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(Revised version)

Forced marriage in Europe

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A. Draft Resolution

1. Every day throughout the world, 39 000 young girls are married before reaching the age of majority. More than one third of them are younger than 15. Forced marriages between adults are also frequent. All countries in Europe are affected by these harmful practices, whether in the form of forced marriages concluded in Europe, forced marriages of European nationals or residents concluded elsewhere, or persons forced to marry before arriving in Europe. These harmful practices affect above all women and girls, but they also affect men and boys.
2. Many ruined lives, much wasted potential and serious health risks lie behind these figures. For young girls, marrying often means dropping out of school, separation from their families, transitioning too quickly from childhood to adult life, domestic slavery, unprotected and forced sexual relations and unwanted pregnancies that endanger their health. Forced marriages during adulthood deprive women of the possibility of determining all matters relating to their life choices, their sexuality and sexual and reproductive health freely and without coercion, discrimination or violation of their rights. For women and girls, forced marriage is often synonymous with violence and repeated sexual assault and rape.
3. The Assembly condemned these practices in its Resolution 1468 (2005) on forced marriages and child marriages, in which it defined forced marriage as the union of two persons, at least one of whom has not given their full and free consent to the marriage, and child marriage as the union of two persons, at least one of whom is under 18 years of age. These definitions remain valid today, with child marriage being one form of forced marriage.
4. Forced marriage is not simply a question of being forced to accept a spouse but involves a series of violent acts against women. It violates an entire series of other rights, including their rights to physical integrity, physical and mental health, sexual and reproductive health, education, private life, freedom and autonomy.

Amendment 1 **Tabled by the Committee on Social Affairs,** **Health and Sustainable Development**

In the draft resolution, paragraph 1, last sentence, replace the words "harmful practices" with the words: "human rights violations".

Amendment 2 **Tabled by the Committee on Social Affairs,** **Health and Sustainable Development**

In the draft resolution, at the end of paragraph 3, insert the following words: ", as a child cannot be considered to have expressed full, free and informed consent to a marriage."

Amendment 7 **Tabled by the Committee on Legal Affairs** **and Human Rights**

In the draft resolution, at the end of paragraph 3, insert the following sentence: "A marriage in which at least one of the parties is not free to put an end to the marriage or to leave his or her spouse is also a forced marriage."

Amendment 3 **Tabled by the Committee on Social Affairs,** **Health and Sustainable Development**

In the draft resolution, paragraph 4, first sentence, after the words "a series of" insert the following words: "human rights violations, including violations of children's rights and".

5. International standards to prevent and combat forced marriages have existed for a long time. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") moreover defines forced marriage as a form of violence and calls on States Parties to criminalise them. However, the measures put in place thus far have proved inadequate to stem this harmful practice within our member States.
6. The Assembly considers it essential for member States to step up their efforts to prevent and combat forced marriages and put an end to the violence and violation of rights that they entail. These efforts must include all those concerned, such as the communities in which forced marriages are practised, grassroots organisations, social and education services, the police, the justice system and health-care professionals. Awareness and education campaigns must involve both women and men in the communities concerned and sever the link between these harmful practices and gender stereotypes, culture and traditions, including the concept of so-called "honour", which help ensure that they continue.
7. In the light of the above, the Assembly calls on member States of the Council of Europe to:
 - 7.1. include the fight against forced marriages in their national policies and practices to prevent and combat violence against women and girls, and set up a specific body within their administrative authorities dedicated to the fight against forced marriages;
 - 7.2. run public awareness and information campaigns to combat forced marriages and support the initiatives of non-governmental organisations in this field;
 - 7.3. further develop and strengthen the structures put in place to assist victims and those at risk of forced marriage, including telephone helplines for urgent calls and accommodation and shelters for women and girls who have had to leave their homes;
 - 7.4. enhance the empowerment of women and girls, in particular by guaranteeing their access to education and to the labour market;
 - 7.5. with regard to domestic law:
 - 7.5.1. criminalise conduct forcing an adult or a child to enter into a marriage, as well as luring an adult or a child abroad for the purpose of forcing him or her to enter into a marriage, and provide for effective sanctions against the perpetrators of such offences;

Amendment 4
Tabled by the Committee on Social Affairs,
Health and Sustainable Development

In the draft resolution, paragraph 5, second sentence, after the word: "The" insert the following words: "more recent".

Amendment 8
Tabled by the Committee on Legal Affairs
and Human Rights

In the draft resolution, paragraph 7.5.1., after the word "criminalise", add the following words: "as a specific offence, intentional"

Amendment 9
Tabled by the Committee on Legal Affairs
and Human Rights

In the draft resolution, paragraph 7.5.1., after the words "perpetrators of", insert the following

- 7.5.2. prohibit, without exception, child marriage and abolish differences between girls and boys in terms of the minimum age for marriage;
- 7.5.3. put in place mechanisms to verify, prior to the marriage, that there is true consent on the part of both spouses, bearing in mind that each party must be free to refuse to go ahead with the marriage without suffering any negative consequences;
- 7.5.4. adopt civil law measures, such as protection orders against forced marriage, together where appropriate with a ban on leaving the country, in order to prevent forced marriages when cases involving persons at risk are reported;
- 7.5.5. ensure that births and marriages are registered and that anyone forced to conclude an unregistered marriage and any children resulting from that marriage are given the same level of protection as if the marriage had been registered;
- 7.5.6. take measures to ensure that forced marriages may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim;
- 7.6. in order to ensure the effective application of criminal and civil law provisions to prevent and punish forced marriage, improve the conditions for enabling the reporting of cases of forced marriage and guarantee the protection of victims, whistle-blowers and other witnesses as long as required to ensure their safety;
- 7.7. with regard to their commitments under international law:
 - 7.7.1. sign and/or ratify and fully implement the relevant Council of Europe instruments, in particular the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;
 - 7.7.2. sign and/or ratify the United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, and the Amendment and Protocol to the United Nations Convention on the Elimination of All Forms of Discrimination against Women;
- 7.8. recognise forced marriage as a ground for international protection;

words: "and those who aid, abet, or attempt to commit".

Amendment 10
Tabled by the Committee on Legal Affairs
and Human Rights

In the draft resolution, paragraph 7.5.4., after the words "civil law measures", add the following words: "with appropriate safeguards and limitations".

Amendment 5
Tabled by the Committee on Social Affairs,
Health and Sustainable Development

In the draft resolution, after paragraph 7.8, insert the following paragraph:

"refrain from recognising forced marriages contracted abroad except where recognition would be in the victims' best interests with regard to the effects of the marriage, particularly

for the purpose of securing rights which they could not otherwise claim;"

**Sub-amendment 1 to amendment 5
Tabled by the Committee on Equality and
Non-Discrimination**

In amendment 5, replace the words: "except where recognition would be in the victims' best interests with regard to the effects of the marriage, particularly for the purpose of securing rights which they could not otherwise claim;" with the following words: "but, where it would be in the victim's best interests, recognise the effects of the marriage in so far as this would enable the victim to secure rights which they could not otherwise claim;"

- 7.9. collect accurate and comparable data on forced marriages, broken down by sex and age, and carry out detailed studies on the causes and frequency of these practices and on the associated risk factors;
- 7.10. in order to guarantee the protection of victims and persons at risk from the very moment when their situation is reported, provide detailed training for professionals working in the social and education services, the police and the justice system and health-care professionals;
- 7.11. establish effective co-ordination mechanisms and mechanisms for monitoring victims and those at risk, and promote exchanges of good practices, referring in particular in this connection to the Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage drawn up by the Steering Committee for Human Rights.
8. The Assembly encourages national parliaments to support action to prevent forced marriage at national level and through their international co-operation activities.
9. The Assembly welcomes and supports the Sustainable Development Goals adopted by the United Nations, which include the elimination of forced marriage by 2030, and encourages all Council of Europe member States to make an active contribution to the implementation of those goals.
10. Finally, the Assembly acknowledges that forced marriages are linked to other harmful practices, such as female genital mutilation, the subject of its Resolution 2135 (2016), and so-called "honour crimes", which the member States of the Council of Europe must also combat firmly and resolutely.

**Amendment 6
Tabled by the Committee on Social Affairs,
Health and Sustainable Development**

In the draft resolution, paragraph 10, after the words: "and so-called "honour crimes"" add the following words: ", subject of its Resolution 1681 (2009) and its Recommendation 1881 (2009)".