Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15193
08 December 2020

Finding solutions for marital captivity

Motion for a resolution
tabled by Ms Margreet De BOER and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Even though civil divorce is available in all Council of Europe member States, in many of them people may experience a situation in which they are not free to put an end to their marriage. This can be defined as "marital captivity". As addressed in paragraph 3 of Parliamentary Assembly Resolution 2233 (2018), marital captivity is a form of forced marriage. The victims are predominantly women, which indicates that it is also a form of violence against women.

Often situations of marital captivity are related to religious marriages: certain (interpretations of) religions do not allow for divorce, or require the permission of the other (male) partner. However, marital captivity may take place in civil marriages as well, and may have causes besides religion: strong social stigma, financial issues, emotional pressure, fear and dependency in terms of residence permits can all be impediments to divorce. Several researches in, among others, the Netherlands and the United Kingdom, indicate that there is a large variety of situations of marital captivity, and that it can have severe detrimental consequences for the trapped spouse. It can be assumed that marital captivity takes place in other member States as well.

Marital captivity is an infringement on the trapped spouse's personal autonomy, a basic principle of human rights law. Additionally, the fear, stress and social consequences caused by marital captivity can lead to violations of the trapped spouse's rights to freedom of movement, right to health and right to marriage as codified in the European Convention on Human Rights and in the International Covenant on Economic, Social and Cultural Rights. Additionally, marital captivity is a form of forced marriage and violence against women.

The Assembly should therefore make an inventory of the situations that can lead to marital captivity in its various member States, and come up with clear recommendations as to how to effectively address these.

Signed (see overleaf)

Signed[1]*:*

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1. ALDE: Alliance of Liberals and Democrats for Europe
EC/DA: European Conservatives Group and Democratic Alliance
EPP/CD: Group of the European People's Party
SOC: Socialists, Democrats and Greens Group
UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group