

International Women's Day

Tackling Forced Marriage and Human Trafficking

On the occasion of **International Women's Day**, La Strada International calls for more attention for **forced marriage** as a crime and as a form of human trafficking.

Forced marriage is marriage without consent. It is a form of violence that entails serious violations of fundamental rights, in particular, the right to freely decide whether, when, and whom to marry.

Forced marriage can constitute **human trafficking**, when it involves any of the acts, means, and purposes of exploitation listed in the definition of the crime. For example, when the marriage is used to recruit a person for the purpose of exploitation.

Moreover, in many cases, coercion through physical and sexual violence, threats, abduction, fraud, deception, and the abuse of a position of vulnerability is employed to force individuals particularly women and girls - into marriage.

Last year, on 14 July, the revised EU Anti-Trafficking Directive entered into force. EU Member States have, since that day, two years to transpose the new rules into their national law. This includes an obligation to qualify the exploitation of forced marriage as human trafficking, if all the criteria constituting the offence of human trafficking are fulfilled.

In 2024, the EU also adopted its first-ever law on combating violence against women. The law requires all EU countries to criminalise forced marriage, next to other forms of violence against women and domestic violence. Moreover, it contains detailed rules on the measures of assistance and protection that Member States should provide to victims. States should also subject offenders to appropriate penalties.

The year before, the EU acceded to the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which already obliged States to criminalise the intentional conduct of forcing a person to enter into a marriage. Currently, 39 European countries have ratified this Convention, including 22 EU Member States.

These legislative developments are an important step forward, as these can help to effectively prevent and combat forced marriage and human trafficking. Over the last year, we have closely monitored and researched the legislative policy framework and practices on forced marriage across Europe, including its relation to human trafficking.

Now that a comprehensive European legislative framework is in place, it is essential that both directives are adequately transposed into national legislation. Recent research by La Strada International reveals that currently 22 Council of Europe countries, including 18 EU countries, have already a separate criminal offence on forced marriage in their legislation, largely in response to the requirements set forth by the Istanbul Convention. Many countries also establish civil law consequences for both forced and underage marriages, further reinforcing legal protections. Forced marriage is generally not yet incorporated into national criminal definitions of trafficking in human beings. According to our findings 8 European countries (6 EU MS and two others) have currently incorporated it.

The reality on the ground shows that cases of child marriage, as well as cases of forced marriage are increasingly prevalent. Many victims, particularly young girls and women from marginalized communities, endure coercion, abuse, and exploitation within forced marriages. Furthermore, we see an increase of potential cases of human trafficking referred to our members that relate to forced marriage. In 2023, at least 20 of such potential cases of trafficking for the (exploitation of) forced marriage were referred to our members.

However, it remains quite difficult to legally establish which cases qualify for the crime of human trafficking and which not, and what exactly comprises the 'exploitation of forced marriage'. We see different approaches and interpretations at national level in Europe. This needs to get further attention and guidance.

Next to legislative changes, states should also ensure effective enforcement mechanisms, next to sustained efforts to dismantle the socio-cultural and economic drivers that perpetuate the practice. Forced marriage, as well as child marriage, is a longstanding and deeply rooted practice that continues to pose significant legal and social challenges worldwide. Poverty, unemployment, custom, or conflicts are all factors that promote forced marriage. Often, forms of physical and psychological exploitation and violence, such as sexual exploitation, accompany forced marriage.

To raise more awareness we are committed to implement concrete actions with our members, including launching a targeted awareness campaign in North Macedonia, to address the issue and promote a better understanding of forced marriage and human trafficking.

On this International Women's Day, we call on governments and the international community to effectively tackle and prevent forced marriage and trafficking for the exploitation of forced marriage, by:

- Ensuring the adequate transposing of the EU Directives on Violence against Women and Human Trafficking into national law; as well as still ratify the Istanbul Convention for countries that have not done so yet.
- Providing more guidance and training to all relevant actors on how to interpret and comply with this criminalised form of violence; including when the crime constitutes human trafficking
- Raising awareness of forced marriage, especially among young people, to ensure the early identification of those at risk of forced marriage
- Engaging affected communities in prevention and awareness actions
- Ensuring adequate referral and specialised support services to victims
- Enhancing further research and interagency cooperation
- Funding of organisations and activities, supporting victims of (trafficking for the exploitation of) forced marriage.