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Is virginity a determining factor for a marriage?

Written question No. 550 to the Committee of Ministers

by Ms Lydie ERR, Luxembourg, Socialist Group

In a judgment of 1 April 2008, the Lille Regional Court annulled a marriage on the ground that the woman had lied to her future husband about her virginity. The court found that the marriage had been contracted “on the basis of an objective error” and that this error had been “crucial to [the husband’s] consent”. The wife had agreed to her husband’s request for an annulment.

As the press reported, husband and wife were French Muslims.

The judgment provoked major controversy in France and abroad. On 2 June 2008, the French Minister of Justice asked the prosecuting authorities to appeal against the judgment, and they did so on 3 June.

This decision is an infringement of the right to control one’s own body, affecting women alone; in this regard, it is at variance with the equal treatment of women and men because it is only among women that it is physically possible, although not necessarily easy, to prove virginity. It follows that the decision is manifestly discriminatory.

Ms Err asks the Committee of Ministers what steps it intends to take to prevent such judgments from being repeated.

