October 12, 2021), p. 10, https://rm.coe.int/first-baseline-report-on-slovenia/1680a4208b.
[384] Ibid. p. 29
[385] Ibid. p. 26
[386] Ibid. p. 30
[387] Ibid. p. 24
[388] Ibid. p. 54

34. Spain

In the past, marriages were arranged by parents or relatives, often using marriage markets to find suitable spouses, and usually took place in a church, reflecting Spain's religious traditions.[389] Today, especially in major cities, couples increasingly choose civil ceremonies.[390] Attitudes towards marriage are shifting, and traditional marriage is gradually giving way to more contemporary forms of partnership.[391] This change is reflected in Spain's declining marriage rate and the rising age at first marriage, indicating that marriage is becoming less central to Spaniards.[392]

According to the Spanish Civil Code, the legal minimum age for marriage is set at 18 years, however, exceptions exist. Those who are 16 years old can get married if they have obtained legal emancipation. According to Article 49 of the Code, a marriage may be solemnized either through a civil or a church ceremony. Since both civil and religious marriages are legally recognised in Spain, a forced religious marriage likewise constitutes the criminal offence of forced marriage. Marriage may be entered into by two persons of either different or the same sex.

Article 45 establishes that a valid marriage requires the free consent of both spouses. A marriage concluded without such consent is considered void under Article 73. This article further specifies that any marriage, regardless of how it was celebrated, is null and void if entered into under coercion or serious fear. In cases of coercion or serious fear, only the affected spouse may request annulment. However, the right to annul expires if the spouses have cohabited for one year after the coercion or cause of fear has ceased. This means that over time, a marriage that has been forced, can be considered consensual by law. This rule can create significant challenges in cases of forced marriage. As seen in other countries' analyses above, these restrictions are too limited for victims of forced marriage as it takes time to leave the spouse and to undertake action. This leaves them with only the option of divorce, which places the full legal burden on them and can be a dreadful process.

Criminalisation

In Spain, forced marriage is primarily addressed under Article 172bis of the Spanish Criminal Code as a stand-alone criminal offence, while it is also recognised as a form of exploitation of trafficking in human beings under Article 177bis.

Under Article 172 bis of the Criminal Code, forced marriage is a criminal offence defined as coercing another person into marriage through serious intimidation or violence. The penalty ranges from six months to three years and six months of imprisonment or a fine of twelve to twenty-four months, depending on the severity of the coercion. Paragraph 2 of Article 172bis specifically addresses the element of luring. It covers situations where a person is forced to leave Spain or prevented from returning through violence, serious intimidation or deceit, with the ultimate goal of compelling them into marriage. The inclusion of "*serious intimidation*" has raised legal concerns, as this term does not appear in other offences involving

[389] *Marriage in Spain: What Do You Need to Know?* SublimeSpain, https://www.sublimespain.com/marriage-in-spain/.
[390] Ibid.
[391] Ibid.
[392] Ibid.

intimidation, potentially leading to legal uncertainty and excluding forms of coercion that, while not *"serious",* may still exert significant pressure on the victim, such as subtle psychological pressure. When the victim is a minor, the penalty is applied in its upper half, constituting an aggravating circumstance.

Trafficking in human beings is addressed under Article 177bis of the Spanish Criminal Code. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. According to this provision, whoever employs violence, intimidation or deception, or abusing a situation of superiority, need or vulnerability of the national or foreign victim, or through the delivery or receipt of payments or benefits to achieve the consent of the person who has control over the victim, recruits, transports, transfers, shelters, or receives the victim, including the exchange or transfer of control over such persons, for the purpose of the celebration of a forced marriage shall be punished for the offence of trafficking in human beings. In order to avoid the potential overlap between the two offences criminalising forced marriage, according to Spanish experts, in cases where forced marriage results from trafficking, both offences apply simultaneously, with penalties determined according to the principle of medial concurrence of crimes. This approach prioritizes the more serious offence and increases the penalty to its upper half. In both cases, forced marriage in and of itself constitutes exploitation. Even though the penalty for trafficking in human beings is significantly more severe, carrying a term of imprisonment from five to eight years, this requires proof of multiple constitutive elements, making prosecution more complex. However, unlike forced marriage, trafficking in human beings covers a wider range of coercive methods, including deception and the exploitation of vulnerability, rather than being limited to violence or severe intimidation. It also explicitly addresses other forced marriage-specific methods of coercion, such as "*delivery or receipt of payments or benefits to achieve the consent of the person who has control over the victim*," reflecting practices like the bride price typically paid to the parents of victims, and thus may prove more effective in practice for prosecuting forced marriage. These provisions, however, do not extend criminal liability to equally problematic situations such as forced de facto partnerships or coercion to remain in a forced marriage. According to the Spanish case law, trafficking with the purpose of concluding a forced marriage is punishable based on the sole intention, without the necessity of the conclusion of a forced marriage as a result.[393] If, in addition to the act of trafficking itself, a forced marriage has been concluded, 172bis then also applies as a separate offence.[394] In the absence of official data on the use of the above offences, it is impossible to assess to what extent criminal law responses are made use of in Spain.[395] From publicly available sources it appears that only a few cases of forced marriage have been identified so far.[396]

According to a Spanish NGO, the majority of trafficking cases involving forced marriage have not led to prosecution under the specific offence of forced marriage.[397] Although the victims were duly informed of their rights, most opted not to file a formal complaint regarding their experiences, thereby preventing the initiation of criminal proceedings. However, in a case[398] where the perpetrator's actions resulted in a girl

[393] GREVIO, *Baseline Evaluation Report: Spain* (Strasbourg: Council of Europe, 2020), p. 59, https://rm.coe.int/grevio-s-report-on-spain/1680a08a9f.
[394] Ibid.
[395] Ibid.
[396] Ibid.
[397] Input LSI Member Fundación de Solidaridad Amaranta
[398] See detailed case study in chapter 5.

being forced into marriage, the prosecution proceeded under the offence of ill-treatment, as defined under Article 173 of the Criminal Code.

Policy and non-legislative measures

Despite the legislative measures, the 2020 GREVIO Evaluation Report notes that only a few autonomous communities provide specialized services for victims of forced marriage[399], and that awareness-raising efforts on this issue remain inadequate[400]. Policy responses and service provision remain limited, and in-service training on forced marriage is still underdeveloped.[401] The 2022–2025 State Strategy to Combat Male Violence, developed following GREVIO's recommendations, takes a more comprehensive approach to gender-based violence, explicitly including forced marriage.[402]

[399] GREVIO, *Baseline Evaluation Report: Spain* (Strasbourg: Council of Europe, 2020), p. 6, https://rm.coe.int/grevio-s-report-on-spain/1680a08a9f.
[400] Ibid. p. 29
[401] Ibid. p. 32
[402] GREVIO, *Baseline Evaluation Report: Spain* (Strasbourg: Council of Europe, 2024), p. 14, https://rm.coe.int/first-thematic-evaluation-report-building-trust-by-delivering-support-/1680b28368.

35. Sweden

Although marriage remains a recognised and respected institution, it is no longer seen as the sole or primary route to a committed relationship or family life[403]. Cohabitation has become widespread, with many couples choosing to build their lives together without formal marriage, including raising children and acquiring property jointly.[404] Early and forced marriages are present mostly among migrant communities.[405] For instance, in 2016, 132 underage asylum seekers reported being married upon arrival, with most originating from Syria, Afghanistan, and Iraq.[406]

According to Chapter 2, Section 1 of the Swedish Marriage Act, the legal minimum age for marriage is set at 18 years, with no exceptions allowed. Marriage may be entered into by two persons of either different or the same sex. Chapter 4, Section 3 of the Act states that a marriage may be solemnised either through a civil or a church ceremony. Since both civil and religious marriages are legally recognised in Sweden, a forced religious marriage likewise constitutes the criminal offence of forced marriage.
Chapter 4, Section 2 explicitly requires the consent of both parties for a valid marriage. Sweden does not have an annulment procedure, but its law provides an effective alternative for addressing forced or underage marriages through divorce. Chapter 5, Section 5 allows a spouse to seek immediate divorce without the standard reflection period when it is likely that they were coerced into the marriage or married before turning 18. The law permits the public prosecutor to initiate divorce proceedings in such cases, ensuring that legal obstacles regarding divorce in forced marriage cases commonly encountered in other countries do not prevent victims from dissolving their marriage.

Criminalisation

In Sweden, forced marriage is criminalised as a stand-alone offence under Chapter 4, Sections 4c and 4d of the Swedish Criminal Code. Sweden is the only country among those examined that explicitly and separately criminalises the offence of 'child marriage' within these provisions. The legal definition also extends to "*marriage-like relationships*" alongside formal marriages. This provision also extends to relationships that are not legally recognised as marriages but are treated as such within certain communities, where the parties are regarded as spouses, bound by mutual rights and obligations, and where matters concerning the dissolution of the relationship are also regulated. Chapter 4, Section 4c defines forced marriage as the act of compelling another person to marry "*through unlawful coercion or exploitation of a vulnerable situation*." While the law expressly acknowledges forced marriage-specific forms of coercion, it does not cover all scenarios in practice. A person may be pressured into marriage through subtle psychological manipulation, for example, by family members, which may fall outside the legal definition of unlawful coercion. The offence carries a maximum penalty of four years' imprisonment. Sweden also explicitly criminalises child marriage in the third paragraph of this provision, regardless of whether the perpetrator was aware of the victim's age. According to this provision, a person who commits an act referred to in the first or second paragraph against a person who has not reached the age of eighteen

[403] Sweden and Me, "Sweden and Marriage," *Sweden and Me*, February 11, 2021, https://swedenandme.com/2021/02/11/sweden-and-marriage/.
[404] Ibid.
[405] *Child Marriage Atlas: Sweden*, Girls Not Brides, accessed September 17, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/sweden/.
[406] Ibid.

shall be sentenced for the offence of child marriage to imprisonment for a maximum of four years. Therefore, the punishment is not aggravated in the case of minors. Furthermore, a person who otherwise induces or permits a person who has not reached the age of eighteen to enter into a marriage or a marriage-like relationship shall also be sentenced for the offence of child marriage. Swedish law also criminalises luring as a separate offence under Section 4d, referred to as "misleading to a marriage journey." This provision penalises anyone who, through deception, compels a person to travel to a country other than their country of residence with the intent of forcing them into marriage. This offence is punishable by up to two years' imprisonment.

Although forced marriage is not explicitly classified as a form of exploitation under trafficking in human beings, Chapter 4, Section 1a of the Swedish Criminal Code criminalises trafficking in human beings by including "*other activities in a situation that involves a state of emergency for the victim*," thereby rendering the list non-exhaustive and potentially encompassing forced marriage. Consequently, if all three constitutive elements of trafficking are satisfied in a forced marriage case, this provision may also be applied. The penalty for trafficking in human beings is more severe than it is of forced marriage, carrying a term of imprisonment of two to ten years. In order to avoid any potential overlap between the two offences, Section 4c provides that the offence of forced marriage can be committed through the listed means, "*other than as referred to in Section 1a*." This formulation gives primacy to trafficking, requiring that conduct meeting the elements of trafficking be prosecuted under that offence, while the separate forced marriage provision functions only as a residual safeguard for cases falling short of trafficking. However, these provisions do not extend criminal liability to equally problematic situations, such as forced de facto partnerships or coercion to remain in a forced marriage.

Policy and non-legislative measures

According to the 2019 GREVIO Evaluation Report, Sweden has developed extensive programs for working with perpetrators, both within and outside of prison, and utilizes educational institutions as key platforms for engaging with migrant-background parents on gender equality and life opportunities for girls and boys.[407] Swedish authorities have developed educational materials for teachers and students on concepts related to honour-based violence.[408] Some schools have established girls' groups to facilitate peer discussions and early identification of those at risk.[409] Additionally, newly arrived migrant parents are required to attend orientation meetings upon enrolling their children in school, where they receive information on gender equality and girls' rights to personal autonomy.[410] Sweden also provides specialist support services for victims, operated both by municipalities and NGOs.[411]

[407] GREVIO, *Baseline Evaluation Report: Sweden* (Strasbourg: Council of Europe, 2019), p. 25, https://rm.coe.int/grevio-inf-2018-15-eng-final/168091e686.
[408] Ibid. p. 27
[409] Ibid.
[410] Ibid.
[411] Ibid. p. 36

36. Switzerland

Switzerland's declining marriage rate and rising divorce rate indicates that marriage is no longer the default choice for many couples across the country.[412] As in much of Europe, younger generations of Swiss citizens are increasingly moving away from traditional family models and opting for alternative living arrangements, such as cohabitation without formal registration.[413] Notably, the country has also experienced a recent decline in the number of registered partnerships among same-sex couples.[414] Regarding forced marriages, information from the Department for Combating Forced Marriage indicates that the cases actually prosecuted and resulting in conviction represent only the tip of the iceberg, and they do not capture the true number of incidents occurring in Switzerland each year.[415]

According to Article 94 of the Swiss Civil Code, the legal minimum age for marriage is set at 18 years, with no exceptions allowed. Under Article 105a, a marriage must be annulled by the court if one of the spouses was a minor at the time of the marriage and had not yet reached the age of 25 at the time the annulment action was filed. This provision thus establishes a significantly longer period for seeking annulment compared to many other jurisdictions, where the limitation period typically begins once the minor reaches the age of majority and is often of relatively short duration.

Marriage may be entered into by two persons of either different or the same sex. In Switzerland, a religious ceremony does not constitute a legal marriage. Additionally**,** the institution of engagement prior to marriage is also legally regulated, requiring the mutual agreement of both individuals to enter into the engagement.

Article 99 of the Code establishes free will as a prerequisite for the validity of marriage. It requires the civil registry office to determine whether there are circumstances indicating that the request does not genuinely reflect the free will of the engaged couple. Where this condition is not fulfilled, Article 105 mandates the annulment of forced marriages, directly linking the validity of marriage to the presence of free and genuine consent. An annulment action may be initiated ex officio by the competent cantonal authority at the spouses' domicile. In addition, any interested party is entitled to bring such an action. This could be a good practice, as it provides an alternative route to justice in situations where victims may be too afraid or otherwise unable to initiate proceedings themselves. This provision is not subject to any time limit, meaning that a forced marriage may be annulled at any point in time. This makes Switzerland different apart from most other European jurisdictions. The absence of a limitation period reflects the gravity of forced marriage and the legislator's intention to ensure that such unions remain contestable regardless of how much time has passed. By contrast, Article 107, which governs annulments in cases of error, is subject to a limitation period. It applies where a spouse entered the marriage by mistake, either because they did not intend to marry at all or because they did not intend to marry the specific person in

[412] Sophie Pettit, "Swiss Weddings: How to Get Married in Switzerland," *Expatica*, updated May 26, 2025, https://www.expatica.com/ch/living/love/getting-married-in-switzerland-106051/.
[413] Ibid.
[414] Ibid.
[415] GREVIO, *Baseline Evaluation Report: Switzerland* (Strasbourg: Council of Europe, November 15, 2022), p. 53, https://rm.coe.int/grevio-inf-2022-27-eng-final-draft-report-on-switzerland-publication/1680a8fc73.

question. This legal distinction has generated some opposition and highlights the need for further clarification and harmonization of annulment procedures. In practice, the distinction can be problematic because individuals coerced into marriage typically do not wish to marry at all, meaning that cases of forced marriage can overlap with annulments based on error. Yet, the law treats these grounds differently, as while forced marriages can be annulled without any time limit, annulments for error are subject to a limitation period. The provisions governing divorce apply the same way to the effects of a court declaration of annulment on the spouses and their children.

Criminalisation

In Switzerland, forced marriage is criminalised as a stand-alone offence under Article 181a of the Swiss Criminal Code. According to the provision, any person who, through the use of force, the threat of serious detriment, or other restrictions on another's freedom of action, compels that person to enter into a marriage or to register a same-sex partnership is liable to a custodial sentence of up to five years or to a monetary penalty. The provision expressly extends its scope to cover same-sex registered partnerships. The second paragraph further establishes that a person who commits this offence abroad, but is present in Switzerland and cannot be extradited, remains subject to the same penalty. In this way, Switzerland affirms extraterritorial jurisdiction over forced marriages concluded abroad, provided that the victim or the perpetrator has a relevant link to Switzerland, such as residence or nationality.
However, the means of coercion included in the provision do not encompass all circumstances under which a person may be forced into marriage. In particular, forms of subtle psychological pressure, exploitation of vulnerability, or abuse of a position of superiority fall outside its explicit wording. Furthermore, the element of luring is also not included in the provision, and it does not extend criminal liability to equally problematic situations such as forced ritual or religious (non-state-recognised) marriages, forced de facto partnerships, coercion to remain in a forced marriage, or coercion to enter into an engagement.
The Department for Combating Forced Marriage, which was set up by the Federal Council in 2018 to prevent this form of violence and provide victim support, reports that it recorded more than 3 000 cases of forced marriage between 2018 and the end of 2020.[416] Since 2013, however, there have been only two convictions under Article 181a of the Criminal Code, and very few complaints are filed on this ground.[417]

Trafficking in human beings is addressed under Article 182 of the Swiss Criminal Code. Forced marriage may be prosecuted as trafficking in human beings if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are met. The provision explicitly lists the possible forms of exploitation, however, forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, forced marriage in Switzerland can only be prosecuted under the offence of trafficking in human beings if it involves further forms of exploitation, such as sexual or labour exploitation. However, this requires proof of multiple constitutive elements, making prosecution more complex. At the same time, no publicly accessible case law was identified, making it impossible to assess the practical application of these provisions in the context of forced marriage.

[416] Ibid. p. 53
[417] Ibid.

Policy and non-legislative measures

The 2022 GREVIO Report highlights progress in Switzerland's support for victims of forced marriage, largely due to the efforts of NGOs and the creation of specialized contact points in several cantons.[418] Hospitals offer victim-centered care through sexual violence referral centers, allowing forensic evidence to be collected without requiring a formal complaint.[419] The Federal Department for Combating Forced Marriage supports awareness campaigns and prevention initiatives, including during the "16 Days Against Violence" campaign.[420] However, challenges remain, particularly in the inconsistent inclusion of forced marriage topics in school education.[421] Although trained liaison officers help improve coordination, differing confidentiality rules between general and specialist services still hinder effective cooperation and case management.[422]

[418] Ibid. p. 6
[419] Ibid.
[420] Ibid. p. 26
[421] Ibid. p. 29
[422] Ibid. p. 36

37. Ukraine

The marriage rate in Ukraine used to be a lot higher than it is now, [423] however marriages between young couples are still quite popular in Ukraine, and most times, couples just get married once they are of legal age.[424] Early and forced marriages are reportedly more common among Roma communities living in Ukraine.[425] Marriages are rarely registered within these communities due to an absence of passports.[426] Early marriage remains a normalised practice in some Roma communities, reinforcing patriarchal views that a Ukrainian woman's primary role is as wife and mother.[427] Some families see early marriage as guiding girls onto the "right path".[428] However, the ongoing conflict has increased risks, leaving girls, women, and children particularly vulnerable to gender-based violence, sexual exploitation, trafficking, and child marriage.[429]

According to Article 22 of the Family Code of Ukraine, the legal minimum age for marriage is set at 18 years, however, exceptions exist. A person who has reached the age of sixteen may be granted the right to marry by court decision, provided that the court determines it to be in their best interests. However, the Civil Code does not specify what qualifies and therefore a determination is made on a case-by-case basis. If the provision regarding the marriageable age is violated, the marriage is invalid under Article 38.
In Ukraine, a religious ceremony does not constitute a legal marriage.

According to Article 24, a marriage is based on the free consent of a woman and a man. Forcing a woman and a man into marriage is not permitted. Article 38 provides that a marriage entered into in violation of these provisions constitutes grounds for invalidity. Under Article 40, a marriage may be declared invalid by a court if it was registered without the free consent of either spouse. The provision specifies that a consent is deemed not free, in particular, if at the time of registration, the individual suffered from a severe mental disorder, was under alcoholic, narcotic, or toxic intoxication such that they could not fully understand the significance of their actions or control them, or if the marriage was registered as a result of physical or psychological coercion. Article 41 requires the court, when deciding on the recognition of a marriage as invalid, to consider the extent to which the marriage violated the rights and interests of the individual, the duration of cohabitation, the nature of the marital relationship, and other circumstances of significant importance. The Civil Code, however, does not specify who may challenge a marriage entered into under conditions of violence, nor does it establish a limitation period for such challenges.

Criminalisation

In Ukraine, forced marriage is primarily addressed under Article 151-2 of the Criminal Code of Ukraine as a separate criminal offence, while it is also recognised as a form of exploitation of trafficking in human beings under Article 149. Article 151-2 of the Ukrainian Criminal Code defines forced marriage broadly, encompassing coercion to enter into marriage or to continue a forcibly contracted marriage, as well as

[423] Ibid.
[424] Ibid.
[425] *Child Marriage Atlas: Ukraine*, Girls Not Brides, accessed September 17, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/ukraine/.
[426] Ibid.
[427] Ibid.
[428] Ibid.
[429] Ibid.

coercion to enter into or continue cohabitation without formal marriage. It also criminalises inducing a person to move to another country for these purposes. Offences under this provision are punishable by probation supervision for up to three years, restriction of liberty or imprisonment for the same term. Cohabitation is also explicitly included alongside marriages. Under Paragraph 2, Article 21 of the Family Code of Ukraine, "*cohabitation without entering into a marriage*" refers to living together as a family between a woman and a man without marriage, which does not create the legal rights or obligations of spouses. The provision also explicitly includes the element of luring. If the crime is committed against a minor, it is considered an aggravating circumstance, carrying a penalty of up to five years of imprisonment or restriction of liberty. Furthermore, the provision explicitly criminalises coercion to continue a forcibly contracted marriage, a protection that is unusual in other jurisdictions. However, it still does not extend criminal liability to forced ritual or religious (non-state-recognised) marriages.

Article 149 of the Ukrainian Criminal Code, which addresses trafficking in human beings, explicitly includes forced marriage as a form of exploitation. The provision criminalises recruiting, transporting, concealing, transferring, or receiving a person for the purpose of exploitation, using coercion, kidnapping, deception, blackmail, material or other dependence of the victim, their vulnerable state, or bribery of a third party controlling the victim. This provision explicitly addresses forced marriage-specific methods of coercion, such as "*bribery of a third person who controls the victim*," reflecting practices like the bride price typically paid to the parents of victims, or "*use of material or other dependence of the victim, or their vulnerable state"* and thus may prove more effective in practice for prosecuting forced marriage offences. The penalty for trafficking in human beings is significantly more severe, carrying a term of imprisonment from three to eight years. However, this requires proof of multiple constitutive elements, making prosecution more complex. In Ukraine, both provisions criminalise forced marriage, recognising it as an offence in and of itself as a form of exploitation, therefore no proof of further exploitation is required.

Since the Ukrainian Criminal Code criminalises forced marriage both as a stand-alone offence, including luring, and as a form of trafficking exploitation, there is potential for overlap between the offences of luring and trafficking. This overlap, on the one hand, can function as a prosecutorial tool, providing alternative routes to hold perpetrators accountable when the full evidentiary burden of trafficking (requiring proof of act, means, and purpose) is difficult to establish. This flexibility helps prevent impunity in cross-border forced marriage cases. On the other hand, this overlap may lead prosecutors to opt for the less serious and easier-to-prove luring charge without pursuing a more thorough investigation, resulting in lighter sentences that fail to reflect the true severity of the exploitation. Moreover, victims charged under luring alone may be denied the enhanced protections and support mechanisms specifically designed for trafficking survivors. In this case, it would be essential that prosecutorial guidelines clearly set the circumstances in which trafficking provisions should take precedence over the stand-alone offence of forced marriage, ensuring that cases involving forced marriage are prosecuted with appropriate gravity, and penalties are proportionate. However, due to the absence of publicly available cases of forced marriage prosecutions in Ukraine, this issue cannot be empirically verified.

Policy and non-legislative measures

However, GREVIO's evaluation report will not be available until November 2025, making it unclear whether these measures have been effectively implemented or if enforcement gaps remain.

38. United Kingdom

Marriage and divorce patterns have undergone a notable transformation in recent years, influenced by a mix of social, economic, and legal factors.[430] As in most parts of Europe, the marriage rate has declined in the past years, reflecting ongoing societal shifts towards cohabitation and individualism.[431] When it comes to early and forced marriages, evidence shows that these practices occur within migrant communities, including cases involving British women and girls with a migrant background.[432] Community marriages have reportedly been held in the UK in accordance with the religious laws of many South Asian, Turkish, Middle Eastern and North African cultures. [433] There are also reports of British girls being taken to their parents' homeland to be married.[434] According to statistics from the UK's Forced Marriage Unit (FMU), in 2023, in the UK, the total number of cases in 2023 were 283, including 212 British nationals, and 18 EU nationals.[435] 69% of recorded cases (195) involved female victims, while 31% (88) involved male victims.[436] In 2022, female victims accounted for 78% of cases and male victims for 22%.[437] Additionally, in 2023, there were victims who voluntarily identified as lesbian, gay, bisexual, or transgender (LGBT).[438]

The legal minimum age for marriage is set at 18 years in England and Wales (Marriage Act 1949, Art. 2) with no exceptions allowed. In Northern Ireland the minimum legal age for marriage is also 18 years, but the law allows exceptions (Marriage (Northern Ireland) Order 2003, Art. 22). According to this provision, a person older than 16 years can marry if all required consents are given or a court order allows it. Consent usually comes from parents or guardians, but may also involve residence or care authorities depending on the young person's living arrangements. In Scotland, the legal minimum age for marriage is 16 years (Scotland Marriage Act 1977, Art. 1), with no exceptions allowed. This is currently the lowest minimum age for marriage across Europe. However, there are ongoing discussions about potentially raising the marriage age to 18 to align with England and Wales and to bring Scotland in line with international human rights standards regarding child marriage.[439] A marriage concluded in violation of these provisions is considered void (Northern Ireland: Article 13 of the Matrimonial Causes (Northern Ireland) Order 1978). Marriage may be entered into by two persons of either different or the same sex (England & Wales: Marriage Act 1949, Art. 2; Scotland: Scotland Marriage Act 1977, Art. 1; Northern Ireland: Marriage (Northern Ireland) Order 2003, Art. 22).

Marriage may be solemnised either through a civil or a church ceremony. Since both civil and religious marriages are legally valid, a forced religious marriage likewise constitutes the criminal offence of forced

[430] Russell-Cooke, "UK Marriages Predicted to Decline to Historic Lows by 2050," https://www.russell-cooke.co.uk/news-and-insights/news/uk-marriages-predicted-to-decline-to-historic-lows-by-2050.
[431] Ibid.
[432] *Child Marriage Atlas: United Kingdom*, Girls Not Brides, accessed September 17, 2025, https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/united-kingdom/.
[433] Ibid.
[434] Ibid.
[435] Forced Marriage Unit, *Forced Marriage Unit Statistics 2023*, (London: Home Office & Foreign, Commonwealth & Development Office, published 9 May 2024), https://www.gov.uk/government/statistics/forced-marriage-unit-statistics-2023.
[436] Ibid.
[437] Ibid.
[438] Ibid.
[439] *UK Marriages Predicted to Decline to Historic Lows by 2050*, BBC News, https://www.bbc.com/news/articles/c7vr07p1yd1o.

marriage (England & Wales: Marriage Act 1949; Scotland: Scotland Marriage Act 1977, Art. 1; Northern Ireland: Marriage (Northern Ireland) Order 2003, Art. 22).

Under Article 12 of the Matrimonial Causes Act 1973, a marriage may be annulled in England and Wales if either party did not validly consent, for example, due to duress. Annulment generally must be sought within three years, although the court may grant permission to proceed after this period (England & Wales: Matrimonial Causes Act 1973, Arts. 12–13). This limitation allows flexibility in exceptional cases, which could be particularly useful for victims of forced marriage who may need time to come forward.

In Scotland, a marriage is voidable if consent was obtained under duress, and Scottish law does not specify a limitation period or who can request annulment (Scotland: Scotland Marriage Act 1977, Art. 20). In Northern Ireland, a marriage is voidable if consent was obtained under duress, and annulment must generally be sought within three years, with a narrow exception for mental disorder (Northern Ireland: Matrimonial Causes (NI) Order, Arts. 14, 16). In this case, if the petitioner suffered from a mental disorder during that period and the court considers it just, proceedings may be allowed after the three-year limit. If the above-mentioned limitation periods pass, it means that over time, a marriage that has been forced, can be considered consensual by law. A voidable marriage shall be treated as if it had existed up to that time.

In England and Wales, the civil law framework for preventing and addressing forced marriage is outlined in the Forced Marriage (Civil Protection) Act 2007, which introduced Forced Marriage Protection Orders (FMPOs). In Scotland, these are outlined, and FMPOs were introduced by the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011. These orders empower courts to intervene to protect individuals either "*from being forced into a marriage or from any attempt to be forced into a marriage*" or "*who have been forced into a marriage*." The concept of force explicitly includes coercion through threats or psychological means. However, the definition of "force" in Scotland is significantly broader than in England, Wales, or Northern Ireland. The definition there explicitly includes coerce by physical, verbal or psychological means, threatening conduct, harassment or other means, or knowingly take advantage of a person's incapacity to consent to marriage or civil partnership or to understand the nature of the marriage or civil partnership. FMPOs can impose a range of prohibitions or requirements on the respondent. Breach of an FMPO is a criminal offence in England, Wales, and Scotland (Anti-social Behaviour, Crime and Policing Act 2014, s.120), but in Northern Ireland, breaches remain enforceable only through civil proceedings (Northern Ireland: Forced Marriage (Civil Protection) Act 2007).

Criminalisation

Forced marriage is criminalised as a stand-alone offence throughout the UK. A person commits the offence if he or she uses violence, threats, or any other form of coercion for the purpose of causing another person to enter into a marriage without free and full consent. The offence also includes luring another person abroad for forced marriage (England & Wales: Anti-social Behaviour, Crime and Policing Act 2014, s.121; Scotland: Anti-social Behaviour, Crime and Policing Act 2014, s.122; Northern Ireland: Trafficking in human beings and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, Art. 16). In England and Wales, maximum imprisonment on indictment is seven years. In Scotland, the law on forced marriage contains similar provisions as for England and Wales, with a notable difference: the offence applies not only to marriage but also to civil partnerships. The legislation explicitly includes civil

partnerships alongside marriages, defining "*civil partnership*" as both a legally recognised civil partnership under the Civil Partnership Act 2004 and a purported civil partnership. A civil partnership is a legal relationship that provides couples with similar rights and responsibilities to married couples, available to both same-sex and opposite-sex couples. In Northern Ireland, the provision is similar as the law for the other parts of the UK, but in Northern Ireland, importantly, it is highlighted that it is irrelevant whether the coercive conduct is directed at the victim or at another person. Additionally, in Scotland and Northern Ireland, according to the above-mentioned provisions, the term "marriage" encompasses any religious or civil ceremony of marriage, whether or not legally binding in law.

Trafficking in human beings may encompass forced marriage if all three constitutive elements of trafficking (acts, means, purpose of exploitation) are satisfied. The statutory lists of possible forms of exploitation in England and Wales (Modern Slavery Act 2015, Sections 2-3), Scotland (Trafficking in human beings and Exploitation (Scotland) Act 2015, Section 3), and Northern Ireland (HT Act (NI) 2015, Article 3) explicitly lists the possible forms of exploitation, however, forced marriage is not among them, nor does the provision include an open category such as "other forms of exploitation." As a result, in the absence of the third constitutive element of trafficking – i.e. exploitation – forced marriage on its own, without additional forms of exploitation, such as sexual or labour exploitation, cannot be prosecuted as trafficking in human beings.

Policy and non-legislative measures

According to the GREVIO Evaluation Report (2025), the United Kingdom has implemented several policy measures to prevent and combat forced marriages. England introduced the TVAWG strategy in 2021, which was drawn up in close consultation with victims, experts, specialist women's rights NGOs and other relevant stakeholders, including measures against forced marriage.[440] Even though there is limited administrative data is available, the Home Office funded a feasibility study to determine whether a robust prevalence estimate of FGM and forced marriage could be created and is working on further steps in that direction.[441] In Northern Ireland, there are active awareness campaigns, which are issue-specific, with individual campaigns on a range of issues, including forced marriage.[442] Furthermore, in England, since September 2020, the school curriculum, both for statutory secondary and primary schools has included mandatory relationship education, adapted to the level of learners.[443] Relationships, Sex and Health Education (RSHE) is the name of the subject in statutory secondary schools.[444] Being Safe and Respectful Relationships are different modules within RSHE and focus on the importance of respectful relationships, different types of loving and healthy relationships, and on educating about - among others - forced marriage.[445] Several helplines providing advice on various forms of violence covered by the Istanbul Convention are available in the United Kingdom.[446] In Scotland, the helpline is funded by the Scottish Government and also provides assistance to victims of forced marriage.[447]

[440] GREVIO, *Baseline Evaluation Report: United Kingdom* (Strasbourg: Council of Europe, 2025), p. 22, https://rm.coe.int/grevio-s-baseline-evaluation-report-on-legislative-and-other-measures-/1680b66579.
[441] Ibid. p. 31
[442] Ibid. p. 38
[443] Ibid. p. 39
[444] Ibid.
[445] Ibid.
[446] Ibid. p. 67
[447] Ibid.