



# Comparative analysis of the legal and policy landscape on forced marriage across Europe

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RESEARCH BY LA STRADA INTERNATIONAL AND  
IMPACT – CENTER AGAINST HUMAN TRAFFICKING  
AND SEXUAL VIOLENCE IN CONFLICT

# Aim of research

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- Examining current legal framework around forced marriage in Europe
- Examining the impact of 3 key legal instruments (on the obligations for countries):
  - Istanbul Convention (2011)
  - VAW/DV Directive (2024)
  - Revised Anti-Trafficking Directive (2024)

# About the research

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## Desk research

- Comparative analysis of national legislation
- 38 European countries → 27 EU member states + 11 other
- Albania, Belarus, Bosnia and Herzegovina, Iceland, Liechtenstein, Moldova, North Macedonia, Serbia, Switzerland, Ukraine, United Kingdom (LSI member countries)
- Interviews with national experts
- Case studies

# Research questions

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- What is the current European legal framework when it comes to criminalising forced marriage based on the newly adopted Directives?
- How is forced marriage dealt with at the national level?
- What best practices can be distinguished to enhance the (criminal justice) response to forced marriage, in line with the European legislative framework?
  - How to distinguish between forced marriage & the exploitation of forced marriage for human trafficking?
  - What is 'exploitation' in the context of forced marriage?
  - How are these legal provisions implemented in practice?

# Definitions used

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Forced marriage: a marriage in which one and/or both parties have not personally expressed their full and free consent to the union

Child marriage: any formal or informal union where at least one of the parties is under 18 years of age

Early marriage: unions that are legal or customary and involve at least one person below 18 years of age in countries where the majority age is legally attained earlier than 18 years of age or upon marriage

# Country-specific analysis

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## Structure:

- ☐ Attitudes towards marriage
- ☐ Civil law framework
- ☐ Criminal law framework
- ☐ Policy measures
- ☐ Case studies

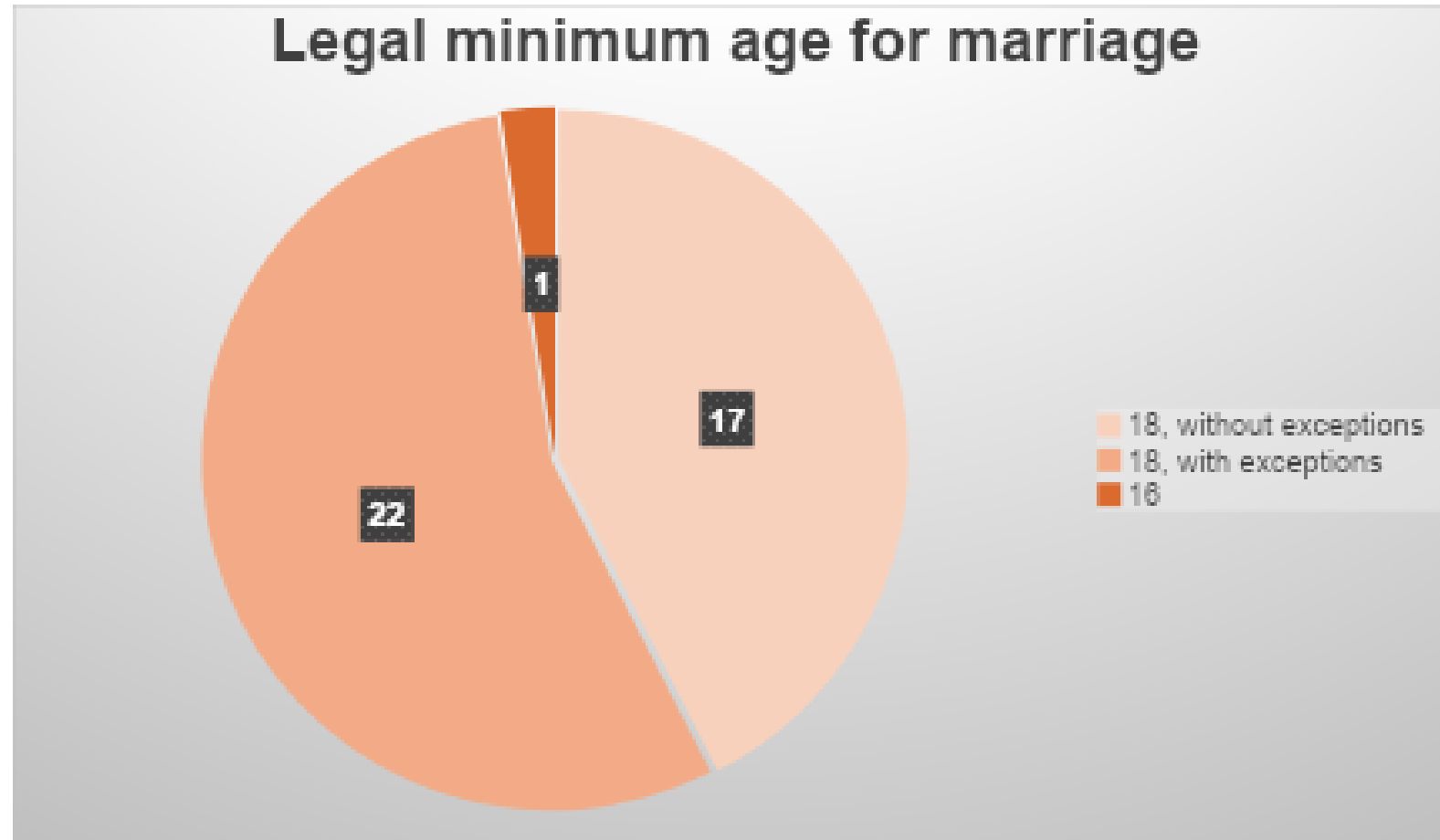
# Attitude towards marriage – findings

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- Noticeable shift across whole Europe
- Decrease in the number of marriages → increase in the number of alternative forms of relationships and divorce
- Alternative forms of relationships are currently only criminalised in 13 countries (out of 38)
- Examples as good practice:
  - *Sweden*: „marriage-like relationships”
  - *Luxembourg*: „partnerships”

# Civil law – findings I

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# Civil law – findings II

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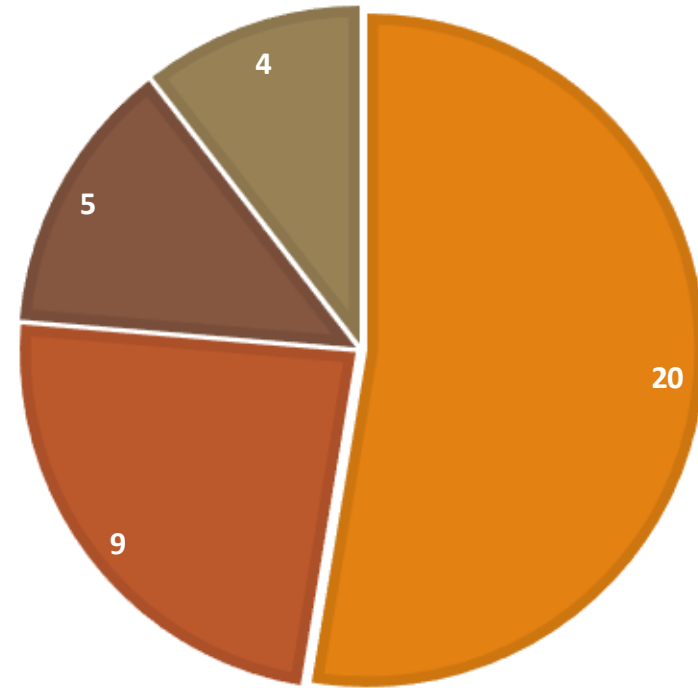
- Annulment of forced marriages
  - Applicant:
    - Most frequent practice: the spouse concerned
    - Good practice:
      - E.g. *Belgium & France*: state prosecutor may also initiate
  - Limitation period:
    - Most frequent practice: starts when the coercion has ceased
    - Most frequent period: 6 months; 1 year
    - Ideal practice:
      - *Switzerland*: no limitation period
    - Also good practice:
      - *Albania & Luxembourg*: limitation period only begins when the spouse regains full freedom
      - *Germany*: 3 years
  - Grounds for annulment: most frequent practice: physical violence, serious criminal threat

# Criminal law – findings I

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- Criminalization of forced marriage

- Explicit criminalisation as a stand-alone offence
- Implicitly within other general criminal provisions
- Explicitly under THB provision
- Explicitly both as a stand-alone offence and under the THB provision



# Case studies, policy measures – findings

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- Vulnerability of victims → relevant for annulment and prosecution
- Question of tradition
  - Current practice still very divergent. Example:
    - *Bulgaria* → bride kidnapping = not considered tradition
    - *Italy & Bulgaria* → payment of dowry in Roma community = tradition
- GREVIO reports
  - most countries lack policy measures
  - lack of education for frontline workers → case study from *Spain*

# Trafficking in human beings & Forced marriage - connection

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- Explicitly / implicitly
- FM as means / purpose of exploitation
  - Intent to exploit → manifests in several ways
    - Forced marriage as exploitation: *Spain*
    - Forced marriage + dowry paid to parents: *Bosnia and Herzegovina*
    - Forced marriage + other exploitation (e.g. sexual)

# Trafficking in human beings vs. Forced marriage

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- Burden of proof
- Penalties
- Victim protection framework
- Effect of criminalisation
- Potential overlaps
  - Pros and cons
  - Good practice:
    - *Malta & Sweden*: forced marriage is recognized as a separate offence but treated as subsidiary, giving primacy to trafficking offences where circumstances allow

# Recommendations

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1. Strengthen legislation to ensure forced marriage is criminalised both as a **stand-alone offence** and as a **form of exploitation under anti-trafficking law**.
2. Ensure that cases with indications of trafficking are **investigated and prosecuted under anti-trafficking legislation where possible**.
3. **Ensure greater** clarity and consistency in how *exploitation* is defined and applied in forced marriage cases.
4. Ensure **victims' access to protection and support**,
5. Set the **minimum legal age for marriage at 18**, without exceptions based on parental consent
6. Allow for the **annulment of forced or coerced marriages** and extend limitation periods in line with the VAW/DV Directive
7. Complement legal reforms with **non-legislative measures** such as awareness-raising, professional training, and national action plans to prevent forced marriage and related trafficking.
8. Ensure **systematic data collection and monitoring** to support transparency, informed policymaking, and greater awareness of the issue's prevalence.



Center against Human Trafficking  
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Thank you for your attention!

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