



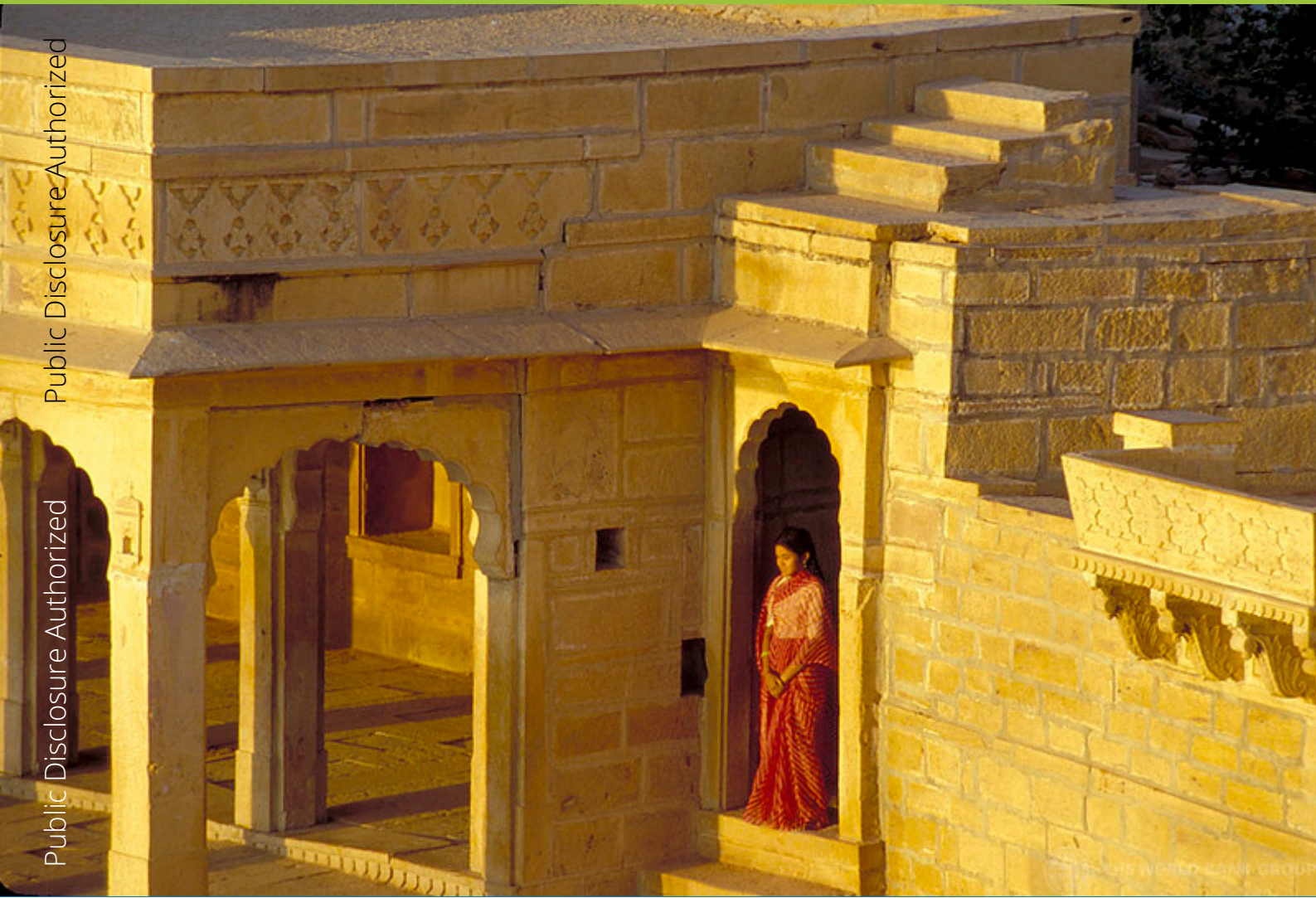
THE WORLD BANK
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Compendium of International and National Legal Frameworks on Child Marriage

SECOND EDITION, JUNE 2022

Volume V of VI



COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON
CHILD MARRIAGE

**COMPENDIUM OF INTERNATIONAL AND NATIONAL
LEGAL FRAMEWORKS ON CHILD MARRIAGE**

Volume V of VI

JUNE 2022

THE WORLD BANK GROUP

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Cover Photo

Woman in doorway. India. © Photo: World Bank / Curt Carnemark.

This compendium – developed in the framework of the Empowering Women by Balancing the Law (EWBL) initiative of the Legal Vice Presidency of the World Bank – is a working document intended as reference tool for anyone interested in the topic of child marriage (development practitioners, lawyers, community leaders, academics, researchers, students, etc.). It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON
CHILD MARRIAGE

Volume V of VI

**This Compendium on Child Marriage is divided in VI volumes.
Each volume should be observed as part of the whole.**

ACKNOWLEDGMENTS

The initial idea for this compendium came out in 2016 of a collaboration between the Legal Vice Presidency and the Education Global Practice at the World Bank on the role of law to end child marriage. The discussions took place within the context of a global study being conducted by the World Bank and the International Center for Research on Women on the economic and social costs of child marriage with funding from the Bill and Melinda Gates Foundation and the Children Investment Fund Foundation, as well as additional support from the Global Partnership for Education under a grant for work on out of school children.

In 2022, the Empowering Women by Balancing the Law (EWBL) initiative of the Legal Vice Presidency of the World Bank decided to update and upgrade the first edition of the Compendium. The EWBL aims to advance gender equality through substantive legal contributions to promote gender inclusivity in the law. It is rooted in the conviction that gender equality and equity under the law are preconditions for enabling women's full participation in society and for countries to achieve tangible development outcomes. However, to date, billions of women and girls worldwide face systemic barriers due to outdated and discriminatory laws that hinder their rights and opportunities.

We wish to thank the following organizations and individuals for their outstanding contribution, assistance, and guidance on this project.

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FOREWORD

Millions of women around the world continue to experience violence because of their gender. Gender-based violence (GBV) is a pandemic that is often intractable and knows no boundaries.

The United Nations Declaration on the Elimination of Violence Against Women states that “violence against women is a manifestation of historically unequal power relations between men and women” and that it is “one of the most crucial social mechanisms by which women are forced into a subordinate position compared with men”. This violence comes in many forms and includes child marriage, female genital mutilation, intimate partner violence, sexual violence during conflict, and sexual harassment among others.

The marriage of children, which affects girls overwhelmingly, is widely recognized in international and regional agreements as an extreme violation of a number of fundamental human rights. It is directly addressed as a development issue by the international community within UN Sustainable Development Goal (SDG) 5.3 “to eradicate all harmful practices such as early and forced marriage and female genital mutilation”. UNICEF estimates that 25 million child marriages have been prevented over the last decades thanks to multisectoral efforts. Still, today, 21% of girls are married before their 18th birthday—that is 1 in 5 girls in the world—and UNICEF estimates that at the current rate of efforts, more than 110 million girls will be married during their childhood before 2030.

Child marriage affects not only millions of women and girls in the world directly, but the practice also drastically impacts the development of entire societies. Child marriage is correlated with other forms of GBV such as female genital mutilation and sexual abuse, lower rates of school participation and educational achievement for girls, weaker health outcomes, higher incidence of domestic violence, lower rates of female labor force participation, higher rates of poverty and wider gaps of inequalities.

This Compendium has been developed with the conviction that for economies to reach peaceful, just and inclusive societies, they must accelerate action towards enacting and promoting enforcement of gender equality legislation, including the prohibition of child marriage. The law can be an extremely effective empowerment tool: it condemns practices that are no longer tolerated in society and protects the rights of those who in the absence of the law would otherwise be victims of intersectional forms of discrimination. For justice and the rule of law to work, better knowledge of the law, better promotion of the law and better law enforcement are crucial.

We hope that this Compendium can participate in the protection of women and girls’ fundamental rights and the promotion of strong, peaceful, and just societies, as well as to the achievement of our mission to end poverty and promote shared prosperity.

June 15, 2022

J. Clifford Frazier
Interim Senior Vice President and Group General Counsel

DISCLAIMERS AND LIMITATIONS

This Compendium is based on information on international and regional instrument on child marriage as well as domestic law, regulation, and policy as they relate to child marriage and as available online, offline, or both, based on information collected from research conducted, verified, and updated up to June 2022. Because this Compendium is carried out primarily based on information publicly available online, it has more than several hundred URLs and links to publicly available laws, regulations, and electronically published documents. Links to international and regional treaties, agreements, conventions, and other documents are hyperlinked in the title of said treaty, agreement, convention or other document. Similarly, links to national legislations are hyperlinked in the title of said legislation. All referenced URLs and links were checked at the time when they were inserted into the footnotes or in the hyperlinks. There is no guarantee as to their future accessibility. There is also no guarantee as to the continued accuracy of any information included in this Compendium after the last date on which it was verified. The findings, interpretations, and conclusions expressed in this work do not necessarily reflect the views of The World Bank.

This Compendium is limited to 194 countries (54 countries in Africa; 44 countries in Asia; 14 countries in Oceania; 23 countries in North and Central America ; 12 countries in South America ; 47 countries in Europe).

"I'll Marry When I Want."

I'll marry when I want.

My mother can't force me to marry.

My father cannot force me to marry.

My uncle, my aunt, my brother or sister, cannot force me to marry.

No one in the world can force me to marry.

I'll marry when I want.

Even if you beat me, even if you chase me away, even if you do anything bad to me, I'll marry when I want.

I'll marry when I want, but not before I am well educated, and not before I am all grown up.

I'll marry when I want.

Eileen Piri, 13 years old, Malawi¹

¹ Extracted from TED Talk of Memory Banda, Memory Banda, A warrior's cry against child marriage, July 2 2015 available at http://www.ted.com/talks/memory_banda_a_warrior_s_cry_against_child_marriage/transcript

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EUROPE

ALBANIA

[Family Code, 2003](#)

Article 7 - Age for marriage

Marriage can be concluded between a man and a woman who are 18 years or older. The court in the location where the marriage is to be concluded may, for sufficient reasons, allow marriage prior to this age.

Article 8 - The consent of the spouses

Marriage is concluded in front of the civil registration office clerk, upon the free consent of the future spouses.

Objections to concluding a marriage

Article 20

Parents and, in their absence, other antecedents and relatives up to the third degree, may oppose the marriage for any cause which violates the conditions of this Code for concluding marriage. The spouse of a person who wants to conclude another marriage, as well as a guardian, if one of the spouses has been placed under guardianship, has the right to object to the marriage. The prosecutor also has a right to object to the marriage for the reasons stated in this law allowing him/her to request its invalidation.

Article 21

An objection to a marriage must be made in the presence of the clerk of the civil registration office, who is required to record that information in the marriage registry, where the marriage is to be concluded. The clerk of the civil registration office is required to record the withdrawal of the objection in the registry of marriages when: a) s/he deems that the objection is not made in accordance with the provisions of this Code; b) a court decision has already been rendered on the case; or c) the objection is withdrawn.

The withdrawal of the objection does not prevent the clerk of the civil registration office from denying the right to marry for causes set forth in this Code.

Article 22

The petition for objection must contain the standing of that person to make the objection, the place where the marriage is to take place, the basis for the objection and the legal provision upon which the objection is based.

Article 23

When the clerk of the civil registration office deems that the objection has been made in accordance with the provisions of this Code, s/he suspends the marriage process until such time as the court rules on the objection or the objection is withdrawn. The future spouses have the right to file an appeal of the suspension with a court within 5 days of receiving the notice of suspension.

Article 24

The petition for objection is ineffective after 1 year from the date of its filing.

Article 25

The competent court, upon the request of each of the future spouses, must rule on the objection made against the marriage within 10 days from the day the request is filed.

Article 26

The decision of the first instance court may be appealed to the court of appeals, which must decide the case within 10 days from the date of filing the appeal.

[...]

Article 32 - Refusal to conclude a marriage

The civil registration office clerk can refuse to conclude a marriage only for causes set forth in this Code. In this case, s/he may issue an order stating the causes for the refusal. An appeal of the refusal order may be filed with the court.

CHAPTER III INVALIDATION OF MARRIAGE

Causes for invalidation

Article 33

A marriage concluded without the full and free consent of one or both of the spouses is void.

Article 37

A marriage concluded as a result of a threat against one of the parties, without which the marriage would not have taken place, is voidable.

Article 38

A request for invalidation of marriage, pursuant to articles 34 and 37 of this Code, may not be made after the spouses have continuously lived together for 6 months since the spouse gained freedom or from the time the threat was removed or that s/he had notice of the mistaken identity.

Article 39

A marriage concluded by a person not meeting the age requirements of this Code is void. The marriage may not be declared void after the person has reached the required age, or when the woman has given birth to a child or is pregnant.

[...]

Article 44

The right to request the invalidation of a marriage concluded without the free consent of one or both of the spouses belongs to either spouse whose consent was not freely given. The right to request the invalidation of a marriage concluded under threat or due to a mistake belongs only to the spouse who was threatened or operating under the mistake. A request for invalidation of a marriage based on lack of consent may not be filed after six months from the date the threat ceased to exist, or the mistake was discovered or the spouse gained their freedom, but in any case, not more than 3 years after concluding the marriage. A request for invalidation may not be filed after six months of continuous cohabitation since the time that the spouse has gained full freedom or has knowledge of the mistaken identity.

Article 45

The right to petition for invalidity of the marriage pursuant to articles 36, 39, 40 and 41 of this Code belongs to each of the spouses, the prosecutor and anyone else who has a direct lawful interest. This petition may also be filed after the marriage has ended. There is no time limit for filing a petition to invalidate the marriage, except as stated in articles 44 and 46 of this Code.

Article 49 - Consequences of invalidity

A marriage that is declared invalid by a final decision is considered as never having been concluded. The consequences of the invalidity are effective, as to the spouse who was unaware of the reasons invalidating the marriage, from the date when the decision becomes final. Children born of a marriage that is declared invalid are considered as born of the marriage and the relationship between the child and the parents are regulated as if the marriage was dissolved.

[Criminal Code, 2004 \(as amended\)](#)

Article 130

Coercion or obstruction of cohabitating, concluding or dissolving a marriage (Amended by law no.144, dated 02.05.2013, article 32)

Coercing or obstructing the initiation or continuation of cohabitation, or coercion to enter into or dissolve the marriage, shall constitute a criminal misdemeanour and is punishable with a fine or imprisonment up to three months. Intentional request to an adult or child to leave the territory of the Republic of Albania for purposes of obliging him to enter into marriage, shall constitute a criminal misdemeanour and is punishable with a fine or imprisonment up to three months.

[Civil Code, 1994](#)

Article 6

The person who reaches eighteen years old wins the full rights so that by his acts he gains rights and holds civil obligations. The full capacity to act is gained through marriage by the wife who has not reached the age of eighteen years. She does not lose this capacity even when the marriage is declared invalid or divorced before reaching the age of eighteen years old.

ANDORRA

[Qualified Act on Marriage, 1995 \(as amended\)](#)

Chapter 2. The requirements of civil marriage

Art. 18 The following persons cannot contract a civil marriage:

- 1) Those under 16 years unless they are dispensed of this impediment in accordance with article 20.
- 2) Those who are tied by a marriage bond.

Art. 20 A Civil Jurisdiction, once the opinion of the Public Prosecutor is heard, may, with a just cause and at the request of the party, dispense the following impediments:

- 1) The age, provided that they are over fourteen years of age, having previously heard the persons who exercise parental authority or guardianship, which in any case must state whether they grant their consent to the marriage or if they oppose it. [...]

Chapter 6 The nullity of civil marriage

Art. 36 A civil marriage is null and void:

- 1) Among persons affected by any of the impediments established by articles 18 and 19, except in the case of exemption established in article 20.
- 2) Without marital consent or with the vices of consent established by articles 27, 28, 29 and 30.

Art. 37 A civil marriage that is null by virtue of the provisions of Chapter 4 of this Title is validated if the spouses live together for one year counting:

- 1) from their age of majority, when they have contracted marriage invalidly due to the age impediment established by article 20. [...]

Art. 38 The declaration of annulment of civil marriage does not invalidate the effects produced in respect of the children and the spouses or parties of good faith, which it is assumed if there is no proof to the contrary.

ARMENIA

[Family Code, 2005](#)

ARTICLE 10. CONDITIONS OF MARRIAGE CONCLUSION

1. The mutual voluntary consent of a man and a woman and the marital age of them (17 for women and 18 for men) are necessary for marriage conclusion.
[...]

ARTICLE 20. RECOGNITION OF THE MARRIAGE INVALID

1. The marriage is recognized invalid by court.
2. The marriage concluded [in violation of] conditions stipulated by Articles 10, 11 and Provision 3, Article 12 of the given Code is recognized invalid, as well as the marriage in case of which the spouses or one of them registered the marriage without an intention to make a family (false marriage).
3. Within three days after the entry into force of the court verdict on recognition of the marriage invalid the court is obliged to send the extract of the verdict to the Civic Status Registration Department of the state registration of the marriage.
4. The marriage is considered invalid after the state registration.

ARTICLE 21. PERSONS WHO HAVE RIGHT TO PRESENT REQUIREMENTS TO RECOGNIZE THE MARRIAGE INVALID

Persons who have the right to submit an application for recognition of the marriage invalid:

- a) a minor spouse, his/her parents (authorized representatives), departments of custody and guardianship, if the marriage has been conducted with a minor person. When the minor spouse reaches the age of 18, only the spouse has the right to apply for the recognition of the marriage invalid;
- b) a spouse whose rights were violated by marriage conclusion, if the marriage was concluded without voluntary consent of one of the spouses as a result of coercion, lie, confusion [...]

ARTICLE 22. CIRCUMSTANCES ELIMINATING MARRIAGE INVALIDITY

1. The court can recognize the marriage valid if at the time of the consideration of the case on recognition of the marriage invalid the barrier to the conditions for the conclusion of the were removed.

2. In case of a woman's pregnancy or birth of a child, or if the interests of the minor spouse require marriage validity, as well as in case of the absence of the minor spouse's consent to recognize the marriage invalid, the court can reject the suit to recognize the marriage invalid. [...]

ARTICLE 23. CONSEQUENCES OF THE RECOGNITION OF A MARRIAGE INVALID

[...]

4. The recognition of a marriage invalid does not affect the rights of children born in such marriage or within 300 days after the recognition of the marriage invalid. [...]

[Civil Code, 1998 \(as amended\)](#)

Article 24. The Dispositive Capacity of a Citizen

1. The capacity of a citizen by his actions to acquire and exercise civil law rights, to create for himself civil law duties and to fulfill them (civil law dispositive capacity) arises in full with the attainment of majority, i.e., on the attainment of the age of eighteen. [...]

3. In the case when a statute allows entry into marriage before attaining the age of eighteen, a citizen, who has not attained the age of eighteen, acquires dispositive capacity in full from the time of entry into marriage.

Dispositive capacity acquired as the result of conclusion of marriage is retained in full also in case of dissolution of the marriage before attaining the age of eighteen. In case of declaration of a marriage as invalid, the court may adopt a decision on the loss by the minor spouse of full dispositive capacity from a time determined by the court.

AUSTRIA

[Civil Code, 1811 \(as consolidated to 2022\)](#)

§21(2): Minors are persons who have not yet reached the age of eighteen.

[Marriage Act, 1938 \(as consolidated to 2022\)](#)

FIRST SECTION: RIGHT OF MARRIAGE

A. CAPACITY TO CONTRACT MARRIAGE

§1

(1) Anyone who is of legal age and capable of making decisions is eligible to marry.

(2) The court may, upon application, declare a person who has reached the age of 16 to be capable of marriage if the future spouse has reached the age of 18 and the minor appears ready for the marriage; the minor requires the consent of the legal representative to enter into the marriage. If the latter refuses consent without justified reason, the court shall replace the consent at the request of the minor.

§ 17

(1) Marriage is concluded by the engaged couple declaring in person before the registrar and being present at the same time that they want to marry each other. [...]

D. NULLITY OF MARRIAGE

I. Grounds for Invalidity

§ 20: A marriage is void only in cases where this is determined in §§ 21 to 25 of this law.

§ 22: (1) A marriage is void if one of the spouses was not capable of marriage at the time of the marriage and the grounds for annulment set out in Section 35 do not exist.

(2) However, the marriage is to be regarded as valid from the outset if the spouse indicates that he or she wishes to continue the marriage after becoming capable of marriage.

II. Appeal to nullity

§ 27: No one can invoke the nullity of a marriage until the marriage has been declared void by a court by judgement.

§ 28: (1) If a marriage is void on the basis of § 22 (1), one of the two spouses may request a declaration of nullity.

§ 29: (1) A spouse can only request a declaration of nullity if he/she is competent to take decision.

(2) If he/she lacks this ability, a legal representative can only represent him if the act of representation is necessary to protect his well-being. However, if the spouse indicates that he/she rejects the act of representation planned by the legal representative, this must be omitted unless his or her well-being would otherwise be seriously endangered.

E. Annulment of Marriage

I. General Provisions

§ 33.

The annulment of a marriage can only be requested in the cases of §§ 35 to 39 and 44 of this law.

§ 34

The marriage is annulled by court judgment. It is dissolved when the judgment becomes final.

§ 39

Threat

(1) A spouse may request an annulment of the marriage if he has been unlawfully determined to enter into the marriage by means of a threat.

(2) Annulment shall be excluded if, after the end of the compulsive situation caused by the threat, the spouse has indicated that he intends to continue the marriage.

BELARUS

[Marriage and Family Code, 1999 \(as amended\)](#)

Article 4. Legal regulation of marriage and family relations by the state

Only a marriage concluded within the bodies of registering civil acts is recognized.

Religious rites related to marriage and family matters have no legal significance.

[...]

Article 12. Marriage

Marriage is a voluntary union of a man and a woman, which is concluded under the conditions provided for by this Code, is aimed at creating a family and generates mutual rights and obligations for the parties.

Article 13. Marriage contract

In order to improve the culture of marital and family relations and the responsibility of one spouse to the other, to determine the rights and obligations of spouses in marriage and (or) after its dissolution, persons entering into marriage and spouses at any time and to the extent of rights and obligations determined by them, have the right to conclude marriage contract.

A marriage contract is an agreement between persons entering into marriage or spouses on the definition of their personal non-property and (or) property rights and obligations both during the period of marriage and after its dissolution.

[...]

Article 13-1. Form and procedure for concluding a Marriage contract

The marriage contract is concluded in writing and is subject to notarization.

[...]

Underage persons entering into marriage enter into a marriage contract with the consent of their parents, guardians, except for the cases when minors acquire legal capacity in full.

Article 15. Marriage

Marriage is concluded in the bodies registering acts of civil status.

Article 17. Conditions for entering into marriage

In order to conclude a marriage, the mutual consent of the persons entering into marriage, their attainment of marriageable age and the absence of obstacles to the conclusion of marriage, provided for in Article [19](#) of this Code, are necessary.

Article 18. Marital age

The marriage age is set at eighteen.

In exceptional cases due to pregnancy, birth of a child, as well as in the case of acquiring full legal capacity by minors before reaching the age of majority, the civil registry office may reduce the age of marriage for persons entering into marriage, but not more than three years.

The reduction of the marriage age is made at the request of the persons entering into marriage. At the same time, the consent of parents and guardians of minors is not required for marriage. [...]

Article 19. Obstacles to marriage

Marriage is not allowed:

[...]

between persons of whom at least one person has been declared incompetent by a court.

[...]

Article 45. Grounds for declaring a marriage invalid

[Marriage is declared invalid in violation of the conditions established by Articles 17-19](#) of this Code, as well as in cases of registration of marriage without the intention to start a family (fictitious marriage). A marriage cannot be considered fictitious if the persons who registered the marriage actually started a family before the court heard the case.

Article 46. The procedure for declaring a marriage invalid

The recognition of marriage as invalid is carried out in a judicial proceeding.

One of the spouses, a person whose rights are violated by the conclusion of this marriage, guardianship and custody authorities, as well as a prosecutor in cases provided for by law, have the right to file a claim for recognition of a marriage as invalid.

Article 47. Recognition of a marriage as invalid if the spouse does not reach marriageable age

A marriage entered into with a minor whose marriageable age has not been reduced in accordance with the established procedure (Article 18 of this Code) may be declared invalid if this is required by the interests of the spouse who entered into marriage before reaching marriageable age.

A claim for recognition of marriage as invalid on this basis may be filed by a minor spouse, guardianship and trusteeship authorities, as well as a prosecutor in cases provided for by law.

If by the time the case is resolved, the minor spouse has reached the age of majority, then the marriage can be declared invalid only at his/her request.

Upon the entry into force of a court decision declaring a marriage invalid, a copy of this decision shall be sent by the court within ten days to the body registering civil status at the place of registration of the marriage.

Article 48. The time from which the marriage is considered invalid

A marriage declared invalid shall be considered invalid from the date of its conclusion.

Article 49. Consequences of declaring a marriage invalid

[...]

The annulment of a marriage does not affect the rights of children born in such a marriage, including the possibility of concluding an agreement on children.

[Civil Code, 1998 \(as amended\)](#)

Article 20. Legal capacity of citizens

1. The ability of a citizen by his/her actions to acquire and exercise civil rights, create for himself civil duties and perform them (civil capacity) arises in full with the coming of age, i.e. after reaching eighteen years of age.

2. In the event that the law allows emancipation (Article [26](#) of this Code) or marriage before the age of eighteen, a citizen under the age of eighteen shall acquire full legal capacity from the time of the decision to emancipate or from the time of marriage.

The legal capacity acquired as a result of marriage is preserved in full even in the event of divorce.

If the marriage is declared invalid, the court may decide to lose the legal capacity of the minor spouse from the moment determined by the court.

[...]

BELGIUM

[Civil Code, 2007 \(as amended\)](#)

Art. 144. [L 19-01-1990, art. 7>.

No one may contract marriage before the age of eighteen.

Art. 145. [L 19-01-1990, art. 8>.

The juvenile court may, for serious reasons, lift the prohibition of the preceding article.

[The application is made by motion either by the father and the mother, or by one of them, by the guardian, or by the minor in the absence of the consent of the parents or the guardian.] <L2001-04-29/39, s. 4.011; Effective: 01-08-2001>

The procedure is introduced on a fixed day. The court decides within a fortnight, the father and mother [or the guardian], the minor and the future spouse are summoned and the Crown prosecutor heard. <L 2001-04-29/39, art. 4.011; Effective: 01-08-2001>

The appeal must be lodged [within eight days of notification by judicial letter of the judgment] and the Court rules within two weeks. [The judgment is also communicated by the clerk to the competent public prosecutor's office.] Neither the judgment nor the judgment are subject to opposition. <L 2006-05-09/35, art. 2.032; In effective: 10-05-2007>

Art. 146. There is no marriage when there is no consent.

[...]

Art. 146ter. <Inserted by L 2007-04-25/76, art. 3; In force: 25-06-2007>

There is no marriage either when this is contracted without the free consent of both spouses and the consent of at least one of the spouses was given under violence or threat.

Art. 148. <L 19-01-1990, art. 9>.

A minor cannot contract marriage without the consent of his father and mother.

This consent is recorded by the court seized with a request of age exemption.

If the father and mother refuse to consent, the court may authorize the marriage if it deems the refusal unjustified.

If either the father or mother refuse to consent, the court may authorize the marriage if it considers the refusal unfounded. The father or mother who do not appear are deemed not to have consented to the marriage.

If either the father or mother are unable to express their will, and the other refuses to consent, the court may authorize the marriage if it deems the refusal unjustified.

If both the father and mother are unable to express their will or do not appear, the marriage may be authorized by the court.

[Law of 2 June 2013 \(modifying the Civil Code\)](#)

Art. 9. In the same Code, an article 1476ter shall be included as follows:

"Art. 1476ter. There is no legal cohabitation either when it is contracted without the free consent of the two legal cohabitants or when the consent of at least one of the legal cohabitants has been given under violence or threat. "

Art. 10. In the same Code, an article 1476quater shall be included as follows:

"Art. 1476quater. The civil registrar refuses to record the declaration of legal cohabitation when he finds that the declaration relates to a situation as referred to in Articles 1476bis and 1476ter.

If there is a serious presumption that the statement relates to a situation as referred to in Articles 1476bis and 1476ter, the civil registrar may postpone recording the declaration of legal cohabitation, for a period of two months at most from the issue of the receipt referred to in Article 1476, § 1, and after possibly obtaining the opinion of the King's prosecutor of the judicial district in which the parties have the intention to submit the declaration of legal cohabitation, in order to carry out an additional investigation.

The public prosecutor may extend this period by a maximum of three months. In this case, he informs the civil registrar who informs the interested parties.

[Penal Code, 1867 \(as amended\)](#)

Art. 265

The civil status officer who has solemnized a marriage without having obtained the required consents shall be punished with a fine from twenty-six to five hundred [euros]. <L2000-06-26/42, s. 2, Effective: 01-01-2002>

Art. 391 sexies

Any person who, through violence or threats, compels someone to contract a marriage shall be punished by imprisonment from three months to five years and a fine from two hundred and fifty euros to five thousand euros.

The attempt is punishable by imprisonment from two months to three years and a fine from one hundred and twenty-five euros to two thousand five hundred euros.

Art. 391 septies

Any person who, by violence or threats, has forced someone to enter into legal cohabitation shall be punished by imprisonment of three months to five years and a fine from two hundred and fifty euros to five thousand euros.

The attempt is punishable by imprisonment of two months to three years and a fine from one hundred and twenty-five euros to two thousand five hundred euros.

BOSNIA AND HERZEGOVINA

[Law Amending the Family Act of the Federation of Bosnia and Herzegovina, 2014](#)

Article 15

(1) A person who has not reached the age of 18 may not marry.

(2) Exceptionally, the court may, in a non-litigious procedure, allow a person who has reached the age of 16 to marry if it finds that there are justifiable reasons that that person is physically and mentally capable of performing the rights and duties arising from marriage and that marriage is in his/her interest.

Article 34

The marriage will be annulled if it is determined that during its conclusion one of the conditions for the validity of the marriage provided for in Articles 10 to 16 of this Law were not met.

Article 39

(1) The right to request annulment of the marriage concluded without the court's permission by a person under the age of 18 belongs to the guardianship authority, the minor spouse and his or her parents.

(2) The court may reject a request for annulment of a marriage if at the time of the marriage, or subsequently, there were reasons for which it could have allowed the conclusion of the marriage before the age of majority of the spouse.

(3) A marriage may not be annulled after the minor spouse has reached the age of 18, but a spouse who has reached the age of majority may file an action for annulment of the marriage within one year from reaching that age.

[Family Act of the Srspske Republic, 2002 \(as amended\)](#)

Article 36

(1) A person who has not reached the age of 18 may not conclude marriage.

(2) For justified reasons, the court may, in a non-litigious procedure, allow the conclusion of marriage to a minor over 16 years of age, if it determines that the person is physically and mentally capable of

performing the rights and duties arising from marriage. An application for permission to enter into marriage may be submitted by an interested minor.

Article 51

(1) The right to claim for annulment of a marriage concluded without the court's permission by a person under the age of 18 belongs to the guardianship authority, the minor spouse and his/her parents only if they did not enable the conclusion of that marriage by illegal actions.

(2) The court may reject the claim for annulment of the marriage if it finds that at the time of the marriage, or subsequently, there were reasons for which the marriage may have been allowed before the spouse reached the age of majority.

(3) A marriage may not be annulled after the minor spouse has reached the age of 18, but a spouse who has reached the age of majority may file an action for annulment of the marriage within one year from reaching that age.

[Family Act of Brčko District, 2007](#)

Article 26

(1) A person who has not reached the age of 18 may not conclude a marriage.

(2) For justified reasons, the court may, in a non-litigious procedure, allow the conclusion of marriage for a minor over 16 years of age.

Article 38

(1) The right to claim for annulment of a marriage concluded without the court's permission by a person under the age of 18 belongs to the guardianship authority, the minor spouse and his/her parents only if they did not enable the conclusion of that marriage by illegal actions.

(2) The court may reject the claim for annulment of the marriage if at the time of the conclusion of the marriage, or subsequently, there were reasons for which the conclusion of the marriage may have been allowed before the age of majority of the spouse.

(3) A marriage may not be annulled after the minor spouse has reached the age of 18, but a spouse who has reached the age of majority may file a lawsuit for the annulment of the marriage within one year from reaching that age.

BULGARIA

[Family Code, 2009](#)

Article 4. Civil matrimony

(1) Only civil matrimony, concluded in the form provided for by this Code shall give rise to the consequences, which the laws connect with matrimony.

(2) The religious ceremony shall not have legal act.

Article 5. Consent of the persons entering into matrimony

The matrimony shall be concluded upon mutual, free and explicit consent of a man and a woman, given in person and simultaneously before an official of the civil status.

Article 6. Age for Entry into Matrimony

(1) A marriage may be concluded by a person over the age of 18

(2) As an exception, if important reasons impose that, a marriage may be concluded by a person who has turned 16 with the authorization of a judge in the region that person permanently resides. If both persons entering into matrimony are minor or have different permanent addresses, the authorization is granted by the regional judge according to the address of one of the persons entering into matrimony, at their choice.

(3) The regional judge holds a hearing of the two persons entering into matrimony, their parents or the trustee of the minor person. The opinion of the person of full legal age, of the parents or trustee may also be expressed in writing, with notarized signatures.

(4) With the entry into matrimony the minor person becomes capacitated but may dispose of a real estate only with the authorization of the regional judge according to the permanent address of the minor person.
[...]

Art. 10. Procedure of concluding the matrimony

(1) The official on the civil status shall check the personality and age of the persons, entering into matrimony, as well as the documents, submitted by them under Art. 9. [...]

Article 47. Claiming matrimony annulment

(1) Matrimony annulment may be claimed:

1. in case of violation of Art. 6 – by the minor spouse, not later than 6 months after the date of the matrimony, if there are no children from the matrimony and the spouse is not pregnant; [...]

[Criminal Code, 1968 \(as amended\)](#)

Article 176

(1) A person who, upon entering into marriage, consciously conceals from registrar of the civil status a legal obstacle to the marriage, shall be punished by imprisonment for up to two years.

(2) A registrar of the civil status who solemnizes a marriage, being in the knowledge that there exists a legal obstacle to its conclusion, shall be punished by imprisonment for up to three years, and the court may also rule deprivation of the right under Article 37 (1), sub-paragraph 6.

Article 177

(1) A person who has induced another in compulsory manner to enter in marriage, and therefore the marriage was proclaimed null and void, shall be punished by imprisonment for up to three years.

(2) A person who abducts a person of the female gender for the purpose of forcing her to enter into marriage, shall be punished by imprisonment for up to three years, and if the victim is not of full age, the punishment shall be imprisonment for up to five years.

Article 178

(1) A parent or another relative who receives compensation to permit his daughter or relative to conclude a marriage, shall be punished by imprisonment for up to one year or by a fine from BGN one hundred to three hundred, as well as by public censure.

(2) The same punishment shall also be imposed on a person who gives or mediates in the giving or receiving of such compensation.

[...]

Article 191

(1) A person of full age who, without having concluded a marriage, starts living as man and wife with a person of the female gender, who has not completed 16 years of age, shall be punished by imprisonment for up to two years or by probation, as well as by public censure.

(2) An adult who persuades or facilitates an underage male and a female who have not completed 16 years of age, to start living as spouses, without concluding a marriage, shall be punished by imprisonment for up to two years or by probation.

(3) If the act under the preceding paragraphs has been committed with a person who has not completed 14 years of age, the punishment shall be imprisonment from two to five years.

(4) In the cases under paragraph (1) the perpetrator shall not be punished and the imposed punishment shall not be enforced, if prior to the enforcement of the sentence a marriage follows between the man and the woman.

Article 192

(1) A parent or another relative who receives compensation to permit his daughter or female relative, who has not completed 16 years of age, to start living as married with someone, shall be punished by imprisonment for up to two years or a fine from up to BGN 3,000.

(2) The same punishment shall also be imposed on a person who gives or mediates in the giving of such compensation.

CROATIA

[Family Act \(consolidated to 2020\)](#)

Article 23

(1) For the existence of marriage it is necessary:

[...]

1. that the bride and groom have given their consent to the marriage [...]

Article 25

(1) A person who has not reached the age of eighteen may not marry.

(2) By way of derogation from the provision of paragraph 1 of this Article, a court may, in out of court proceedings, allow a person who has reached the age of sixteen to marry if it finds that he or she is mentally and physically ready for marriage.

Possibility of annulment of a marriage that is not valid

Article 29

A marriage contracted contrary to the provisions of Article 25 to 28 of this Act shall not be valid and the provisions on annulment of marriage shall apply to it.

[Criminal Code \(consolidated to 2021\)](#)

Article 168 (Enabling the contracting of a prohibited marriage)

An authorized person who enables the conclusion of a marriage, even though all legal preconditions for the existence and validity of the marriage have not been met, shall be punished by imprisonment for a term not exceeding three years.

Article 169 (Forced marriage)

(1) Whoever forces another person to marry,

Shall be punished by imprisonment by a term between six months and five years.

(2) Whoever lures a person to a state other than the one in which he/she resides in order to force him/her to marry there,

Shall be punished by imprisonment for a term not exceeding three years.

CYPRUS

Marriage Law, 2003

14. (1) The free consent of the persons intending to contract a marriage is required before contracting a marriage. (2) There is no free consent of the persons intending to contract a marriage as provided in clause (1) of this section, if any one of them - (a) Is a person incompetent of contracting a marriage within the context of clause (3) of this section, or (b) He/she under misconception about the identity of the other person, or (c) He/she has been forced to contract a marriage under threat, as specified in clause (4) of this section.

(3) For the purposes of paragraph (a) of clause (2) of this section a person incapable to contract a marriage is a person who –

(a) Subject to the provisions of section 16, is under eighteen years of age, [...]

(4) For the purposes of paragraph (c) of clause (2) a threat is deemed to be –

(a) Any action, act or omission which may bring about fear to an average reasonable human being, that he/she may be exposed to a direct and significant risk of his/her life, honour, freedom, bodily integrity, or property or that of the members of his/her family, and because of such fear he/she consents to the marriage.

(b) Any legal, illegal immoral action or act or declaration which brings about fear to an average reasonable person and the consent for marriage is obtained by or both persons because of this reason.

15. (1) When one or both persons are under eighteen years of age, a marriage shall be permitted, if –

(a) They are both over sixteen years of age,

(b) the persons acting as their guardians consent in writing,

(c) there are serious grounds justifying the marriage

(2) When - (a) The guardians unjustifiably so do not consent, as provided in paragraph (b) of clause (1) above, or (b) there is no guardian to consent, the District Court where the person intending to contract a marriage resides, may permit the marriage.

16. A marriage shall cease to be voidable –

(a) If, despite the fact that it was solemnized without the consent of the persons when contracted, there follows a free and full consent of the spouses, (b) If, despite the fact that it was contracted by a person incompetent of contracting a marriage, the said person recognizes the marriage, if and so long he/she becomes a person competent of contracting a marriage, (c) If, despite the fact that it has been contracted without the consent of the guardians, their consent in writing is later obtained, (d) If, despite the fact that it was contracted as a result of misconception with respect to the identity of the other spouse, the person under misconception recognizes the marriage after establishing the misconception, (e) If, despite the fact that it was solemnized as a result of coercion of any person to contract a marriage, the coerced person recognizes the marriage after the threat is lifted.

21. (1) A voidable marriage under the provisions of this Law, may, if its voidability has not been lifted under the provisions of this Law, be annulled by decision of the Family Court, issued in an action filed for the annulment of the marriage by the persons referred to in clause (1) of section 22. [...]

22. (1) An action for the annulment of the marriage pursuant to clause (1) of section 21 may be filed only by the following persons:

(a) Any one of the spouses in the case of a voidable marriage as provided in clause (1) of section 14, or as provided in paragraph (a) of clause (2) of the said section, or due to the fact that the provisions of clause (1) of section 15 have not been complied with.

(b) by a spouse who was under misconception in relation to the identity of the other spouse, or who was forced into contracting the marriage, but not by his/her heirs, in the case of a voidable marriage pursuant to the provisions of either paragraph (b) or paragraph (c) of clause (2) of section 14.

24. A marriage which is annulled or declared void by an irrevocable judicial judgment, ceases to have any effect from the date of the issue of the judgment, and a marriage recognized by such judgment as nonexistent, shall have no effect:

Provided that, the provisions of this section do not affect any provisions of any other laws regulating the rights of persons in such marriages.

33. Any Marriage Officer who, knowingly celebrates a marriage contrary to the provisions of this Law, is committing an offence and is liable to a imprisonment not exceeding two years or a fine not exceeding two thousand pounds or both.

34. Any person who willfully makes or inserts any false statement in any declaration, certificate or other document required by this Law to be made or issued, shall be liable to imprisonment for any term not exceeding two years or a fine not exceeding two thousand pounds or both.

CZECH REPUBLIC

[Civil Code, 2012](#)

Section 30

(1) An individual acquires full legal capacity upon reaching the age of majority. The age of majority is reached upon reaching eighteen years of age.

Section 672

(1) Marriage may not be entered into by a minor lacking full legal capacity.

(2) A court may, in exceptional cases, allow a minor who lacks full legal capacity and has reached sixteen years of age to enter into marriage, if justified by important grounds.

Section 680

If a marriage has been entered into despite the existence of a legal impediment, the court shall declare the marriage invalid on the application of anyone having a legal interest therein, unless the marriage was impeded by limited legal capacity.

Section 681

A marriage is considered valid until declared invalid. If a marriage has been declared invalid, it is considered never to have been entered into.

Section 683

A marriage may not be declared invalid if it was entered into by a minor lacking full legal capacity or a person whose legal capacity has been limited in this area and a child was conceived and born alive.

Section 684

(1) A court shall declare a marriage invalid on the application of a spouse whose will to enter into marriage was expressed under duress consisting in the use or threat of violence, or whose will to enter into marriage was expressed as a result of error regarding the identity of the fiancé or the nature of the juridical act constituting a wedding. The application may be submitted no later than one year from the date on which the spouse could have done so under the circumstances, or on which he learned of the real state of affairs.

(2) In the case provided in Subsection (1), a court shall declare a marriage invalid even where it terminated by the death of a spouse before the proceedings on the invalidity of the marriage initiated by the other spouse were completed, or if the descendants of the spouse who filed the application to declare the marriage invalid apply, within one year after his death, to the court to declare the marriage invalid.

DENMARK

[Marriage Act, 2019 \(as amended\)](#)

Chapter 1 - Scope of the Act and Marriage condition

Section 2

Anyone under the age of 18 may not marry.

Chapter 2 - Testing of marriage condition and marriage

Section 12

Before entering into marriage, it must be demonstrated that the conditions of marriage are met. The Minister of Social Affairs and the Interior lays down rules in this regard. [...] [javascript://](#)

Section 19

(1) Marriage may not be performed before one of the authorities mentioned in § 13, para. 1 and 3, have certified that the marriage conditions have been met.

[...]

(3) Marriage may never be performed if the marriage authority is aware that the marriage conditions have not been met.

Section 22b

(1) A marriage entered into abroad is recognized if the marriage is valid in the country where the marriage was entered into, cf. 2 .

(2) A marriage entered into abroad is not recognized,

[...]

3) If a party to the marriage had not reached the age of 18, or

4) if the recognition of the marriage is contrary to basic Danish legal principles.

(3) Regardless of para. 2 , the marriage is recognized if there are compelling reasons for this and the parties are put in an unreasonable situation if the marriage is not recognized.

[...]

Chapter 3 - Marriage Annulment

Section 24

A marriage is also annulled at the request of one spouse:

[...]

2) if the spouse was forced to enter into marriage,

[...]

(2) An action may be brought within 6 months after the 1 [sic], nos. 1-2 , the condition or coercion mentioned has ceased, or after the spouse has become aware of the conditions mentioned under nos. 3-4 . An action must be brought within 3 years after the marriage.

[Penal Code, 2021](#)

Section 260

[...]

PCS. 2. If someone is forced to marry or to a religious marriage without civil validity or to enter into another marriage-like relationship, or someone is forcibly detained in such a marriage or relationship, the penalty may increase to imprisonment for up to 4 years. [...]

Section 260a

Anyone who undertakes a religious marriage without civil validity or the conclusion of another marriage-like relationship with a person under the age of 18 is punishable by a fine or imprisonment for up to 2 years.

PCS. 2. A person who allows his child to enter into a religious marriage without civil validity or in another marriage-like relationship is punished in the same way as a person who, after reaching the age of 18, voluntarily enters into a religious marriage without civil validity or into another marriage-like relationship with a person under 18 years of age.

ESTONIA

[Family Law Act, 2009 \(as amended\)](#)

PART 1 - MARRIAGE

Chapter 1 - Contraction of Marriage

Article 1. Prerequisites for contraction of marriage [...]

(2) Only adults may get married.

(3) A court may extend the active legal capacity of a person who has attained at least 15 years of age pursuant to the provisions concerning the extension of active legal capacity of minors for the performance of acts required for the contraction of marriage and for the exercise of the rights and performance of the obligations related to marriage.

[...]

Article 5. Circumstances hindering contraction of marriage

A registry official of a vital statistic office shall not confirm the contraction of marriage if there is reason to presume that grounds for annulment or nullity of the marriage exist.

Article 7. Procedure for contraction of marriage

[...]

(2) A marriage is contracted provided that prospective spouses express their will to contract marriage before a registry official of a vital statistics office by being present in person at the same time.

(3) A registry official of a vital statistics office shall ask both prospective spouses whether they want to contract marriage with the other party. A declaration of intention to contract marriage shall be unconditional.

[...]

Chapter 2: Invalidity of Marriage

[...]

Article 9. Grounds for annulment of marriage by court.

(1) A court may annul a marriage by an action if:

1) a requirement for marrying age or active legal capacity has been violated upon the contraction of the marriage;

[...]

5) the marriage was contracted by fraud, threat or violence, including by concealing the state of health or other personal details of a spouse, where such details are relevant to the contraction of the marriage;

Article 11. Grounds for refusal to annul marriage.

A marriage shall not be annulled if:

1) the requirement for marrying age has been violated but, by the time of annulment of the marriage, the court has extended the active legal capacity of the minor to marry or if upon becoming an adult the spouse confirms that he or she wishes to continue the marriage;

[...]

[Civil Code, 2002 \(as amended\)](#)

Article 8. Active legal capacity of natural persons.

[...]

(2) Persons who have attained 18 years of age (adults) have full active legal capacity. Persons who are under 18 years of age (minors) and persons who due to mental illness, mental disability or other mental disorder are permanently unable to understand or direct their actions, have restricted active legal capacity. [...]

Article 9. Extension of restricted active legal capacity of minor of at least 15 years of age

(1) A court may extend the restricted active legal capacity of a minor of at least 15 years of age if this is in the interests of the minor and the level of development of the minor so permits. In such case, the court shall decide the transactions which the minor is independently permitted to enter into.

[...]

[Criminal Code, 2001 \(as amended\)](#)

Article 133. Trafficking in human beings.

(1) Placing a person, for the purpose of gaining economic benefits or without it, in a situation where he or she is **forced to marry**, work under unusual conditions, engage in prostitution, [...] and keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person, is punishable by one to seven years' imprisonment.

- (2) The same act if:
[...]
2) committed against a person of less than eighteen years of age;
3) committed against a person in a helpless situation;
[...]
is punishable by three to fifteen years' imprisonment.
[...]

FINLAND

[Marriage Act, 1987 \(as amended\)](#)

Chapter 1 – General provisions

Section 1

- (1) A woman and a man who have agreed to marry each other shall be considered engaged.
(2) Marriage shall be concluded by a marriage ceremony.
(3) Before the marriage ceremony it shall be certified that there are no impediments to the marriage.

Chapter 2 — Impediments to marriage

Section 4

- (1) A person under 18 years of age shall not marry.
[...]

Chapter 3 — Examination of impediments to marriage

Section 10

It shall be for the Register Office to examine that there are no statutory impediments to marriage (examination of impediments to marriage). The examination of impediments to marriage may also be carried out by a parish of the Evangelical Lutheran Church or the Greek Orthodox Church, if the engaged persons belong, or one of them belongs, to the parish.

Section 11

- (1) The engaged persons shall together request an examination of impediments to marriage from the examiner referred to in section 10. [...]

Section 12

- (1) The engaged persons shall assure the examiner of impediments to marriage in writing that there is no impediment to marriage, as referred to in sections 7—9. [...]

Section 13

- (1) If the examiner of impediments to marriage finds no statutory impediment to the marriage, he shall issue a certificate thereof. [...]

Section 15

The engaged persons shall be simultaneously present at the marriage ceremony. After both engaged

persons have given the officiator of the ceremony an affirmative answer to the question whether he or she wants to marry the other, the officiator shall pronounce them husband and wife.

Section 19

(1) A marriage ceremony shall be void if it has not been performed in accordance with the provisions of section 15 [...]

Chapter 2 - Recognition of foreign marriage

Prerequisites for recognition

Section 115 <https://www.finlex.fi/sv/laki/ajantasa/1929/19290234 - a13.12.2001-1226>

A marriage entered into by the spouses in a foreign state before an authority of the state in question is valid in Finland, if it is valid in the state where the marriage took place or in the state where either spouse resided or was a citizen when the marriage took place.

Chapter 5 - Special provisions

Section 139

[...]

(2) A provision of the law of a foreign state shall be disregarded if its application would lead to a result which is contrary to the principles of the legal system in Finland.

[Penal Code \(as consolidated to 2022\)](#)

Chapter 18 - Offences against family rights

Section 1

(1) If someone states that his or her name or status is other than what it actually is and if another person is thus deceived into a marriage agreement, or if someone misleads another into a marriage agreement by concealing a legal impediment to marriage or another circumstance which could cause the marriage to be annulled, he or she shall be sentenced to imprisonment for at most one year or to a fine.

(2) If also a wedding is performed or if the deceiver has sexual intercourse with the woman who was misled into the marriage agreement, he shall be sentenced to imprisonment for at least six months and at most two years or, if the circumstances are very aggravating, to imprisonment for at least six months and at most four years.

(3) The public prosecutor may not bring charges for the offence mentioned here unless the injured party has reported the offence for the bringing of charges or applied in court for the annulment of the marriage agreement or of the marriage.

FRANCE

[Civil Code \(consolidated to 2022\)](#)

[Article 144](#)

A man and a woman under the age of eighteen (18) may not enter into marriage.

[Article 145](#)

Nevertheless, the public prosecutor of the jurisdiction where the marriage is to be celebrated may grant exemptions from the age requirement on serious grounds.

[Article 146](#)

There is no marriage when no consent is given.

[Article 148](#)

Minors may not contract marriage without the consent of their father and mother; in the event of disagreement between the father and mother, consent is implied.

[Article 149](#)

If one of the two is dead or unable to manifest his/her will, the consent of the other suffices.

It is not necessary to produce the records of death of the father or mother of one of the future spouses when the spouse or the father and mother of the deceased certify the death under oath.

If the present residence of the father or mother is unknown, and if he or she has not been heard from for one year, the marriage may be celebrated if the child and either one of the parents who will give their consent make such declaration under oath.

All of which shall be mentioned in the marriage certificate.

A false oath taken in the cases specified in this Article and the following Articles of this Chapter shall be punished by the penalties laid down in Article 434-13 of the Penal Code.

[Article 150](#)

If the father and mother are dead or are unable to manifest their will, the grandfathers and grandmothers take their place; if there is disagreement between a grandfather and a grandmother in the same lineage, or if there is disagreement between the two lineages, it is sufficient to obtain the consent of either one.

If the present residence of the father and mother is unknown and if they have not been heard from for one year, the marriage may be celebrated if the grandfathers and grandmothers, together with the child himself, make such declaration under oath. It shall be likewise if, one or several grandfathers or grandmothers having given their consent to the marriage, the present residence of the other grandfathers or grandmothers is unknown and if they have not been heard from for one year.

[Article 151](#)

The production of a certified copy, limited to the operative part, of the judgment that declared the absence or ordered an investigation as to the absence of the father and mother, grandfathers or grandmothers of one of the future spouses, is equivalent to the production of their records of death in the cases specified in Article 149, 150, 158 and 159 of this Code.

[Article 154](#)

The disagreement between the father and mother, between the grandfather and grandmother of the same lineage, or between ascendants of the two lineages may be recorded by a notary, requested by the future spouse and acting without the assistance of a second notary or of witnesses, who will give notice of the planned union to the one or to those of the father, mother or ancestors whose consent has not yet been obtained.

The act of notice shall state the first names, names, occupations, domiciles and residences of the future spouses, of their fathers and mothers or, where appropriate, of their grandparents, as well as the place where the marriage is to be celebrated.

It shall also include a declaration that this notice is given for the purpose of obtaining the consent not yet granted and that, if not granted, the celebration of the marriage shall occur without it.

[Article 155](#)

The disagreement of the ascendants may also be established, either by a letter bearing an authenticated signature and addressed to the officer of the public official who is to celebrate the marriage, or by an act drawn up in the form provided for by Article 73, paragraph 2.

The acts listed in this Article and in the preceding Article shall be stamped and registered free of charge.

[Article 156](#)

Civil registrars who proceed with the celebration of marriages contracted by sons or daughters who have not reached the age of eighteen years without the consent of the fathers and mothers, that of the grandfathers or grandmothers and that of the family council, in the case where it is required, being stated in the marriage certificate, shall be, at the request of the interested parties or of the Public Prosecutor at the judicial court of the district in which the marriage was celebrated, sentenced to pay the fine set out in article 192 of the civil code.

[Article 157](#)

A public official who has not required proof of the notification required by Article 154 shall be sentenced to the fine provided for in the preceding article.

[Article 159](#)

If there are no father, or mother, or grandfathers, or grandmothers, other ascendants, or where all are unable to manifest their will, minors of eighteen years may not contract marriage without the consent of the family council.

[Article 160](#)

If the current residence of those of the ascendants of a minor under eighteen of whom the death is not established is unknown and where the ascendants have not been heard from for one year, the minor shall make a declaration of it under oath before the judge of guardianships of their residence, with the assistance of their clerk, in their chambers, and the judge supervising the guardianship shall place it on record.

The judge supervising the guardianship shall give notice of this oath to the family council, which shall decide on the application for authorisation to marry. However, the minor may swear the oath directly in the presence of the members of the family council.

Article 180

A marriage contracted without the free consent of one or both spouses may be challenged only by the spouses, or by the spouse whose consent was not free, or by the Public Prosecutor. The use of coercion on the spouses or on one of them, including through reverential fear towards an ascendant, constitutes a case of nullity of the marriage.

If there has been a mistake in the person, or in the essential qualities of the person, the other spouse may request the nullity of the marriage.

Article 181

In the case of the preceding article, the application for nullity will no longer be admissible after a period of five years from the marriage»

Article 182

Marriage contracted without the consent of the father and mother, of the ascendants, or of the family council, in cases where such consent was necessary, may only be challenged by those whose consent was required, or by that of the two spouses who needed this consent.

Article 183

The action for nullity can no longer be brought by the spouses or by the parents whose consent was required, whenever the marriage has been expressly or tacitly approved by [them], or when five years have passed without a claim on their part since they learned of the marriage. Nor can it be instituted by the spouse when five years have passed without a claim by him/her, from the moment this reached the age required to consent to the marriage.

Article 184

Any marriage contracted in contravention of the provisions contained in Articles 144, 146, 146-1, 147, [...] may be attacked, within a period of thirty years from its celebration, either by the spouses themselves, or by all those who have an interest in it, or by the public prosecutor.

[Article 63](#)

[...]

2) At the joint hearing of the future spouses, except in the event of impossibility or if it appears, in view of the documents provided, that this hearing is not necessary with regard to Articles [146](#) and [180](#) . The hearing of the future minor spouse takes place without the presence of his father and mother or his legal representative and his future spouse.

The civil registrar asks to speak individually with each of the future spouses when he has reason to fear, in view of the documents provided by them, the elements gathered during their joint interview or the elements external detailed information received, provided they are not anonymous, that the planned marriage is likely to be annulled under the same articles 146 or 180.

The civil registrar may delegate to one or more officials from the civil status department of the municipality the performance of the joint hearing or individual interviews. When one of the future spouses resides abroad, the registrar may request the territorially competent diplomatic or consular authority to conduct a hearing.

The diplomatic or consular authority may delegate to one or more permanent officials responsible for civil status or, where appropriate, to officials directing a seconded chancellery or to honorary consuls of French nationality competent to carry out the joint hearing or the interviews. individual. When one of the future spouses resides in a country other than that of the celebration, the diplomatic or consular authority may ask the registrar with territorial jurisdiction to conduct a hearing.

The registrar who does not comply with the requirements of the preceding paragraphs will be prosecuted before the court and punished by a fine of 3 to 30 euros.

[Penal Code \(consolidated to 2022\)](#)

Article 22-14-4

The act of using fraudulent means in order to persuade a person to leave the territory of the Republic to coerce them to enter into a marriage or union abroad is punishable by three years' imprisonment and a fine of €45,000.

GEORGIA

[Civil Code, 1997 \(as amended\)](#)

Article 1106 – Concept of marriage

Marriage is a voluntary union of a woman and a man for the purpose of creating a family, which is registered with a territorial office of the Legal Entity under Public Law (LEPL) – Public Service Development Agency of the Ministry of Justice of Georgia (a territorial office of the Agency’).

Article 1107 – Conditions for entering into marriage

Entry into marriage shall require:

- a) marriageable age;
- b) consent of the persons to be married.

Article 1108 – Marriage age

1. Marriage is allowed from the age of 18 years.
2. The marriage of a minor under the age of 16 shall be permitted with the prior written consent of the parents or guardian, and the marriage of an adult with limited legal capacity shall be permitted with the prior written consent of the guardian.
3. In case of refusal of the parents or guardian to consent, the court may issue a marriage permit on the basis of an application of the persons to be married, if there are valid reasons.

Article 1109 – Consent of the persons to be married. Engagement

1. No prior consent of the persons to be married (an engagement) shall create the obligation to subsequently enter into marriage.
2. Engagement shall not serve as the basis for filing a claim for forced marriage.
3. If the marriage is cancelled, the presents given in connection with the engagement shall be returned to the parties.

Article 1140 – Basis for annulment of marriage

1. A marriage may be annulled if it was entered into contrary to the provisions of Articles 1107, 1108 and 1120 and if the marriage registration was not intended to create a family (sham marriage).
2. A marriage may be annulled only by a judicial decision.

Article 1142 – Annulment of marriage with a person who has not reached marriageable age

1. Marriage with a person who has not reached marriageable age or with a person who has been granted an exception with respect to minimum age of marriage may be annulled if the interests of the spouse who got married before reaching the marriageable age so require.
2. The right to claim annulment of marriage on this basis may be exercised by an underage spouse, his/her parents or guardian (custodian) as well as by the guardianship and custodianship authority.
3. If by the time of the legal proceedings the underage spouse reaches the age of marriage or is pregnant, then the marriage may be annulled only at the request of this spouse. [...]

Article 1144 – Annulment of forced marriage

1. If a spouse was induced to enter into marriage by duress, the spouse (the spouses) may file a claim for the annulment of the marriage.
2. The fact of forced marriage shall be established by a court.

Article 1146 – Moment of annulling a marriage

1. An annulled marriage shall be deemed annulled from the day of marriage registration and shall not give rise to marital rights and duties.
2. The proprietary relations of the persons whose marriage has been annulled shall be regulated according to the property provisions of this Code.
3. In delivering a decision of marriage annulment, the court may award the spouse who was not aware and could not have been aware of the ban on marriage (the spouse in good faith) maintenance payments from the other spouse under Articles 1182 and 1186 and apply the provisions of Articles 1158 and 1171 when partitioning property acquired before the marriage annulment.
4. The annulment of a marriage shall not impede the rights of children born as a result of that marriage.

Article 1148 – Marriage annulment only by court

No one may claim that a marriage is annulled unless a court annuls the marriage.

[Criminal Code, 1999 \(as amended\)](#)

Article 150 (1) – Forced marriages

1. Forced marriage (including an unregistered marriage), – shall be punished by community service for two hundred to four hundred hours or by imprisonment for up to two years, with or without restriction of the rights regarding weapons.
2. The same act committed:
 - a) knowingly against a minor;
 - b) repeatedly, –shall be punished by imprisonment for a term of two to four years, with or without restriction of the rights to the weapons. [...]

GERMANY

[Civil Code, 1896 \(as amended\)](#)

CODE 4: FAMILY LAW

SEGMENT 1: CIVIL MARRIAGE

Title 2: Entering into Marriage

Subtitle 1: Capacity to Contract Marriage

Section 1303

A marriage should not be entered into before the parties reach the age of majority.

Marriage cannot be validly entered into with a person who has not reached the age of 16.

Subtitle 4: Marriage

Section 1310

Jurisdiction of the registrar of births, deaths and marriages, curing defective marriages

(1) Marriage is entered into only if the parties contracting the marriage declare before the registrar that they wish to enter into the marriage. The registrar may not refuse his cooperation in the entering into of the marriage if the requirements for the marriage are satisfied; he must refuse his cooperation if

1. it is obvious when the marriage is entered into would be voidable under section 1314 (2), or

2. according to section 13 (3) of the Introductory Act to the Civil Code, the intended marriage would be invalid or the marriage could be annulled.

[...]

(3) A marriage is also deemed to have been entered into if the spouses have declared that they intend to be married to each other and

1. the registrar has entered the marriage in the marriage register,
2. the registrar, in connection with the recording of the birth of a child of the spouses, has entered a reference to the marriage in the register of births, or
3. the registrar has received from the spouses a family-law declaration which requires an existing marriage in order to be valid and the spouses have been issued with a certificate of this that is provided in statutory provisions

and the spouses have lived together as spouses for ten years since then or until the death of one of the spouses, but for a minimum of five years.

Section 1312

At the time of the marriage ceremony, the registrar should ask the spouses individually whether they wish to marry each other and, after the spouses have answered this question in the affirmative, declare that they are now legally united spouses by operation of law.

Title 3: Annulment of Marriage

Section 1313 Repeal by judicial decision

A marriage can only be annulled by a court decision by petition. The marriage is dissolved when the decision becomes final. The grounds on which annulment may be requested are indicated in the following provisions.

Section 1314

Grounds for annulment

(1) A marriage may be annulled if

1. contrary to §1303 sentence 1, the contract was concluded with a minor who had reached the age of 16 at the time of the marriage. [...]

Section 1315

Exclusion of annulment

(1) An annulment of the marriage is excluded

1. in the case of a breach of section 1303 (1), if
 - a) the minor spouse has indicated, after reaching the age of majority, that he or she wishes to continue the marriage (confirmation), or
 - b) due to exceptional circumstances, the annulment of the marriage would represent such severe hardship for the minor spouse that the maintenance of the marriage appears to be necessary as an exception;

[...]

4. in the cases of section 1314 (2) nos. 2 to 4, if the spouse, after discovery of the mistake or the deceit or after the position of constraint ends, has indicated that he intends to continue the marriage (confirmation);

[...]

The confirmation of a person incapable of contracting is ineffective.

(2) An annulment of the marriage is further excluded

[...]

Section 1316

Entitlement to petition

(1) The following persons are entitled to petition:

1. in the case of a breach of sections 1303, 1304, 1306, 1307 and 1311, [...], either spouse, the competent administrative authority and in the cases of section 1306 the third person too. [...]
[...]

(2) For a spouse who is incapable of contracting, the petition may be filed only by his legal representative. In the event of a breach of §1303 sentence 1, a minor spouse may file the petition only himself/herself; he/she does not need the consent of his/her legal representative.

(3) [...] In the event of a breach of §1303 sentence 1, the competent authority must file the petition, unless the minor spouse has meanwhile reached the age of majority and has indicated that he or she intends to continue the marriage.

Section 1318

Consequences of annulment

(1) The consequences of the annulment of a marriage are determined only in the following cases by the provisions on divorce.

[Introductory Act to the Civil Code, 1896 \(as amended\)](#)

Article 13

(1) The requirements for marriage are subject to the law of the state to which each engaged person belongs.

(2) If a prerequisite is missing, German law shall apply in this respect if

1. a fiancé has his habitual residence in Germany or is German,
2. the fiances have taken reasonable steps to fulfill the requirement and
3. it would be incompatible with the right to marry to refuse this marriage; in particular, the previous marriage of a fiancé does not preclude it if its existence has been abolished by a decision issued or recognized here or if the spouse of the fiancé has been declared dead.

(3) If the marital age of a fiancé is subject to foreign law pursuant to paragraph 1, the marriage shall be according to German law

1. ineffective, if the fiancé had not reached the age of 16 at the time of the marriage, and
2. annulable, if the fiancé has reached the age of 16 but not 18 at the time of the marriage.

(4) A marriage can only be concluded in Germany in the form prescribed here. However, an engaged couple, neither of whom is German, may be married before a person duly authorized by the government of the State to which one of the fiances is a national, in the form prescribed by the law of that State; [...]

GREECE

[Civil Code, 2021](#)

Article 127 - Adulthood

Anyone who has reached the age of eighteen years old (adult) is eligible to perform any legal act.

Article 128 - Unable to act

Are incapable of any legal act:

1. those who have not completed the age of ten years old;

2. those who are under full judicial protection.

Article 129 - Limited capacity

A limited capacity for legal acts is recognized to:

1. minors who have reached the age of ten;
2. those who are under partial judicial protection;
3. those who are under subsidiary judicial protection.

Article 130 - Declaration of will by incompetent

The declaration of will by a person incapable of performing any legal act is invalid.

Article 1350 - Conditions for marriage

The marriage requires the agreement of the bride and groom. The relevant statements are made in person and without being subject to any time or other condition. The bride and groom must have reached the age of eighteen. The court may, after hearing the bride and groom and the persons in charge of the minor(s), allow the marriage before their reaching this age, if the marriage is required by a good reason.

Article 1351

Those who fall into any of the situations described in Article 128 and the first situation described in Article 131 cannot get married, as well as those to whom marriage has been specifically prohibited, in accordance with Article 129 No 2.

Article 1372 - Invalid and non-existent marriage

The marriage that took place in violation of Articles 1350 to 1352, 1354, 1356, 1357 and 1360 is null and void. [...]

Article 1378 - Who sues for annulment

The action for annulment of the marriage can be brought:

1. in the cases of articles 1350 to 1352, 1354, 1356, 1357 and 1360 by the spouses and by anyone with a legitimate interest, as well as by the *ex officio* prosecutor. [...]

HUNGARY

Civil Code, 2013

Section 2:10

(1) Persons who have not yet reached the age of eighteen years shall be deemed minors. Married minors are considered to be of legal age.

(2) If the marriage is annulled by court order owing to the lack of capacity or in the absence of the guardian authority's consent where it is required due to minority, adulthood acquired by marriage shall no longer apply.

(3) The dissolution of this marriage shall not affect adulthood acquired by marriage.

Section 4:5

(1) Marriage shall be considered contracted if a man and a woman together appear before the registrar in person and declare their intention to marry. [...]

Section 4:9

(2) In cases provided for by law, the guardian authority may authorize the marriage of a minor of limited legal capacity over the age of sixteen years.

(3) The guardian authority shall interview the parent or guardian before deciding on the granting or refusal of the authorization. If the parent has no authority to exercise parental custody in major issues relating to the child's affairs, or if his whereabouts are unknown or if any insurmountable obstacles exist, the aforesaid interview is not required.

(4) A marriage entered into without the guardian authority's permission or before the age of sixteen years shall become valid after six months following the date of the spouse reaching legal age with retroactive effect to the date of marriage, if the spouse affected does not challenge the existing marriage within such preclusive period, or if the court dismisses - at his request - any action previously brought on the same grounds by another person.

Section 4:15

(1) Actions for annulment may be brought during the existence or after the dissolution of the marriage.

(2) Unless otherwise provided for in this Act, an action for annulment may be brought by either of the spouses, the public prosecutor, or by any person who has a legal interest in the nullity of the marriage.

[...]

Section 4:16

(1) If a marriage was declared invalid due to the absence of permission to marry for reason of minority or for reason of guardianship the spouse who was the reason for invalidity may bring action for annulment after reaching legal age, or after the termination of guardianship. The action for annulment may be brought within six months from the time of reaching legal age, or from the time of termination of guardianship.

[...]

(3) The deadlines specified in Subsections (1)-(2) shall apply with prejudice.

(4) If the spouse having exclusive right to bring action under Subsections (1)-(2) dies, any person who has the right to bring an action for annulment may join the action in his/her place.

Section 4:17

(1) An action for annulment shall be brought by the entitled party in person.

(2) Any spouse whose capacity in legal actions has been partially limited may bring action without the consent of his/her legal representative.

(3) If the entitled party is incompetent, the action may be brought in his/her name by the legal representative upon the guardian authority's consent.

Section 4:64

[...]

(2) The approval of the guardian authority is required for the validity of marriage contracts, if the spouse is under the age of eighteen years or his/her capacity in respect of making legal statement relating to property has been partially limited.

[Criminal Code, 2012](#)

Violation of Family Status

Section 213

(1) Any person who alters or terminates the family status of another person is guilty of a felony punishable by imprisonment not exceeding three years.

(2) The penalty shall be imprisonment between one to five years, if the violation of family status is committed:

[...]

b) by a person responsible for providing care, custody or guidance to a person under the age of eighteen years. [...]

ICELAND

Marriage Act, 1993 (as amended)¹

II. Chapter - Conditions of marriage.

A. Age of marriage.

Article 7

Two persons may enter into marriage when they have reached the age of 18. [The Ministry] may grant permission to younger people to marry, provided that the view of the custodial parents regarding the marriage has been presented.

CHAPTER III - Examination of Impediments to Marriage

A. Subject of Examination

Article 13

Before a marriage is solemnized the persons to be married shall submit a certificate to the effect that an examination has taken place as regards possible impediments to marriage under Chapter II, and that their marriage would not be contrary to law.

[The Ministry] shall issue further provisions relating to such examination, including as regards documents which the persons to be married shall be required to submit when the above is being examined, such as birth certificates and documents evidencing termination of previous marriage.

The persons to be married shall provide a written declaration, upon their honour, to the effect that to their knowledge there are no impediments to their planned marriage. To assure this, the [agent performing the marriage eligibility inquiry] shall require that the persons wishing to marry submit a written declaration of two trustworthy persons who both vouch for the fact that there are no legal impediments to the planned marriage.

[...]

C. Certificate of Examination as a Prerequisite for Marriage

Article 15

A marriage ceremony may not take place unless a certificate to the effect that there are no legal impediments to the planned marriage has been issued by a legitimate [agent who performs the marriage eligibility inquiry]. Such certificate must not be more than [30 days] old. [...]

CHAPTER V Annulment of Marriage

Article 28

¹ A 2021 draft law would amend the 1993 Marriage Act by removing exceptions to the minimum age of marriage and disciplining under age marriages concluded abroad. See <https://www.althingi.is/alttext/152/s/0165.html> (last visited June 2022).

Either spouse may claim annulment of his or her marriage:

(1) If the claimant was not in command of his or her reason at the time the union was proclaimed, or if his or her condition was in other respects such that the marriage could not be validly concluded under law;

[...]

(3) if the other spouse had induced the claimant to marry by misrepresentation, or by keeping silent about facts of his or her life that would have deterred the claimant from the marriage had they been known;

(4) if the claimant was married under duress.

[...]

[Act No. 71/1997](#)

Chapter I - Legal Competence

Section 1

Legal Competence

1. A person shall become legally competent when attaining the age of 18 years. A legally competent person shall be competent to manage his or her personal and financial affairs.

2. A person not legally competent by reason of minor age who enters marriage shall be legally competent as from when the marriage takes place.

[Children's Act, 2003 \(as amended\)](#)

Article 1. Rights of the child.

Children have the right to live, develop and enjoy protection, care and other rights corresponding to their age and maturity and without discrimination of any type. Children may not be subjected to violence or harsh treatment of any type or to other degrading treatment. At all times, children's best interests shall be given prior consideration when decisions are taken regarding their affairs. Children are entitled to express their opinions on all matters regarding them; fair consideration shall be given to their opinions in accordance with their age and maturity.

IRELAND

[Family Law Act, 1995](#)

Section 31 (1)(a)(i) A marriage solemnised, after the commencement of this section, between persons either of whom is under the age of 18 years shall not be valid in law.

(ii) Subparagraph (i) applies to any marriage solemnized—(I) in the State, irrespective of where the spouses or either of them are or is ordinarily resident, or (II) outside of the State, if the time of the solemnization of the marriage, the spouses or either of them are or is ordinarily resident in the State.

(b) Paragraph (a) does not apply if exemption from it was granted under section 33 before the marriage concerned.

(c) The requirement in relation to marriage arising by virtue of paragraph (a) is hereby declared to be a substantive requirement for marriage.

(2) Any person to whom application is made in relation to the solemnisation of an intended marriage may, if he or she so thinks fit, request the production of evidence of age with respect to either or both of the parties concerned.

- (3) Where a request is made under subsection (2)—
- (a) refusal or failure to comply with the request shall be a proper reason for refusal of the application concerned, and
 - (b) if the request is complied with and the evidence shows that either or both of the parties is or are under the age of 18 years, the application shall be refused.
- (4) Where a person knowingly—
- (a) solemnises or permits the solemnisation of a marriage which, consequent on the provisions of this section, is not valid in law, or
 - (b) is a party to such a marriage,
- the person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

Section 33—(1) The court may, on application to it in that behalf by both of the parties to an intended marriage, by order exempt the marriage from the application of section 31 (1) (a) or 32 (1) (a) or both of those provisions.

ITALY

[Civil Code, 1942 \(as amended\)](#)

BOOK ONE - Of persons and the family

Title I - Of natural persons

[...]

Art. 2. Age of majority. Capacity to act

The age of majority is set at the completion of the eighteenth year. With the age of majority, one acquires the capacity to perform all acts for which no other age is established.

[...]

Title VI - Marriage

[...]

Chapter III - Marriage celebrated before the Registrar of Marriages

Section I - The conditions necessary for marriage

Art. 84. Age.

Minors of age may not contract marriage.

The court, upon application by the interested party, having ascertained his or her psycho-physical maturity and the soundness of the reasons adduced, after hearing the public prosecutor, parents or guardian, may by decree issued in chambers admit to marriage for serious reasons those who have reached the age of sixteen years.

The decree shall be communicated to the public prosecutor, the spouses, the parents and the guardian. A complaint against the decree may be lodged with the court of appeal within a peremptory term of ten days from the communication.

The court of appeal decides by a non-appealable order, issued in council chamber.

The decree becomes effective when the time limit provided for in the fourth paragraph has elapsed, without any complaint being made.

[...]

Art. 90. Assistance of the child.

In the decree referred to in Article 84, the court or the court of appeals shall appoint, if the circumstances require it, a special curator to assist the minor in the conclusion of the marriage agreement.

[...]

Section VI - Nullity of Marriage

Art. 117. Marriage contracted in violation of Articles 84, 86, 87, and 88.

[...]

A marriage contracted in violation of Article 84 may be challenged by the spouses, each of the parents and the public prosecutor. The relative action for annulment may be brought personally by the minor not later than one year after attaining majority. The request, proposed by the parent or the public prosecutor, must be rejected if, even pending the judgment, the child has reached the age of majority or if there has been conception or procreation and in any case has been established the willingness of the child to maintain the marriage bond.

The marriage contracted by the spouse of the absentee may not be challenged as long as the absence lasts.

[...]

Section VIII - Punitive Provisions

[...]

Art. 136. Impediments known to the civil registrar.

The civil registrar who proceeds to the celebration of the marriage, when there is some impediment or prohibition of which he is aware, is punished with an administrative sanction from 51 to 309 euros.

[...]

Chapter VI - Family property regime

Section I - General provisions

Art. 165. Capacity of the minor

A minor admitted to contract marriage is also capable of giving consent to all the relevant marriage agreements, which shall be valid if he or she is assisted by the parents exercising parental responsibility over him or her or by the guardian or special curator appointed pursuant to Article 90(2).

[...]

Title X - Guardianship and Emancipation

[...]

Chapter II - Emancipation

Art. 390. Emancipation by right

The minor is by right emancipated by marriage

[...]

Art. 392. Emancipate curator

Curator of a minor married to a person of age is the spouse.

If both spouses are minors, the tutelary judge may appoint a single curator, chosen preferably from among the parents.

If there is an annulment for a reason other than age, or the dissolution or termination of the civil effects of marriage or personal separation, the tutelary judge appoints one of the parents as curator, if suitable for the office, or failing that, another person. If the minor subsequently marries, the curator shall also assist him/her in the acts provided for in Article 165(4).

[Law 218/1995](#)

Art. 27. Conditions for contracting marriage.

The capacity to marry and the other conditions for contracting marriage are governed by the national law of each party contracting marriage at the time of marriage. This is without prejudice to the free status that one of the parties contracting marriage has acquired as a result of an Italian judgment or recognized in Italy.

[Criminal Code, 1930 \(as amended\)](#)

SECOND BOOK - Of crimes in particular

[...]

Title XI - Of crimes against the family

Chapter I - Of crimes against marriage

[...]

Art. 558-bis. Coercion or induction into marriage

Anyone who, with violence or threat, forces a person to enter into marriage or civil union is punished with imprisonment from one to five years.

The same punishment applies to anyone who, taking advantage of the conditions of vulnerability or psychological inferiority or need of a person, with abuse of family, domestic, work, or authority derived from the custody of the person for reasons of care, education, or education, supervision or custody, induces the person to contract marriage or civil union.

The punishment is increased if the facts are committed to the detriment of a minor of eighteen years of age.

The punishment shall be from two to seven years' imprisonment if the facts are committed to the detriment of a minor of fourteen years.

The provisions of the present article are also applied when the fact is committed abroad by an Italian citizen or a foreigner residing in Italy, or to the detriment of an Italian citizen or foreigner residing in Italy.

Art. 573

Consensual abduction of minors.

Anyone who takes a minor, who has reached the age of fourteen, with his consent, from the parent exercising parental responsibility or the guardian, or holds him against the will of the same parent or guardian, is punished, upon complaint of the latter, with imprisonment up to two years.

The penalty is reduced if the offense is committed for the purpose of marriage; it is increased, if it is committed for the purpose of lust.

The provisions of Articles 525 and 544 shall apply.

Art. 574.

Abduction of incapable persons.

Anyone who takes a child under the age of fourteen, or a mentally ill, from the parent exercising parental responsibility, from the guardian, or from the curator, or from whoever has supervision or custody, or holds him against their will, is punished, upon complaint of the parent exercising parental responsibility, of the guardian or curator, with imprisonment from one to three years.

Is subject to the same penalty, upon complaint by the same persons, whoever takes or restrains a minor who has reached the age of fourteen, without his/her consent for a purpose other than that of lust or marriage.

The provisions of Articles 525 and 544 shall apply.

KOSOVO

Family Law, 2004

Article 15. Capacity for Marriage

(1) The capacity to enter into wedlock is obtained with full capacity to act.

(2) Majority is obtained upon the completion of the eighteenth year of age.

(3) Full capacity to act is obtained upon reaching majority or by entering into wedlock prior to this age.

Article 16. Conditions for Entering into Wedlock

(1) A person who has not reached the age of eighteen shall not enter into wedlock.

(2) Due to justifiable reasons, the competent court may allow wedlock for a minor person older than sixteen years upon his request, if it concludes that the person has reached the necessary physical and psychological maturity for exercising his marital rights and to fulfill his marital obligations.

(3) Prior to the decision, the court shall seek the opinion of the Custodian Body and shall hear the minor and his parents respectively the custodian. The court shall also hear the person with whom the minor intends to enter into wedlock and shall investigate other circumstances important for the decision.

Article 17. Certificate for Marriage-Eligibility for Foreigners

(1) People of foreign nationality shall bring a marriage certificate provided by the authorities of their home country proving their eligibility for marriage under the rules of this Law, namely that no marriage prohibitions or bans exist.

(2) The certificate loses its validity, if marriage is not bonded six months after the certificate was issued. If the certificate states a shorter time limit, this will apply.

Article 18. Free Will

Marriage shall not be valid when the will has been obtained under coercion, threat or by mistake or any other lack of free will of the future spouses.

Article 32. Wedlock Refusal

If the registrar concludes the existence of any marriage ban or prohibition, he orally informs the applicants that they cannot marry and makes official record in the minutes therein.

Article 33. Administrative Procedure

(1) When the persons applying for wedlock disagree with the oral communication as provided for in Article 32 of this Law, they may request the registrar to bring a ruling on the refusal of the marriage request.

(2) The ruling provided for in paragraph 1 of this Article may be appealed within 8 days upon notification by competent bodies regarding the disallowance of marriage. Based on the request provided for in

paragraph (2) of this Article, the competent body is obliged to issue a decision through administrative procedure within 15 days upon receipt of the request.

Article 63. Fear, Violence, Threat

Marriage shall be annulled if the spouse has provided consent under fear, violence or serious threat.

Article 64. Formal Deficiencies

Marriage may be annulled if the formal requirements for marriage foreseen in Articles 14-25 and 28 of this law are not met. Namely if:

1. the spouse lacks the capacity to act because of a diagnosed mental illness or other reasons. [...]

[Criminal Code, 2019](#)

Article 238 Enabling unlawful marriages to take effect

An authorized official person before whom a marriage takes effect who, in abusing his or her position or authorizations, permits a marriage to take effect despite having knowledge of legal impediments which prohibit the marriage shall be punished by imprisonment of three (3) months to three (3) years.

Article 239 Forced marriage

1. Whoever compels another person to enter into a marriage or enters into a marriage with a person whom he or she knows to be compelled into the marriage shall be punished by imprisonment one (1) to eight (8) years.
2. When the criminal offence from paragraph 1. of this Article is committed against a child, the perpetrator shall be punished by imprisonment of two (2) to ten (10) years.
3. When the offense provided for in paragraph 1. of this Article is committed by a parent, an adoptive parent, guardian or another person exercising parental authority over a person between the ages of sixteen (16) and eighteen (18), the perpetrator shall be punished by imprisonment of three (3) to ten (10) years.
4. When the offense provided for in paragraph 1. of this Article is committed by a parent, an adoptive parent, guardian or another person exercising parental authority over a person between the ages of fourteen (14) and sixteen (16), the perpetrator shall be punished by imprisonment of five (5) to ten (10) years.
5. When the offense provided for in paragraph 1. of this Article is committed by a parent, an adoptive parent, guardian or another person exercising parental authority over a person under the age of fourteen (14) years, the perpetrator shall be punished by imprisonment of at least fifteen (15) years.
6. When the offense provided for in paragraph 1. of this Article is committed with the purpose of obtaining a material benefit, the perpetrator shall be punished by a fine and imprisonment of at least five (5) years. When the offense provided for in paragraphs 2., 3., 4. or 5. of this Article is committed with the purpose of obtaining a material benefit, the perpetrator shall be punished by a fine and imprisonment of at least fifteen (15) years.

Article 240 Extramarital community with a person under the age of sixteen years

1. An adult who cohabits in extramarital community with a person between the ages of fourteen (14) and sixteen (16) years shall be punished by imprisonment of five (5) to twenty (20) years.
2. A parent, an adoptive parent, guardian or another person exercising parental authority who permits or induces a person between the ages of fourteen (14) and sixteen (16) years to cohabit in extramarital community with another person shall be punished by imprisonment of five (5) to twenty (20) years.

3. When the offense provided for in paragraph 1. or 2. of this Article is committed against a person under the age of fourteen (14) years, the perpetrator shall be punished by imprisonment of at least ten (10) years.

4. When the offense provided for in paragraph 1., 2. or 3. of this Article is committed with the purpose of obtaining a material benefit, the perpetrator shall be punished by a fine and imprisonment of at least fifteen (15) years.

LATVIA

[Civil Law \(consolidated to 2021\)](#)

Chapter 1 - Marriage

Sub-Chapter 2 - Entering into Marriage and Termination of Marriage

Section 1: Impediments to Entering into Marriage

I. Impediments to entering into a marriage

Section 32

Marriage prior to the reaching eighteen years of age is prohibited except in the case provided for in Section 33.

Section 33

By way of exception, a person who has reached sixteen years of age may marry with the consent of his or her parents or guardians if he or she marries a person of age of majority. If the parents or guardians, without good cause, refuse to give permission, then permission may be given by an Orphan's and Custody Court of the place where the parents or appointed guardians reside.

[...]

II. Entering into a Marriage

Section 56

A marriage shall be solemnised in the personal presence of the bride and the bridegroom, and two witnesses of age of majority.

[...]

Section 57

The official of the General Registry Office shall ask the bridegroom and the bride if they wish to marry. If both express such a wish, the official shall proclaim that on the basis of this agreement and the law the marriage has been entered into.

III. Annulment of Marriage

[...]

Section 61

A marriage shall be declared annulled if it has been entered into before the spouses or one of them has reached the age provided for in Sections 32 or 33.

Such marriage shall not be declared annulled if, following the marriage, the wife has become pregnant or if both spouses have reached the specified age by the time of the court judgment.

LIECHTENSTEIN

Marriage Act, 1973 (as amended)

Article 9 - Marriageable age

- (1) In order to enter a marriage, the bride and groom must have reached the age of 18 years.
- (2) However, in exceptional cases, if serious considerations justify it, the court may, with the consent of the legal representative, declare a bride or groom of legal age.

Article 10 - Capacity of judgement

- (1) In order to be able to enter a marriage, the bride and groom must have the capacity of judgement.
- (2) The mentally ill are in no case capable of marriage.

Article 11 - Consent of the legal representative

- (1) Minors or persons whose legal capacity is limited for other reasons may only enter into a marriage with the consent of the legal representative.
- (2) If the legal representative refuses consent without good reason, the court may replace it at the request of one of the spouses who requires consent.

SECTION 4: Invalidity of marriage

I. Reasons for Invalidity

Article 28 - Marriage is invalid only in cases where this is stipulated in Articles 29 to 38.

Article 34 - Lack of consent of the legal representative

- (1) A marriage is invalid if a spouse who is underage or has limited legal capacity for other reasons entered into the marriage without the consent of the legal representative.
- (2) However, the marriage is to be regarded as valid from the outset if the spouse has reached the age of majority or has ceased to be legally incapacitated, or the legal representative has subsequently given his or her consent, or if the woman has become pregnant.

Article 35 - Invalidation

- (1) The invalidity of the marriage becomes effective only after the court has pronounced the invalidity by judgment.
- (2) Until this judgment, the marriage has the effects of a valid marriage.

LITHUANIA

Civil Code, 2000

PART I: NATURAL PERSONS

Chapter 1 - Passive and Active Civil Capacity of Natural Persons

Section 2: Active Capacity

Article 2.5. Active civil capacity of natural persons

- (1) On attaining full age, i.e. when a natural person is eighteen years of age, he, by his acts, shall have full exercise of all his civil rights and shall assume civil obligations.

(2) Where the law provides for the possibility of a natural person to enter into marriage before he is eighteen, the person, who has not yet come of the given age, shall acquire full active civil capacity at the moment of entering into marriage. If at a later date this marriage is dissolved or nullity of marriage is declared for reasons not related to the age of the parties to marriage a minor shall not lose his full active civil capacity.

[...]

PART II: MARRIAGE

Chapter 2 - Creation of Marriage

Section 2: Conditions for Contracting Marriage

Article 3.14. Legal age of consent to marriage

(1) Marriage may be contracted by persons who by or on the date of contracting a marriage have attained the age of 18.

(2) At the request of a person who intends to marry before the age of 18, the court may, in a summary procedure, reduce for him or her the legal age of consent to marriage, but by no more than three years.

(3) In the case of a pregnancy, the court may allow the person to marry before the age of 15.

(4) While deciding on the reduction of a person's legal age of consent to marriage, the court must hear the opinion of the minor person's parents or guardians or curators and take into account his or her mental or psychological condition, financial situation and other important reasons why the person's legal age of consent to marriage should be reduced. Pregnancy shall provide an important ground for the reduction of the person's legal age of consent to marriage.

(5) In the process of deciding on the reduction of the legal age of consent to marriage, the state institution for the protection of the child's rights must present its opinion on the advisability of the reduction of the person's legal age of consent to marriage and whether such a reduction is in the true interests of the person concerned.

[...]

Chapter 3: Nullity of Marriage

[...]

Article 3.38. Persons entitled to petition for a decree of nullity on the grounds of violation of the requirements for the formation of marriage.

[...]

(2) A marriage formed in violation of the requirement set in Article 3.14 hereof may be declared null and void on the petition of a minor spouse, his or her parents, guardians or curators, public institutions for the protection of the child's rights or a public prosecutor. After the minor spouse attains the age of 18, he or she shall be the only person who may petition for a decree of nullity.

[...]

Article 3.42. Statutes of limitation

(1) A spouse who entered into a marriage under the age of 18 may petition for the nullity of the marriage within a year of the date of his or her attaining full age.

[...]

[Criminal Code, 2000 \(as amended\)](#)

Article 147. Trafficking in Human Beings

(1) A person who sells, buys or otherwise transfers or acquires, recruits, transports or holds a person captive by physical violence or threats, or by otherwise depriving him of the possibility to resist or by using the victim's dependence or vulnerability, or by using deceit, or by taking or paying money, or by receiving or providing other benefits to a person who actually controls the victim, provided that the offender was aware or sought that the victim, whether he agreed or not, would be exploited under the conditions of slavery or under the conditions similar to slavery for prostitution, pornography or other forms of sexual exploitation, **forced marriage or marriage of convenience**, forced labour or services, including begging, commission of a criminal act or for other exploitation purposes, shall be punished by a custodial sentence for a term of two up to ten years.

Article 157. Purchase or Sale of a Child

(1) A person who proposes to purchase or otherwise acquire, sells, purchases, otherwise transfers, acquires, recruits, transports or holds captive a child while being aware or seeking that, regardless of the child's consent, he would be unlawfully adopted, exploited under the conditions of slavery or under the conditions similar to slavery for prostitution, pornography, other forms of sexual exploitation, **forced marriage or marriage of convenience**, forced labour or services, including begging, commission of a criminal act or for other exploitation purposes shall be punished by a custodial sentence for a term of three up to twelve years. [...]

LUXEMBOURG

[Civil Code \(consolidated to 2020\)](#)

Article 144

No one can get married before the age of 18.

Article 145

The family court judge may, for serious reasons, lift the prohibition as provided for in paragraph 1 of Article 144. The request is made either by the parents, or by one of them, or by the guardian or by the minor himself.

Article 146

There is no marriage when there is no consent.

Article 148

A minor cannot contract marriage without the consent of his parents.

This consent is noted by the family court judges seized of the request for exemption from age.

If the parents refuse their consent, the judge can authorize the marriage if he considers the refusal unfounded.

If the parents are deceased, if they are unable to express their will because of their incapacity or their absence, the judge can authorize the marriage.

If one of the parents refuses his consent, the family court judge can authorize the marriage if he deems the refusal unfounded. The parent who does not appear is deemed not to have consented to the marriage. If one of the parents is deceased, if he is unable to express his/her will because of his/her incapacity or absence and the other refuses his/her consent, the judge may authorize the marriage if he/she judges the refusal unfounded.

Article 170

A marriage contracted in a foreign country between Luxembourgers, and between Luxembourgers and foreigners, is valid if it has been celebrated in the forms used in the country, provided that it has been preceded by the publications prescribed by Article 63, under the title “civil status records”, and that the Luxembourger has not contravened the provisions contained in the previous chapter.

Article 184

Any marriage contracted in contravention of the provisions contained in Articles 144, 146, 146-1, 146-2, 147, 161, 162, 163 and 165 may be attacked either by the spouses themselves or by all those who have an interest in it, or by the public prosecutor.

Article 185

Nevertheless, the marriage contracted by spouses who were not yet of the required age or one of whom had not reached this age, can no longer be attacked:

- (1) when one year has passed since the spouse or spouses reached the required age;
- (2) when the woman who was not of that age conceived a child with her spouse before the expiry of one year.

Article 186

The one of the parents who consented to the marriage contracted in the case of the preceding Article, is not admissible to ask for its nullity.

Article 448

Majority is reached at eighteen years of age; at this age, one is capable of all the acts of civil life. [...]

[Criminal Code \(consolidated to 2018\)](#)

Article 264

The officer of civil status who has neglected to state in the marriage certificate the consents prescribed by law will be punished with a fine from 251 to 5,000 euros;
[And] who proceeded to solemnize a marriage without having ensured the existence of such consent.

Article 265

The officer of civil status who celebrated a marriage against the will of the persons whose consent is required will be punished by imprisonment from three months to one year and a fine from 500 to 5,000 euros.

MALTA

[Marriage Act, 1975 \(as consolidated to 2020\)](#)

3. (1) A marriage contracted between persons either of whom is under the age of sixteen shall be void.
- 2) Without prejudice to the provisions of sub-article (1), a person who is subject to parental authority or to tutorship may not validly contract marriage without the consent of the person exercising such authority, or of the tutor, as the case may be.
- 3) Notwithstanding the provisions of sub-article (2) the court of voluntary jurisdiction within whose jurisdiction the minor habitually resides, may upon good cause being shown, authorise the celebration

of a marriage referred to in that sub-article, where the consent of the person exercising paternal authority or of the tutor, as the case may be, is not forthcoming; and for the purposes of proceedings in connection with this sub-article, article 781(a) of the Code of Organization and Civil Procedure shall not apply.

19.(1) In addition to the cases in which a marriage is void in accordance with any other provision of this Act, a marriage shall be void:

(a) if the consent of either of the parties is extorted by violence, whether physical or moral, or fear; [...]

[Civil Code \(as consolidated to 2021\)](#)

150. Parental authority ceases ipso jure in each of the cases following:

[...]

(b) when the child attains the age of eighteen years;

(c) on the marriage of the child;

(d) if the child, with the consent of the parents, has left the parental home and setup a separate domestic establishment; [...]

MOLDOVA

[Family Code, 2000](#)

SECTION II: MARRIAGE

Chapter 3: CONDITIONS AND PROCEDURE FOR MARRIAGE

Article 14

(1) The minimum marriageable age is 18 years.

[Art. 14 para. (1) amended by LP 120-XVI of 29.05.08, MO125-126/15.07.08 art. 489]

(2) If there are valid reasons, the age of marriage may be reduced, but not more than by two years.

Permission to reduce the marriageable age is given by the local public administration body at the place of residence of one of the persons wishing to marry, on the basis of the application of these persons and the consent of the parents of the minor.

[Art. 14 para. (2) amended by LP 120-XVI of 29.05.08, MO125-126/15.07.08 art. 489]

Chapter 8: RECOGNITION OF VOID MARRIAGE

Article 41. Recognition of marriage as invalid

(1) Marriage is declared invalid by the court if:

a) the provisions of Articles 11, 13, 14 or 15 are violated;

b) the marriage is registered, but the spouses or one of them did not intend to start a family (fictitious marriage).

(2) A marriage recognized as invalid is considered as such from the date of its conclusion.

(3) The court is obliged, within three days from the date of entry into force of its decision on recognizing the marriage as invalid, to send a copy of such a decision to the civil registry office located in the territorial district of the court.

Book - I OF PEOPLE
Title - V OF MARRIAGE²
Chapter - I CONDITIONS OF MARRIAGE

Art. 116³ A man and a woman cannot marry before the age of eighteen. Nevertheless, the Prince is free to grant age exemptions for serious reasons if the minor is at least sixteen years old.

Art. 118 - The legitimate minor child can marry with the consent of his father or his mother.

Art. 119 - If the father or mother are deceased, deprived of parental authority or are unable to express their will, consent is given by the one of the ascendants of the closest degree.
If all the ascendants are deceased, deprived of parental authority or are unable to express their will, consent is given by the family council.

Art. 120 – The natural minor child recognized by his father and mother may marry under the conditions provided for a legitimate child.
If it has been recognized by only one of its parents, the latter's consent is sufficient.
If his father and mother are deceased, deprived of parental authority or unable to express their will, he can only marry with the authorization of the tutelary judge who takes the advice of the family council.

Art. 121 - The unrecognized natural minor child can marry only with the authorization of the tutelary judge who takes the advice of the family council.

Art. 122 - A minor child who has benefited from a simple adoption can marry only with the consent of the adopter; when the adoption was carried out by two spouses, their disagreement constitutes consent.

Art. 123 - The consent of the ascendants is given before the celebration of the marriage, either before the civil registrar or before a notary.
When the person giving consent is in a foreign country, the act of consent may be drawn up by the diplomatic or consular representative of Monaco or may be replaced by an act executed in the form in use in that country.
The consent of the family council results from the minutes of the deliberation.

Art. 133 The father or the mother and, in their absence, the ascendants can oppose the celebration of the marriage of their child or descendant, even when they have reached majority, in cases where their consent was required.

Art. 136 The right to oppose the celebration of marriage also belongs in all cases to the Attorney General.

² Law 1089/1985.

³ Replaced by Law No. 1.382 of July 20, 2011.

MONTENEGRO

[Family Act, 2007](#)

Article 24

A person under the age of 18 may not marry.

Notwithstanding paragraph 1 of this Article, the court may allow the marriage of a minor over 16 years of age, in accordance with a special procedure.

Article 54

Upon the petition of the parent or guardian, the court may, examining all the circumstances, annul the marriage that was concluded without the permission of the competent court by a person under the age of 18 until the person reaches the age of majority.

The right to petition also belongs to a person who was a minor at the time of marriage, [who shall exercise it] within one year from the age of majority.

[Criminal Code \(consolidated to 2017\)](#)

Article 214 - Concluding a Void Marriage

(1) Whoever, when concluding a marriage, conceals from the other party a fact which makes the marriage void, or misleads her as to that fact, shall be punished by a prison sentence from three months to three years.

(2) Whoever coerces another person, by means of force or threats, into concluding a marriage shall be punished by a prison sentence for a term from six months to five years.

(3) Whoever incites another to go abroad or takes another person abroad with the intention to commit the criminal offence set forth in paragraph 2 of this Article, shall be punished by a prison sentence for a term from three months to three years.

(4) Prosecution for the offence set forth in paragraphs 1 and 2 of this Article may be undertaken only if the marriage thus concluded has been declared void.

Article 215 - Enabling the Conclusion of a Forbidden Marriage

The public official authorized to conclude marriages who knowingly allows, while performing his duties, the conclusion of a marriage which is prohibited or void under the law, shall be punished by a prison sentence for a term from three months to three years.

Article 216 - Customary Marriage with a Juvenile

(1) An adult person who cohabitates in a customary marriage with a juvenile shall be punished by a prison sentence from three months to three years.

(2) A parent, adoptive parent or a guardian who allows a juvenile to cohabit in a customary marriage with another or instigates him into such marriage shall be punished by the penalty set out in paragraph 1 of this Article.

(3) Where the offence set forth in paragraph 2 of this Article is committed by means of force, threats or out of greed, the perpetrator shall be punished by a prison sentence from six months to five years.

(4) Where marriage is concluded, prosecution shall not be instituted, and where it has been instituted, it shall be discontinued.

NETHERLANDS

[Civil Code, 1970](#)

Section 1.5.1 Requirements for entering into a marriage

Art. 1:31 Minimum age

1. A man and a woman must both have reached the age of eighteen years in order to be allowed to enter into a marriage.
2. No impediment to a marriage as meant in the previous paragraph exists when the persons who intend to enter into a marriage with each other have both reached the age of sixteen years and the woman submits a declaration of a medical doctor that she is pregnant or that she already has brought a child into the world.
3. The Minister of Justice may, for compelling reasons, grant dispensation from the requirement mentioned in paragraph 1.

Art. 1:35 Required approval for a marriage of a minor

1. A minor is not allowed to enter into a marriage without the approval of his parents.
2. Where the mental capacity of one of the parents is disturbed in such a way that he is unable to determine his will or to understand the significance of his declaration, his approval is not required.
3. A minor under guardianship needs an additional approval of his legal guardian.

Art. 1:36 Substitute authorization of the Subdistrict Court

As far as the approval, required under the previous Article, cannot be obtained, the minor may request the Subdistrict Court to grant him a substitute authorization.

Art. 1:39 Appeal against an authorization granted by the Subdistrict Court

1. Where the Subdistrict Court has granted an authorization of marriage, the period allowed for appeal is fourteen days; during this period the court order of the Subdistrict Court shall not be enforceable.
2. A person appealing against an authorization of marriage granted by the Subdistrict Court, must, within the period allowed for appeal, give notice of his appeal by bailiff's writ to the Registrar of Civil Status of the municipalities where the marriage could be contracted. If he fails to do so, he loses his right to invoke the absence of his approval as a ground for annulment of the marriage, in the event that the Court of Appeal nullifies the court order of the Subdistrict Court, while the marriage had been contracted already.

Art. 1:47 Investigation of required approvals

1. When a minor intends to enter into a marriage the Registrar of Civil Status checks whose approval is required to contract this marriage.
2. Additionally, that Registrar checks if the minor is placed under custodial control or an interim guardianship. Where this proves to be the case, he immediately informs, in the event of a custodial control, the Juvenile Court and, in the other event, the Foundation meant in Article 1, paragraph 1, of the Youth Care Act, of the intended marriage.

Section 1.5.3 Interruption of an intended marriage on the basis of a legal impediment to a marriage

Article 1:50 Grounds for interrupting an intended marriage

An intended marriage may be interrupted when the prospective spouses do not possess the requirements to enter into a marriage with each other or when the objective of the prospective spouses or of one of them is not the fulfilment of the marital duties which the law connects to a marriage, but obtaining access to the Netherlands.

Article 1:53 Interruption of an intended marriage by the Public Prosecution Service

1. The Public Prosecution Service has a duty to interrupt an intended marriage if it has become aware of one of the impediments to a marriage defined in Articles 1:31 up to and including 1:33 and Articles 1:41 and 1:42.

2. The Public Prosecution Service is entitled to interrupt the intended marriage of a minor who is placed under custodial control or under interim guardianship, if such a marriage is contradictory to the interests of the minor; for this purpose, the interests of the other party to the marriage may be taken into consideration too.

3. Furthermore, the Public Prosecution Service is entitled to interrupt an intended marriage on the ground that it will be a sham marriage in conflict with public order, because the objective of the prospective spouses or of one of them is not the fulfilment of the marital duties which the law connects to a marriage, but obtaining access to the Netherlands.

Section 1.5.5 Annulment of a marriage

Article 1:69 Persons who may apply for an annulment of marriage

1. As far as not specified differently below, the annulment of a marriage on the ground that the spouses do not meet the requirements to enter into a marriage with each other, may be requested by:

- a. the blood relatives in the ascending line of one of the spouses;
- b. each of the spouses;
- c. all other persons having an immediate legal interest in the annulment of the marriage, but they may only make such a request after the dissolution of the marriage;
- d. the Public Prosecution Service, yet only as long as the marriage has not been dissolved.

2. A person still united in a marriage or in a registered partnership with one of the spouses, may as well, on account of the existence of that marriage or registered partnership, apply for the annulment of the later contracted marriage.

Article 1:74 Annulment of a marriage because a spouse was not of the required age

The annulment of a marriage, which was entered into by a person who had not reached the required age, cannot be requested when this person has reached the required age on the day on which the request is made, nor when the wife has become pregnant prior to the day of such a request.

[Criminal Code, 2012](#)

Section 379

[...]

2. A civil registrar who participates in the solemnization of a person's marriage, knowing that there is any other legal impediment to this marriage, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

NORTH MACEDONIA

[Family Act, 1992 \(as amended\)](#)

Article 16

A person who has not reached 18 years of age cannot marry.

The competent court may, in an out of court procedure, allow the marriage of a person who has reached 16 years of age if it determines that it has reached the physical and mental maturity required to perform the rights and duties arising in marriage, after obtaining an opinion from a health institution, and provided professional assistance from the center for social welfare.

The application for a decision to grant the right to marriage may be submitted only by the person indicated in paragraph 2 of this article.

In the procedure for decision to grant a marriage license to the person referred to in paragraph 2 of this Article, the court will hear the minor who submitted the proposal, his/her parents, the guardian and the person with whom the minor wants to marry.

[Criminal Code, 1999 \(as amended\)](#)

Article 196 - Enabling non-allowed marriage

An official whom in the performance of his official duty celebrates a marriage even though he knew of legal obstacles due to which the marriage is forbidden or void, will be punished with a fine or by imprisonment up to three years.

NORWAY

[Marriage Act, 1991 \(as amended\)](#)

Part I - Contraction and dissolution of marriage

Chapter I - Conditions for contracting a marriage

Section 1 a. Age for marriage

No person under 18 years of age may enter into a marriage.

Section 1 b. Voluntariness.

Women and men have the same right to choose a spouse freely. They shall contract the marriage of their own free will and by their own consent.

Chapter 2 - Verification of fulfilment of the conditions for marriage

Section 6. When verification shall take place, and who shall carry out such verification.

Before a marriage may be contracted, it shall be verified that the conditions for marriage have been fulfilled. Verification shall be carried out by the national population registry or by a Norwegian foreign service official.

[...]

Section 7. Evidence of fulfilment of the conditions for marriage

For the purpose of verifying whether the conditions for marriage have been fulfilled, the parties to the marriage shall provide the following evidence:

(1) Each of them shall present a birth certificate issued by the national population registry, when verification is not carried out by the said registry. If it is difficult to obtain such a certificate within a reasonable time, some other satisfactory proof of name and age may be accepted.[...]

I. Each of the parties to the marriage shall individually solemnly declare that they are contracting the marriage of their own free will, and that they recognise each other's equal right to divorce.

Section 10. Certificate stating that fulfilment of the conditions for marriage has been verified.

If the national population registry or a Norwegian foreign service official has found that the parties to the marriage fulfil the statutory conditions for marriage, and that there are no such obstacles as are mentioned in section 8 or section 9, the parties may be issued with a certificate stating that there is nothing to prevent the marriage from being contracted. The certificate is valid for four months from the date of issue. Administrative decisions not to issue the said certificate may be appealed to the county governor.

Chapter 3 - Contracting a marriage – solemnisation

Section 11. The solemnisation procedure.

A marriage is contracted when the parties to the marriage come together before a solemniser of marriage. While both parties are present, they shall declare that they wish to contract a marriage with each other. The solemniser shall thereafter declare them to be married. At least two witnesses shall be present during the solemnisation.

Section 14. Checking that fulfilment of the conditions for marriage has been verified

[...]

A solemniser who knows that a condition for contracting a marriage has not been fulfilled shall not perform a solemnisation. If the solemniser finds that there is reason to doubt whether a condition has been fulfilled, the solemnisation may be postponed and the parties to the marriage ordered to produce proof that the condition has been fulfilled. [...]

Section 16. Invalidity

(1) No marriage shall have been contracted unless the provisions of section 11, first paragraph, cf. section 12, have been complied with. The same shall apply if the marriage was contracted without the presentation of a valid certificate verifying fulfilment of the conditions for marriage pursuant to section 10. [...]

[...]

(4) Each of the spouses may institute legal proceedings to have the marriage declared null and void if he or she has **been forced by unlawful conduct to contract the marriage**. This applies regardless of who has exercised such force.

(5) The right to institute legal proceedings lapses if no action is brought within one year after the spouse is no longer subject to coercion. In no case may legal proceedings be instituted more than five years after the marriage was contracted.

(6) If a marriage has been solemnized despite the fact that one or both of the parties lacked legal capacity, legal proceedings to have the marriage declared null and void may be instituted within six months after the solemnization. Section 28, first, cf. third paragraph, shall apply correspondingly. A guardian may institute legal proceedings on behalf of a spouse who lacks legal capacity.

Section 18 a. Recognition of a marriage contracted outside Norway

(1) A marriage that is contracted outside Norway shall be recognised in the realm if the marriage has been validly contracted in the country of marriage. [...] However, a marriage shall not be recognised if this would obviously be offensive to Norwegian public policy (ordre public).

(2) A marriage that is contracted outside Norway shall not be recognised in the realm if at least one of the parties was a Norwegian national or permanent resident in the realm at the time of marriage, and:

a) the marriage was contracted without the presence of both parties at the marriage ceremony,

b) one of the parties was under 18 years of age, or

c) one of the parties was already married.

At the request of both parties, the marriage may nevertheless be recognised if there are strong reasons for doing so. The Ministry shall decide which county governors shall deal with such requests.

[Penal Code, 2005 \(as amended\)](#)

Section 262. Violation of the Marriage Act.

[...]

Any person who enters into marriage with a person who is under 16 years of age shall be subject to a penalty of imprisonment for a term not exceeding three years. Any person who was ignorant of the fact that the aggrieved person was under 16 years of age may nonetheless be punished if he/she may be held to blame in any way for such ignorance. The penalty may be waived if the spouses are approximately equal in age and development.

Section 253. Forced marriage.

Any person who by violence, deprivation of liberty, other criminal or wrongful conduct or improper pressure **forces a person to enter into marriage** shall be subject to imprisonment for a term not exceeding six years.

The same penalty shall be applied to any person who by deceit or other means contributes to another person travelling to a country other than that person's country of residence with the intent that the person will there be subjected to an act as specified in the first paragraph.

[Children Act, 1981 \(as amended\)](#)

Section 30a. Marriage agreement.

An agreement concerning marriage made by the parents or other persons on behalf of the child is not binding.

POLAND

[Family and Guardianship Code, 1964](#)

Article 10. [Age, annulment of marriage]

§ 1. No marriage can be made by a person who is not eighteen. However, for important reasons, the court may authorise the conclusion of a marriage to a woman who has completed sixteen years, and the circumstances indicate that the marriage will be in line with the good of the established family.

§ 2. Cancellation of a marriage concluded by a man who has not completed eighteen years, and by a woman who has not completed sixteen years, or without the permission of the court, when entered into after the age of sixteen, but before the age of eighteen, may be demanded by each of the spouses.

§ 3. The marriage cannot be annulled on the grounds of the absence of a prescribed age, if the spouse before exercising the action has reached that age.

§ 4. If a woman gets pregnant, her husband shall not demand a marriage annulment on account of the lack of the prescribed age.

PORTUGAL

[Civil Code, 1966 \(as amended\)](#)

SECTION V

Incapacity

SUBSECTION I

Legal status of minors

Article 122

(Minors)

It is minor the person who has not yet turned eighteen years of age.

Article 123

(Incapacity of minors)

Unless otherwise specified, minors lack capacity for the exercise of rights.

SUBSECTION II

Article 129

(End of incapacity of minors)

The incapacity of minors ends when they come of age or are emancipated, unless restricted by law.

Article 130

(Effects of adulthood)

Whoever turns eighteen years old acquires full capacity to exercise rights, being empowered to govern their own person and dispose of own assets.

Conditions for the celebration of the wedding:

SECTION I

Catholic Wedding

Article 1596

(Civilian Capacity)

Catholic marriages may only be celebrated by those who have the matrimonial capacity required by civil law.

Article 1597

(Preliminary process)

1. The marriage capacity of the bride and groom is proven through the preliminary publication process, organized in the civil registry offices at the request of the bride and groom or the respective parish priest.
2. The consent of the parents or guardian, regarding the minor spouse, may be given in the presence of two witnesses before the parish priest, who will issue a report, signing it with all the intervening parties.

Article 1598

(Certificate of marital capacity)

1. If in the final order of the preliminary process the absence of impediment to the marriage is verified, the civil registry official will produce the certificate of matrimonial capacity, which is sent to the parish priest and without which the marriage cannot be celebrated.
2. If, after issuing the certificate, the official becomes aware of any impediment, he will immediately communicate it to the parish priest, in order to suspend the celebration until a judgment is pronounced.

SECTION II

Civil marriage

SUBSECTION I

Marital Impediments

Article 1600

(General rule)

All those who do not show any of the impediments for marriage provided by law are able to contract marriage.

Article 1601

(Absolute Impediments)

These are direct impediments, preventing the marriage of the person who is:

- a) Under sixteen years of age;

[...]

Article 1612

(Parent or guardian authorization)

1. Authorization for the marriage [of individuals who are] under eighteen and over sixteen must be granted by the parents who exercise power, or by the guardian.
2. The civil registration officer may provide the authorization referred to in the previous paragraph if serious reasons justify the celebration of marriage and the minor has enough physical and psychological maturity.

SUBSECTION III

Annulment of marriage

Division I

General Provisions

Article 1631

(Causes of voidability)

The marriage is voidable:

- a) [When] contracted [under the existence of] some direct impediment;

[...]

Division III

Legitimacy

ARTICLE 1639

Annulment based on a direct impediment

1. the spouses may bring an action for annulment based on the existence of a direct impediment, or may continue the marriage; [the action may also be brought by] any of their relatives in the direct line or up

to the fourth degree in the collateral line, as well as the spousal's heirs and adopted [children], and the public prosecutor.

2. In addition to the persons mentioned in the preceding paragraph, the action may also be brought [...] by the tutor or curator in the case of minors, interdiction or disqualification by psychic anomaly [...].

ROMANIA

Civil Code, 2009 (as amended)

Article 271 - Consent to marriage

Marriage between a man and a woman is done by their personal and free consent.

Article 272 – Matrimony Age

(1) The marriage may be concluded if the future spouses have reached the age of 18.

(2) For good reasons, the minor who has reached the age of 16 may marry on the basis of a medical certificate, with the consent of his parents or, as the case may be, of the guardian and with the authorization of the guardianship court in whose district the minor resides. If one of the parents refuses to approve the marriage, the guardianship court also decides on this divergence, taking into account the best interests of the child.

(3) If one of the parents is deceased or is unable to express his will, the consent of the other parent is sufficient.

(4) Also, under the conditions of art. 398, the consent of the parent exercising parental authority is sufficient.

(5) If there are no parents or guardians who can approve the marriage, it is necessary to approve the person or authority that has been empowered to exercise the parental rights.

Article 275 - Prohibition of marriage between guardian and minor

Marriage between the guardian and the minor under his or her guardianship is prohibited.

Article 294 - Lack of marriage age

(1) The marriage concluded by the minor who has not reached the age of 16 is struck by absolute nullity.

(2) However, the nullity of the marriage shall be covered if, until the final judgment, both spouses have reached the age of 18 or if the wife has given birth or become pregnant.

Article 297 - Lack of legal approvals

(1) The marriage concluded without the approvals or authorization provided in art. 272 para. (2), (4) and (5).

(2) The annulment can be invoked only by the one whose approval was necessary.

Article 298 - Vices of consent

(1) The marriage may be annulled at the request of the spouse whose consent has been vitiated by error, malice or violence.

(2) The error constitutes a defect of consent only when it concerns the physical identity of the future spouse.

Article 300 - The existence of guardianship

The marriage concluded between the guardian and the minor under his guardianship is annulable.

[Law No. 272/2004 on the protection and promotion of the rights of the child](#)

Article 4

For the purposes of this law, the terms and expressions below have the following meanings:

a) child - a person who has not reached the age of 18 and has not acquired the full capacity to exercise, according to the law. [...]

Article 89

(1) The child has the right to be protected from abuse, neglect, exploitation, trafficking, illegal migration, abduction, violence, internet pornography, and any form of violence, regardless of the environment in which he or she is: family, educational or medical institutions, [...]

RUSSIAN FEDERATION

[Family Code, 1995 \(as amended\)](#)

Article 13. Age of marriage

1. The marriageable age is set at eighteen years.

2. If there are valid reasons, local self-government bodies at the place of residence of persons wishing to enter into marriage are entitled, at the request of these persons, to allow persons who have reached the age of sixteen years to enter into marriage. *(As amended by the Federal Law [dated November 15, 1997 No. 140-FZ](#))*

The procedure and conditions under which the entry into marriage before reaching the age of sixteen may be permitted as an exception, taking into account special circumstances, may be established by the laws of the constituent entities of the Russian Federation.

Article 27. Recognition of marriage as invalid

1. Marriage is recognized as invalid in case of violation of the conditions established by Articles 12-14 and paragraph 3 of Article 15 of this Code, as well as in the event of a fictitious marriage, that is, if the spouses or one of them registered the marriage without the intention of creating a family.

2. Recognition of marriage as invalid is made by the court.

Article 28. Persons entitled to demand recognition of marriage as invalid

1. The following persons have the right to demand recognition of a marriage as invalid:

a minor spouse, his parents (persons replacing them), authority of a guardianship and custody or a prosecutor, if the marriage is concluded with a person who has not reached marriageable age, in the absence of permission to enter into marriage before this person reaches marriageable age (Article 13 of this Code). After the minor spouse reaches the age of eighteen, only that spouse has the right to demand recognition of the marriage as invalid;

a spouse whose rights are violated by the conclusion of marriage, as well as a prosecutor, if the marriage is concluded in the absence of the voluntary consent of one of the spouses to conclude it: as a result of coercion, deceit, delusion or the impossibility, due to one's state at the time of state registration of the marriage, to understand the meaning of one's actions and to manage them;
[...]

2. When considering a case on invalidating a marriage concluded with a person who has not reached the age of marriage, as well as with a person recognized by the court as incapable, the body of guardianship and custody is involved in the case.

Article 29. Circumstances eliminating the invalidity of marriage

1. The court may recognize the marriage as valid if, by the time of consideration of the case on recognizing the marriage as invalid, those circumstances that, by virtue of law, prevented its conclusion, have disappeared.

2. The court may dismiss a claim for invalidation of a marriage entered into with a person under the age of marriage, if this is required by the interests of the minor spouse, as well as in the absence of his/her consent to the recognition of the marriage as invalid.

[...]

Article 30. Consequences of declaring a marriage invalid

3. The recognition of a marriage as invalid does not affect the rights of children born in such a marriage or within three hundred days from the date of recognition of the marriage as invalid (paragraph 2 of Article 48 of this Code).

[...]

[Civil Code, 1994 \(as amended\)](#)

Article 21 of the Civil Code of the Russian Federation. Legal capacity of a citizen

1. The ability of a citizen by his actions to acquire and exercise civil rights, create for himself civil duties and fulfill them (civil capacity) arises in full with the onset of adulthood, that is, upon reaching the age of eighteen.

2. In the case when the law allows marriage before reaching the age of eighteen, a citizen who has not reached the age of eighteen acquires legal capacity in full from the time of entering into marriage.

Legal capacity acquired as a result of marriage shall be retained in full even in the event of divorce before the age of eighteen.

When declaring a marriage invalid, the court may decide on the loss of full legal capacity by the minor spouse from the moment determined by the court.

[SAN MARINO](#)

[Law n. 49, 1986](#)

Art. 1. Definition of Marriage.

Marriage is the union of a man and a woman founded on a free and responsible choice based on the moral and legal equality of the couple.

[...]

Art. 4. Of the conditions necessary to contract marriage – age.

A minor of age may not contract marriage.

The Commissioner of the Law, as tutelary judge, may authorize, for very serious reasons, the marriage of a minor who has reached the age of 16, after consultation with those exercising parental authority or guardianship, having ascertained the psycho-physical maturity through medical-psychological experts.

[...]

Art. 132. Causes of nullity of marriage.

A marriage contracted in violation of Articles 3- 4-5-6-7- of this Law shall be null and void. It is also void the marriage contracted:

(a) in the absence of perfect free, spontaneous, and direct consent to enter into the marriage bond;

b) with error on the identity of the person of the other spouse or on the personal qualities of the other spouse concerning physical or psychic illnesses, anomalies, or sexual deviations such as to impede the normal course of conjugal life.

[Law n. 15, 1975](#)

Art. 1

All citizens who have reached the age of 18 years are legally capable of age.

[Law n. 17, 1974](#)

Art. 223. Fraud in marriage

Whoever contracts a marriage concealing the cause of invalidity from the other party shall be punished by imprisonment in the first degree.

If the marriage is annulled, second-degree imprisonment shall apply.

[Law n. 43, 1946](#)

Art. 45.

The natural child may be recognized by the father and mother, either jointly or separately.

Recognition may not take place if either the father or the natural mother have not reached the age required for marriage.

SERBIA

[Family Act, 2005](#)

Age of Majority and Legal Capacity

Article 11

(1) Majority is obtained by reaching eighteen years of age.

(2) Full legal capacity is obtained by reaching the age of majority or by concluding a marriage with court permission before reaching the age of majority.

(3) The court may also permit a minor to obtain full legal capacity if he/she has reached sixteen years of age, has become a parent and has reached the physical and mental maturity to provide independently for his/her own personality, rights and interests.

(4) The court decides upon the permissions referred to in paragraphs 2. and 3. of this Article in non-contentious proceedings.

Minority

Article 23

(1) Marriage may not be concluded by a person who has not reached eighteen years of age.

(2) A court may, for justified reasons, permit a minor who has reached sixteen years of age, and who has reached the physical and mental maturity necessary to perform the rights and duties of marriage, to conclude a marriage.

Free Will

Article 24

Marriage may not be concluded by a person whose will is not free.

Nullity of Marriage Opposite Sexes, Statement of Will and Competence

Article 31

A marriage is null and void if concluded by two persons of the same sex, if the spouses' statements of will were not affirmative, or if the marriage was not concluded before a registrar.

Minority

Article 37

(1) A marriage is voidable if concluded by a minor without court permission.

(2) The marriage of a minor need not be annulled if conditions of Article 23 paragraph 2 of this Act are met.

Duress

Article 38

(1) A marriage is voidable if a spouse consented to its conclusion under duress.

(2) Duress exists when the other spouse or a third person caused, by force or threat, justifiable fear in the spouse, which made him/her consent to the conclusion of marriage.

(3) Fear is considered justifiable when it is obvious from the circumstances that the life, body or another important good of one or the other spouse or a third person is endangered.

Error

Article 39

(1) A marriage is voidable when one spouse consented to its conclusion in error regarding the personality or an important personal characteristic of the other spouse.

[...]

(3) An error regarding an important personal characteristic exists when the personal characteristic is such that a spouse in error would not have concluded marriage had he/she known of it.

[Criminal Code, 2005 \(as amended\)](#)

Cohabiting with a Minor

Article 190

(1) An adult cohabiting with a minor, shall be punished with imprisonment up to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on a parent, adoptive parent or guardian who enables or induces a minor to cohabit with another person.

(3) If the offence specified in paragraph 2 of this Article is committed for gain, the offender shall be punished with imprisonment from six months to five years.

(4) If a marriage is concluded, prosecution shall not be undertaken, and if undertaken it shall be discontinued.

SLOVAK REP.

[Act No. 36/2005](#)

Part I (Marriage)

Title I (Establishment of Marriage)

§ 1

(1) Marriage is a union of a man and a woman, which arises on the basis of their voluntary and free decision to marry after fulfilling the conditions laid down by this law. [...]

Title II (Circumstances Excluding Marriage)

§ 11

(1) Marriage cannot be contracted by a minor. In accordance with the purpose of the marriage, the court may exceptionally authorise the marriage of a minor over 16 years of age. Without the permission of the court, the marriage is null and void. In such a case, the court shall, even without a petition, rule that the marriage is void.

(2) The court shall not rule that the marriage is void and the marriage shall become valid if the husband or wife (hereinafter referred to as "the husband"), who was a minor over 16 years of age at the time of the marriage, has already reached the age of 18 or if the wife has become pregnant.

§ 12

(1) Marriage cannot be entered into by a person deprived of legal capacity.

(2) A person whose legal capacity is limited may enter into marriage only with the permission of the court.

[...]

§ 17

(1) Marriage does not arise if the declaration of marriage:

(a) has been forced by violence,

(b) was made by a minor under 16 years of age.

[...]

[Civil Code, 1964 \(as amended\)](#)

Natural persons

§ 8

(1) The capacity of a natural person to acquire rights and assume obligations by his or her own legal acts (legal capacity) shall be fully established at the age of majority.

(2) The age of majority shall be attained on reaching the age of eighteen. Before that age, majority shall be acquired only by marriage. The age of majority thus acquired shall not be lost either by the dissolution of the marriage or by the annulment of the marriage. [...]

[Criminal Code, 2005 \(as amended\)](#)

§ 179 (Human trafficking)

(1) Who, through fraud, deception, abduction, violence, threats of violence, threats of other serious harm or other forms of coercion, acceptance or performance of money or other advantages to obtain the consent of the person to whom another person is dependent, or abuse transport, possess, retain, transfer or assume another, even with his consent, for the purpose of his prostitution [...], forced labor [...], **forced marriage** [...], shall be punishable by a term of imprisonment of four to ten years.

SLOVENIA

[Family Code, 2017](#)

Article 20 (Foundation and meaning of marriage): Marriage is based on the free decision to marry, on mutual emotional attachment, mutual respect, understanding, trust and mutual help.

Article 22 (Conditions for existence): For a marriage to exist, it is necessary that:

- the persons of the marriage are of different sexes,
- declare their consent to the marriage, and
- the persons declare their consent before the competent state authority.

Article 23 (Free statement of will)

(1) It is not possible to enter into marriage without the free expression of the will of the future spouses that they wish to enter into marriage. There is no free statement of will if the statement was forced or made in error.

(2) A declaration of will to marry is forced if the spouse gave it out of fear caused by a serious threat.

(3) A declaration of intent to marry is given in error as to the person of the spouse if the spouse thought he or she was marrying a real person but entered into marriage with another person, or if he or she was married to a person other than for which she pretended.

Article 24 (Coming of age and neglect of minors)

(1) A child may not enter into marriage.

(2) The court may, for justified reasons, allow a child who has reached the age of 15 to enter into marriage if he or she has reached such physical and mental maturity that he or she can understand the meaning and consequences of rights and obligations arising from marriage.

Article 28 (Existence of guardianship)

For the duration of the guardianship, the guardian (guardian) and his or her protégé (hereinafter: the protégé) may enter into marriage only with the permission of the court.

Article 51 (Annulment of a marriage entered into under duress or in error)

(1) The annulment of a marriage entered into under duress or in error may be requested by a spouse who has been forced or has consented to marriage in error.

(2) The annulment of the marriage referred to in the preceding paragraph may not be requested if one year has elapsed from the day when the coercion passed or the error was recognized, and the spouses lived together during that time.

Article 52 (Validity of a marriage entered into by a child)

A marriage entered into by a child without the court's permission shall remain in force if the court in which the annulment proceedings are pending finds that there are circumstances which would permit its conclusion, or if the child has reached the age of majority during the proceedings. 18 years.

[Marriage and Family Relations Act, 1977 \(as amended\)](#)

Article 13

Marriage is based on the free decision to marry, on mutual emotional attachment, mutual respect, understanding, trust and mutual help.

Article 16

In order to enter into marriage, it is necessary for two persons of different sexes to declare before the competent state body in the manner prescribed by law, their consent to enter into marriage.

Article 17

(1) A marriage is not valid without the free consent of the future spouses; there is no free consent if the consent was forced or given in error.

(2) Consent shall be forced if the spouse has consented to the conclusion of the marriage out of fear caused by a serious threat.

[...]

(4) Consent is given in error of the essential characteristics of the spouse if the other spouse would be deterred from entering into marriage if he or she was aware of it and who are living together unsustainably.

Article 18

A person under the age of eighteen may not marry.

Article 23

The Center for Social Work may, if there are good reasons to do so, allow the marriage of children of siblings, children of half-brothers and half-sisters, guardians and protégés and persons under the age of eighteen.

Article 24

Before the Center for Social Work allows a minor to marry under Article 23 of this Act, he must interrogate him, the person with whom he intends to marry and his parents or guardian.

Article 32

A marriage contracted in contravention of the provisions of Articles 16, 17, 18, 19, 20 and 21 of this Act shall be invalid.

Article 39

(1) The annulment of a marriage that has been forced or entered into in error may be requested only by the spouse who has been forced or has consented to marriage in error.

(2) The annulment of a marriage may not be requested if one year has elapsed from the day when the force passed or the error was recognized, and the spouses lived together during that time.

Article 40

Following a lawsuit filed by a parent or guardian, the court may, when it shakes up all the circumstances, annul a marriage entered into by a person under the age of eighteen without the permission of the Center for Social Work .

Article 117

(1) The parental right shall cease when the child reaches the age of majority, ie when he or she reaches the age of eighteen, or if the minor enters into marriage before reaching the age of majority.

(2) By concluding a marriage, a minor acquires full legal capacity.

(3) A minor who has become a parent may also acquire full legal capacity if there are important reasons for that. This is decided by the court in non-litigious proceedings.

[Criminal Code, 1994 \(as amended\)](#)

Article 132.a. (Forced marriage or the establishment of a similar community:

(1) Whoever, by force or threat to use force, or by abusing the subordinate or dependent position of another, compels another to enter into marriage or to establish a similar community which, in accordance with the law, is equated with marriage in certain legal consequences, shall be punished with imprisonment for up to three years.

(2) Whoever commits the act referred to in the preceding paragraph against a minor or a weak person shall be punished by imprisonment for a term not exceeding five years. [...]

SPAIN

[Civil Code, 1889 \(as amended\)](#)

Art. 46

The following persons may not marry:

1.° Not-emancipated minors. [...]

Art. 73

A marriage shall be null and void, whoever solemnized if:

1. The matrimony is solemnized without matrimonial consent.

2. The marriage is solemnized between the persons mentioned in Articles 46 and 47, save in the event of dispensation pursuant to Article 48.

3. The wedlock is solemnized without the intervention of a Judge of Peace, Mayor or Councilor, Court Clerk, Notary Public or any official before whom it is to be solemnized, or without the presence of witness.

Art. 74

The action for annulment of the marriage shall correspond to the spouses, to the Public Prosecutor or to any person with a direct and legitimate interest therein, save as provided in the following Articles.

Art. 75

If the grounds for nullity were to be age, whilst the spouse remains underage the action may only be exercised by his parents, guardians or carers and, in any case, by the Public Prosecutor.

On the age of majority, the action may only be exercised by the spouse who was underage at the time, unless the spouses have lived together during one year after he came of age.

Art. 240

Legal age begins upon turning eighteen years old.

The day of birth shall be included in full in the calculation of legal age.

[Criminal Code, 1995](#)

Art. 172 bis

1. Whoever, with serious intimidation or violence, forces another person into wedlock shall be punished with a prison sentence of six months to three years and six months or with a fine of twelve to twenty-four months, depending on the severity of the coercion or on the means employed.

2. The same punishment shall be imposed on any individual who, in order to commit the deeds outlined in the preceding Section, uses violence, serious intimidation or deceit to force another person to leave Spanish territory or not to return thereto.

3. The punishment shall be imposed in the upper half of the sentencing range if the victim is a minor.

Art. 177 bis

1. Whoever, using violence, intimidation or deceit, or abusing a situation of superiority or need, or the vulnerability of a national or alien victim, or through the delivery or receipt or payments or earning to obtain the consent of the person with the control over the victim, were to induce, transport, transfer, house or receive such a victim, including the exchange or transfer of control over such individuals for any of the purposes described below, within Spain, from Spain, in transit or with destination therein, shall be convicted of human trafficking and punished with a prison sentence of five to eight years:

[...]

e) Solemnization of forced marriages.

SWEDEN

Marriage Code, 1987 (as amended)

Second Part - Marriage and dissolution

Chapter 2 Obstacles to marriage

Section 1

Anyone under the age of 18 may not enter into marriage.

Chapter 3 - Examination of impediments to marriage

Section 1

(1) Before entering into a marriage, it shall be examined whether there is any obstacle to the marriage. This examination must be made by the Swedish Tax Agency.

[...]

Section 4

If the Swedish Tax Agency finds that there is no obstacle to the marriage, the agency shall issue a certificate to this effect.

Chapter 4 - Wedding

Section 2

(1) At the wedding, those who enter into marriage shall be present at the same time. They must individually, at the request of the officiant, indicate that they agree to the marriage.

(2) The officiant must then declare that they are spouses.

(3) If it did not take place as stated in the first paragraph or the registrar was not authorized to perform the wedding, the ceremony is invalid as a wedding.

Section 8

The marriage registrar shall immediately send notification of the marriage to the Swedish Tax Agency. When notifying a marriage, the Tax Agency shall check that the marriage has been preceded by an obstacle test and that no obstacle to the marriage has emerged during this test. If such a trial has not taken place or if the marriage has taken place despite the fact that the trial revealed obstacles to the marriage, the Tax Agency shall send notification of the relationship to the person who must report or try questions about disciplinary liability, prosecution, dismissal or dismissal of the registrar.

Chapter 5 Divorce

Section 5

(1) A spouse is entitled to a divorce without prior consideration if it is made probable that the spouse has been forced to enter into the marriage or if the spouse has entered into the marriage before the age of 18.

[...]

(3) In the cases referred to in the first paragraph, an action for divorce may also be brought by a public prosecutor. In cases concerning marriages entered into by a minor, the social welfare board in the municipality where the person is registered or, if the person is not registered in this country, in the municipality where he or she resides is obliged to provide an opinion and the information that may be of significance for the assessment of the question to the prosecutor. Another social welfare board that has access to information that may be relevant in the matter is obliged to provide such at the request of the social welfare board that is to deliver an opinion. [...]

Act on certain international legal relations concerning marriage and guardianship, 1904 (as amended)

Chapter 1 - About the conclusion of marriage

Section 8a

A marriage that has been entered into in accordance with foreign law is not recognized in Sweden

1) if one of the parties was under 18 years of age at the time of the marriage,

[...]

3) if it is probable that the marriage was entered into under duress, or

4) if the parties were not present at the same time at the conclusion of the marriage and at least one of them was then a Swedish citizen or domiciled in Sweden.

The first paragraph does not apply if both parties are over 18 years of age and there are special reasons to recognize the marriage.

Criminal Code, 1962 (as amended)

Chapter 4 – On offences against liberty and peace

Section 4c

(1) A person who, in cases other than those referred to in Section 1a, by unlawful coercion, or by exploitation of another person's vulnerable situation, induces another person to enter into a marriage that is valid in the state where it is entered into, in the state under whose laws it is entered into, or in a state in which at least one of the spouses is a citizen or is habitually resident is guilty of coercion to marry and is sentenced to imprisonment for at most four years.

(2) This also applies to a person who, in a way referred to in the first paragraph, induces another person to enter into a relationship similar to marriage if it is entered into under rules that apply within a group and that:

1. mean that the parties are regarded as spouses and are deemed to have rights and obligations in relation to one another; and

2. include the question of the dissolution of the relationship.

(3) A person who commits an act referred to in the first or second paragraph against a person who has not attained eighteen years of age, is guilty of a child marriage offence and is sentenced to

imprisonment for at most four years. A person who in other cases induces or allows a person who has not attained eighteen years of age to enter into a marriage that is valid in a way referred to in the first paragraph, or a relationship similar to marriage in accordance with what is stated in the second paragraph, is also guilty of a child marriage offence. This also applies if the person who commits such an act did not have intent but was negligent regarding the circumstance that the other person had not attained eighteen years of age.

Section 10

Responsibility is assigned under Chapter 23 for attempting, preparation or conspiracy to commit kidnapping, trafficking in human beings, gross human exploitation or unlawful deprivation of liberty and for failure to disclose or prevent such an offence. This also applies to attempting, preparation or conspiracy to commit human exploitation, gross unlawful coercion, **coercion to marry, a child marriage offence** or making a gross unlawful threat, and to attempting or preparation to commit breach of data security that, if completed, would not have been considered minor, or gross breach of data security.

SWITZERLAND

[Civil Code, 1907 \(as amended\)](#)

Article 94

To be able to marry, the prospective spouses must have reached the age of 18 years and have the capacity of judgement.

Article 98

1. The preparatory procedure is carried out at the civil register office at the domicile of the bride or groom at their request.

[..]

3. They must furnish documentary proof of identity and personally declare at the civil register office that they satisfy the legal requirements for marriage; they must also produce any necessary consent. [...]

Article 99

The civil register office verifies that:

[...]

3. the requirements for marriage are satisfied, and in particular whether there are any circumstances that suggest that the request clearly does not reflect the free will of the engaged couple. [...]

Invalidity of Marriage

Article 104

The marriage concluded before the civil registrar can only be declared invalid for a reason provided for in this section.

Perpetual Invalidity

Article 105

The marriage is invalid if

[...]

No 5: a spouse did not enter into the marriage of their own free will;

No 6: one of the spouses is a minor, unless the continuation of the marriage is in the overriding interests of this spouse.

Article 106

1. An action for annulment is brought *ex officio* by the competent cantonal authority at the domicile of the spouses; in addition, any interested party is entitled to bring such action. Provided this is compatible with their duties, the federal and cantonal authorities shall contact the authority competent for the action if they have reason to believe that there are grounds for annulment.
2. If the marriage has been otherwise dissolved, the authority may no longer seek an annulment *ex officio*; however, any interested party may seek a declaration of annulment.
3. An action for annulment may be brought at any time.

Article 108

1. An action for annulment must be brought within six months of learning of the grounds for annulment or of the date on which the threat ceased, but in any event within five years of the wedding.
2. The right to bring an action for annulment does not pass to heirs; however, an heir may continue an action already brought.

UKRAINE

[Constitution, 1996 \(as amended\)](#)

Article 51. Marriage is based on the free consent of woman and man. Each of the married couple has even rights and duties in marriage and family.

[Family Code, 2002 \(as amended\)](#)

Article 6. Child

1. A person has the legal status of a child until he reaches the age of majority.
 2. A child is considered a minor until he/she reaches fourteen years of age.
- A minor is a child between the ages of fourteen and eighteen.

Article 16. Providing minor parents with assistance in exercising parental rights and fulfilling parental responsibilities

1. If the mother, father of the child are minors, the child's grandparents on the part of the parent who is a minor are obliged to assist him in exercising parental rights and fulfilling parental duties.

Article 21. Concept of marriage

1. Marriage is a family union of a woman and a man, registered in the body of state registration of acts of civil status. [...]

Article 22. Marriage age

1. The age of marriage for men and women is set at eighteen years.
2. Persons wishing to register a marriage must have reached the age of marriage on the day of marriage registration.

Article 23. Right to marriage

1. Persons who have reached marriageable age have the right to marriage.

2. At the request of a person who has reached the age of sixteen, by a court decision, he/she may be granted the right to marry, if it is established that this is in his interests.

Article 24. Voluntariness of marriage

1. Marriage is based on the voluntary consent of a woman and a man.

Forcing a woman and a man to marry is not allowed.

2. Registration of a marriage with a person who has been declared legally incompetent, as well as with a person who, for other reasons, did not understand the significance of his actions and (or) could not manage them, has the consequences established by [Articles 38-40 of the Family Code](#).

Article 38. Grounds for invalidity of marriage

1. The basis for the invalidity of a marriage is a violation of the requirements established by Articles 22, 24-26 of the Family Code.

Article 41. A marriage that can be declared invalid by a court decision

1. A marriage may be declared null and void by the court, if entered into:

[...]

4. with a person who has not reached marriageable age and who has not been granted the right to marry.

[...]

3. Marriage may not be declared invalid if the wife is pregnant or the child is born to the persons specified in paragraphs 1, 2, 4, first part, or if the one who has not reached marriageable age has reached it or has been granted the right to marry.

Article 44. The time from which the marriage is invalid

1. In the cases provided for by Articles 39-41 of the Family Code, marriage is invalid from the date of its state registration.

Article 47. Rights and obligations of parents and a child born in an invalid marriage

The invalidity of a marriage does not affect the scope of the mutual rights and obligations of the parents and the child born in this marriage.

Article 92. The right to conclude a marriage contract

[...]

1. The conclusion of a marriage contract before the registration of marriage, if the party is a minor, requires the written consent of his parents or guardian, certified by a notary.

[Civil Code, 2003 \(as amended\)](#)

Article 34. Full civil capacity of a natural person

1. A natural person who has reached eighteen years of age (majority) has full civil capacity.

2. In the case of registration of a marriage of an individual who has not reached the age of majority, she/he acquires full civil capacity from the moment of registration of the marriage.

In the event of termination of marriage before an individual reaches the age of majority, the full civil capacity acquired by her/him shall be retained.

If a marriage is declared invalid on grounds not related to the unlawful behavior of a minor, the full civil capacity acquired by him shall be retained.

[Criminal Code, 2001 \(as amended\)](#)

Article 151-2. Forced marriage

1. The coercion of a person to marry or to continue a forcible marriage, or to enter into cohabitation without marriage, or to continue such cohabitation, or to induce for that purpose a person to move to a territory other than that in which he/she resides shall be punishable by arrest for a term of up to six months or by restriction of liberty for a term of up to three years, or by imprisonment for the same term.

2. The same actions committed repeatedly or committed by a group of persons upon their prior conspiracy, or in respect of a person who has not reached the age of marriage in accordance with the law, or in respect of two or more persons shall be punishable by restriction of liberty for a term of up to five years, or imprisonment for the same term.

UNITED KINGDOM

ENGLAND AND WALES

[Marriage Act, 1949](#) (as amended by [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#))

Part I - RESTRICTIONS ON MARRIAGE

2 Marriages of persons under eighteen.

A marriage solemnized between persons either of whom is under the age of eighteen shall be void.

[Anti-social Behaviour, Crime and Policing Act, 2014](#) (as amended by [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#))

Section 121

121 Offence of forced marriage: England and Wales

(1) A person commits an offence under the law of England and Wales if he or she—

(a) uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and

(b) believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent.

(2) In relation to a victim who lacks capacity to consent to marriage, the offence under subsection (1) is capable of being committed by any conduct carried out for the purpose of causing the victim to enter into a marriage (whether or not the conduct amounts to violence, threats or any other form coercion).

(3) A person commits an offence under the law of England and Wales if he or she—

(a) practises any form of deception with the intention of causing another person to leave the United Kingdom, and

(b) intends the other person to be subjected to conduct outside the United Kingdom that is an offence under subsection (1) or would be an offence under that subsection if the victim were in England or Wales.

(3A) A person commits an offence under the law of England and Wales if he or she carries out any conduct for the purpose of causing a child to enter into a marriage before the child's eighteenth

birthday (whether or not the conduct amounts to violence, threats, any other form of coercion or deception, and whether or not it is carried out in England and Wales).

(4) "Marriage" means any religious or civil ceremony of marriage (whether or not legally binding).

[...]

(5A) "Child" means a person under the age of 18 years."

(6) It is irrelevant whether the conduct mentioned in paragraph (a) of subsection (1) or subsection (3A) is directed at the victim of the offence under those subsections or another person.

(7) A person commits an offence under subsection (1) or (3) only if, at the time of the conduct or deception—

(a) the person or the victim or both of them are in England or Wales,

(b) neither the person nor the victim is in England or Wales but at least one of them is habitually resident in England and Wales, or

(c) neither the person nor the victim is in the United Kingdom but at least one of them is a UK national.

(7A) A person commits an offence under subsection (3A) only if—

(a) the conduct is for the purpose of causing the child to enter into a marriage in England or Wales,

(b) at the time of the conduct, the person or child is habitually resident in England and Wales, or

(c) at the time of the conduct, the child is a United Kingdom national who— (i) has been habitually resident in England and Wales, and (ii) is not habitually resident or domiciled in Scotland or Northern Ireland."

[...]

(9) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.

(10) In relation to an offence committed before the commencement of [F2 paragraph 24(2) of Schedule 22 to the Sentencing Act 2020], the reference to 12 months in subsection (9)(a) is to be read as a reference to six months.

[Forced Marriage \(Civil Protection\) Act, 2007](#)

Protection against forced marriage: England and Wales

Part 4A Forced marriage. Forced marriage protection orders.

63A Forced marriage protection orders

(1) The court may make an order for the purposes of protecting—

(a) a person from being forced into a marriage or from any attempt to be forced into a marriage; or

(b) a person who has been forced into a marriage.

(2) In deciding whether to exercise its powers under this section and, if so, in what manner, the court must have regard to all the circumstances including the need to secure the health, safety and well-being of the person to be protected.

(3) In ascertaining that person's well-being, the court must, in particular, have such regard to the person's wishes and feelings (so far as they are reasonably ascertainable) as the court considers appropriate in the light of the person's age and understanding.

(4) For the purposes of this Part a person ("A") is forced into a marriage if another person ("B") forces A to enter into a marriage (whether with B or another person) without A's free and full consent.

(5) For the purposes of subsection (4) it does not matter whether the conduct of B which forces A to enter into a marriage is directed against A, B or another person.

(6) In this Part—

"force" includes coerce by threats or other psychological means (and related expressions are to be read accordingly); and

“forced marriage protection order” means an order under this section.

63B Contents of orders

(1) A forced marriage protection order may contain—

- (a) such prohibitions, restrictions or requirements; and
- (b) such other terms;

as the court considers appropriate for the purposes of the order.

(2) The terms of such orders may, in particular, relate to—

- (a) conduct outside England and Wales as well as (or instead of) conduct within England and Wales;
- (b) respondents who are, or may become, involved in other respects as well as (or instead of) respondents who force or attempt to force, or may force or attempt to force, a person to enter into a marriage;
- (c) other persons who are, or may become, involved in other respects as well as respondents of any kind.

(3) For the purposes of subsection (2) examples of involvement in other respects are—

- (a) aiding, abetting, counselling, procuring, encouraging or assisting another person to force, or to attempt to force, a person to enter into a marriage; or
- (b) conspiring to force, or to attempt to force, a person to enter into a marriage.

63C Applications and other occasions for making orders

(1) The court may make a forced marriage protection order—

- (a) on an application being made to it; or
- (b) without an application being made to it but in the circumstances mentioned in subsection (6).

(2) An application may be made by—

- (a) the person who is to be protected by the order; or
- (b) a relevant third party.

(3) An application may be made by any other person with the leave of the court.

(4) In deciding whether to grant leave, the court must have regard to all the circumstances including—

- (a) the applicant's connection with the person to be protected;
- (b) the applicant's knowledge of the circumstances of the person to be protected; and
- (c) the wishes and feelings of the person to be protected so far as they are reasonably ascertainable and so far as the court considers it appropriate, in the light of the person's age and understanding, to have regard to them.

(5) An application under this section may be made in other family proceedings or without any other family proceedings being instituted.

(6) The circumstances in which the court may make an order without an application being made are where—

- (a) any other family proceedings are before the court (“the current proceedings”);
- (b) the court considers that a forced marriage protection order should be made to protect a person (whether or not a party to the current proceedings); and
- (c) a person who would be a respondent to any such proceedings for a forced marriage protection order is a party to the current proceedings.

[...]

Further provision about orders

63D Ex parte orders: Part 4A

(1) The court may, in any case where it considers that it is just and convenient to do so, make a forced marriage protection order even though the respondent has not been given such notice of the proceedings as would otherwise be required by rules of court.

(2) In deciding whether to exercise its powers under subsection (1), the court must have regard to all the circumstances including—

- (a) any risk of significant harm to the person to be protected or another person if the order is not made immediately;
- (b) whether it is likely that an applicant will be deterred or prevented from pursuing an application if an order is not made immediately; and
- (c) whether there is reason to believe that—
 - (i) the respondent is aware of the proceedings but is deliberately evading service; and
 - (ii) the delay involved in effecting substituted service will cause serious prejudice to the person to be protected or (if a different person) an applicant.
- (3) The court must give the respondent an opportunity to make representations about any order made by virtue of subsection (1).
- (4) The opportunity must be—
 - (a) as soon as just and convenient; and
 - (b) at a hearing of which notice has been given to all the parties in accordance with rules of court.

63E Undertakings instead of orders

- (1) The court may, subject to subsection (3), accept an undertaking from the respondent to proceedings for a forced marriage protection order if it has power to make such an order.
- (2) No power of arrest may be attached to an undertaking given under subsection (1).
- (3) The court may not accept an undertaking under subsection (1) instead of making an order if a power of arrest would otherwise have been attached to the order.
- (4) An undertaking given to the court under subsection (1) is enforceable as if the court had made the order in terms corresponding to those of the undertaking.
- (5) This section is without prejudice to the powers of the court apart from this section.

63F Duration of orders

A forced marriage protection order may be made for a specified period or until varied or discharged.

63G Variation of orders and their discharge

- (1) The court may vary or discharge a forced marriage protection order on an application by—
 - (a) any party to the proceedings for the order;
 - (b) the person being protected by the order (if not a party to the proceedings for the order); or
 - (c) any person affected by the order.
- (2) In addition, the court may vary or discharge a forced marriage protection order made by virtue of section 63C(1)(b) even though no application under subsection (1) above has been made to the court.
- (3) Section 63D applies to a variation of a forced marriage protection order as it applies to the making of such an order.
- (4) Section 63E applies to proceedings for a variation of a forced marriage protection order as it applies to proceedings for the making of such an order.
- (5) Accordingly, references in sections 63D and 63E to making a forced marriage protection order are to be read for the purposes of subsections (3) and (4) above as references to varying such an order.
- (6) Subsection (7) applies if a power of arrest has been attached to provisions of a forced marriage protection order by virtue of section 63H.
- (7) The court may vary or discharge the order under this section so far as it confers a power of arrest (whether or not there is a variation or discharge of any other provision of the order).

Arrest for breach of orders

63H Attachment of powers of arrest to orders

- (1) Subsection (2) applies if the court—
 - (a) intends to make a forced marriage protection order otherwise than by virtue of section 63D; and
 - (b) considers that the respondent has used or threatened violence against the person being protected or otherwise in connection with the matters being dealt with by the order.

(2) The court must attach a power of arrest to one or more provisions of the order unless it considers that, in all the circumstances of the case, there will be adequate protection without such a power.

(3) Subsection (4) applies if the court—

(a) intends to make a forced marriage protection order by virtue of section 63D; and

(b) considers that the respondent has used or threatened violence against the person being protected or otherwise in connection with the matters being dealt with by the order.

(4) The court may attach a power of arrest to one or more provisions of the order if it considers that there is a risk of significant harm to a person, attributable to conduct of the respondent, if the power of arrest is not attached to the provisions immediately.

(5) The court may provide for a power of arrest attached to any provisions of an order under subsection (4) to have effect for a shorter period than the other provisions of the order.

(6) Any period specified for the purposes of subsection (5) may be extended by the court (on one or more occasions) on an application to vary or discharge the order.

(7) In this section “respondent” includes any person who is not a respondent but to whom an order is directed.

63I Arrest under attached powers

(1) Subsection (2) applies if a power of arrest is attached to provisions of a forced marriage protection order under section 63H.

(2) A constable may arrest without warrant a person whom the constable has reasonable cause for suspecting to be in breach of any such provision or otherwise in contempt of court in relation to the order.

(3) A person arrested under subsection (2) must be brought before the relevant judge within the period of 24 hours beginning at the time of the person's arrest.

(4) In calculating any period of 24 hours for the purposes of subsection (3), Christmas Day, Good Friday and any Sunday are to be ignored.

63J Arrest under warrant

(1) Subsection (2) applies if the court has made a forced marriage protection order but—

(a) no power of arrest is attached to any provision of the order under section 63H;

(b) such a power is attached only to certain provisions of the order; or

(c) such a power was attached for a shorter period than other provisions of the order and that period has expired.

(2) An interested party may apply to the relevant judge for the issue of a warrant for the arrest of a person if the interested party considers that the person has failed to comply with the order or is otherwise in contempt of court in relation to the order.

(3) The relevant judge must not issue a warrant on an application under subsection (2) unless—

(a) the application is substantiated on oath; and

(b) the relevant judge has reasonable grounds for believing that the person to be arrested has failed to comply with the order or is otherwise in contempt of court in relation to the order.

(4) In this section “interested party”, in relation to a forced marriage protection order, means—

(a) the person being protected by the order;

(b) (if a different person) the person who applied for the order; or

(c) any other person;

but no application may be made under subsection (2) by a person falling within paragraph (c) without the leave of the relevant judge.

[...]

63M Jurisdiction of courts: Part 4A

(1) For the purposes of this Part “the court” means the High Court or a county court.

[...]

630 Contempt proceedings: Part 4A

The powers of the court in relation to contempt of court arising out of a person's failure to comply with a forced marriage protection order or otherwise in connection with such an order may be exercised by the relevant judge.

[The Civil Partnership Act, 2004](#) (as amended by [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#))

3 Eligibility

(1) Two people are not eligible to register as civil partners of each other if— [...]

(c) either of them is under 18 [...]

54 Validity of civil partnerships registered outside England and Wales

Where two people register as civil partners of each other in Scotland, the civil partnership is—

(a) void, if it would be void in Scotland under section 123,

(aa) void, if the civil partnership was registered when— (i) one of the two people was domiciled in England and Wales, and (ii) one of the two people was under 18, and

(b) voidable, if the circumstances fall within section 50(1)(d).

(2) Where two people register as civil partners of each other in Northern Ireland, the civil partnership is—

(a) void, if it would be void in Northern Ireland under section 173,

(aa) void, if the civil partnership was registered when— (i) one of the two people was domiciled in England and Wales, and (ii) one of the two people was under 18, and;

(b) voidable, if the circumstances fall within any paragraph of section 50(1).

(2A) Where two people convert, or purport to convert, their marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, the civil partnership is—

(a) void, if it would be void in Northern Ireland under section 173,

(aa) void, if the marriage was solemnised there when— (i) one of the two people was domiciled in England and Wales, and (ii) one of the two people was under 18, and

(b) voidable, if it would be voidable there under section 174.

217 Person domiciled in a part of the United Kingdom

(1) Subsection (2) applies if an overseas relationship has been registered by a person who was at the time mentioned in section 215(2) domiciled in England and Wales.

(2) The two people concerned are not to be treated as having formed a civil partnership if, at the time mentioned in section 215(2)—

(a) either of them was under 18.

[Matrimonial Causes Act, 1973](#) (as amended by [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#))

Nullity

11 Grounds on which a marriage is void.

A marriage celebrated after 31st July 1971, other than a marriage to which section 12A applies, shall be void on the following grounds only, that is to say—

(a) that it is not a valid marriage under the provisions of the Marriage Acts 1949 to 1986, that is to say where—

[...]

(ii) either party is under the age of eighteen.

NORTHERN IRELAND

[Age of Marriage Act \(Northern Ireland\), 1951 \(as amended⁴\)](#)

1 Avoidance of marriages where either party is under sixteen.

(1) A marriage between persons either of whom is under the age of sixteen shall be void:

Provided that in any proceedings against a person charged under sub-section (1) of section five of the Criminal Law Amendment Act, 1885 [1885 c.69], or charged with indecent assault, it shall be a sufficient defence to prove that at the time when the offence is alleged to have been committed he had reasonable cause to believe that the girl in respect of whom it is alleged to have been committed was his wife.

[The Marriage Order, 2003](#)

Relevant consents required

22.—(1) A person shall not solemnise the marriage of a person over the age of 16 but under the age of 18 (“a young person”) unless the relevant consents have been given or an order has been made under Article 23.

(2) The relevant consents are—

(a) subject to sub-paragraphs (b) to (d), the consent of—

(i) each parent (if any) of the young person who has parental responsibility for him; and

(ii) each guardian (if any) of the young person;

(b) where a residence order is in force with respect to the young person, the consent of the person or persons with whom he lives, or is to live, as a result of the order (in substitution for the consents mentioned in sub-paragraph (a));

(c) where a care order is in force with respect to the young person, the consent of the Health and Social Services Board or [F1Health and Social Care trust] designated in the order (in addition to the consents mentioned in sub-paragraph (a));

(d) where neither sub-paragraph (b) nor sub-paragraph (c) applies but a residence order was in force with respect to the young person immediately before he reached the age of 16, the consent of the person or persons with whom he lived, or was to live, as a result of the order (in substitution for the consents mentioned in sub-paragraph (a)).

(3) The relevant consents shall be—

(a) in the prescribed form; and

(b) produced to the registrar before the issue of the marriage schedule.

(4) In paragraph (2) “care order”, “ [F1Health and Social Care trust]”, “parental responsibility” and “residence order” have the same meaning as in the Children (Northern Ireland) Order 1995 (NI 2) and in sub-paragraph (a)(ii) of that paragraph the reference to each guardian of the young person is a reference to each person falling within the definition of “guardian of a child” in Article 2(2) of that Order.

(5) Nothing in this Article or Article 23 shall dispense with the necessity of obtaining the consent of the High Court to the marriage of a ward of court.

Order dispensing with relevant consent

⁴ Amended by the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I.2)).

23.—(1) A county court may make an order dispensing with the consents required by Article 22 in relation to a young person if it is satisfied that the proposed marriage is in the best interests of the young person and either—

- (a) it is not reasonably practicable to obtain the consent of any person whose consent is required; or
- (b) any person whose consent is required withholds or refuses his consent; or
- (c) there is uncertainty as to whose consent is required.

(2) An application for an order under this Article may be made—

- (a) by or on behalf of the young person; or
- (b) by or on behalf of any person (including another young person) intending to marry a young person, and without the intervention of a next friend.

(3) The decision of the county court on any application made under this Article shall be final and conclusive.

[Forced Marriage \(Civil Protection\) Act, 2007](#)

CHAPTER 20

An Act to make provision for protecting individuals against being forced to enter into marriage without their free and full consent and for protecting individuals who have been forced to enter into marriage without such consent; and for connected purposes.

[26th July 2007]

[...]

2 Protection against forced marriage: Northern Ireland

Schedule 1 (protection against forced marriage: Northern Ireland) has effect.

[...]

SCHEDULE 1

Protection against forced marriage: Northern Ireland

Part 1

Forced marriage protection orders

1(1) The court may make an order for the purposes of protecting—

- (a) a person from being forced into a marriage or from any attempt to be forced into a marriage; or
- (b) a person who has been forced into a marriage.

(2) In deciding whether to exercise its powers under this paragraph and, if so, in what manner, the court must have regard to all the circumstances including the need to secure the health, safety and well-being of the person to be protected.

(3) In ascertaining that person's well-being, the court must, in particular, have such regard to the person's wishes and feelings (so far as they are reasonably ascertainable) as the court considers appropriate in the light of the person's age and understanding.

(4) For the purposes of this Schedule a person ("A") is forced into a marriage if another person ("B") forces A to enter into a marriage (whether with B or another person) without A's free and full consent.

(5) For the purposes of sub-paragraph (4) it does not matter whether the conduct of B which forces A to enter into a marriage is directed against A, B or another person.

(6) In this Schedule—

"force" includes coerce by threats or other psychological means (and related expressions are to be read accordingly); and

"forced marriage protection order" means an order under this paragraph.

Commencement Information

Contents of orders

2(1) A forced marriage protection order may contain—

- (a) such prohibitions, restrictions or requirements; and
- (b) such other terms;

as the court considers appropriate for the purposes of the order.

(2) The terms of such orders may, in particular, relate to—

- (a) conduct outside Northern Ireland as well as (or instead of) conduct within Northern Ireland;
- (b) respondents who are, or may become, involved in other respects as well as (or instead of) respondents who force or attempt to force, or may force or attempt to force, a person to enter into a marriage;
- (c) other persons who are, or may become, involved in other respects as well as respondents of any kind.

(3) For the purposes of sub-paragraph (2) examples of involvement in other respects are—

- (a) aiding, abetting, counselling, procuring, encouraging or assisting another person to force, or to attempt to force, a person to enter into a marriage; or
- (b) conspiring to force, or to attempt to force, a person to enter into a marriage.

Applications and other occasions for making orders

3(1) The court may make a forced marriage protection order—

- (a) on an application being made to it; or
- (b) without an application being made to it but in the circumstances mentioned in sub-paragraph (6).

(2) An application may be made by—

- (a) the person who is to be protected by the order; or
- (b) a relevant third party.

(3) An application may be made by any other person with the leave of the court.

(4) In deciding whether to grant leave, the court must have regard to all the circumstances including—

- (a) the applicant's connection with the person to be protected;
- (b) the applicant's knowledge of the circumstances of the person to be protected; and
- (c) the wishes and feelings of the person to be protected so far as they are reasonably ascertainable and so far as the court considers it appropriate, in the light of the person's age and understanding, to have regard to them.

(5) An application under this paragraph may be made in other family proceedings or without any other family proceedings being instituted.

(6) The circumstances in which the court may make an order without an application being made are where—

- (a) any other family proceedings are before the court (“the current proceedings”);
- (b) the court considers that a forced marriage protection order should be made to protect a person (whether or not a party to the current proceedings); and
- (c) a person who would be a respondent to any such proceedings for a forced marriage protection order is a party to the current proceedings.

[...]

Ex parte orders

4(1) The court may, in any case where it considers that it is just and convenient to do so, make a forced marriage protection order even though the respondent has not been given such notice of the proceedings as would otherwise be required by rules of court.

[...]

Duration of orders

5A forced marriage protection order may be made for a specified period or until varied or discharged.
[...]

Variation of orders and their discharge

6(1)The court may vary or discharge a forced marriage protection order on an application by—

- (a)any party to the proceedings for the order;
- (b)the person being protected by the order (if not a party to the proceedings for the order); or
- (c)any person affected by the order.

(2)In addition, the court may vary or discharge a forced marriage protection order made by virtue of paragraph 3(1)(b) even though no application under sub-paragraph (1) above has been made to the court.

(3)Paragraph 4 applies to a variation of a forced marriage protection order as it applies to the making of such an order; and, accordingly, references in that paragraph to making a forced marriage protection order are to be read as references to varying such an order.

Part 2

Enforcement

Offence of contravening an order

7Any person who, without reasonable excuse, contravenes a forced marriage protection order, commits an offence and is liable on summary conviction—

- (a)to a fine not exceeding level 5 on the standard scale;
- (b)to imprisonment for a term not exceeding 6 months; or
- (c)to both.

[...]

SCOTLAND

[Marriage Act, 1977](#)

1 Minimum age for marriage.

(1)No person domiciled in Scotland may marry before he attains the age of 16.

(2)A marriage solemnised in Scotland between persons either of whom is under the age of 16 shall be void.

5 Objections to marriage.

(3)[F4Subject to subsection (3A) below,] if the Registrar General is satisfied, on consideration of an objection of which he has received notification under subsection (2)(b)(i) above, that—

- (a)there is a legal impediment to the marriage, he shall direct the district registrar to take all reasonable steps to ensure that the marriage does not take place and shall notify, or direct the district registrar to notify, the parties to the intended marriage accordingly;

[...]

(4) For the purposes of [F6this section] and section 6 of this Act, there is a legal impediment to a marriage where—

[...]

(c)one or both of the parties will be under the age of 16 on the date of solemnisation of the intended marriage; [...]

Anti-social Behavior, Crime and Policing Act 2014

122 Offence of forced marriage: Scotland

(1) A person commits an offence under the law of Scotland if he or she—

(a) uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and

(b) believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent.

(2) In relation to a victim who is incapable of consenting to marriage by reason of mental disorder, the offence under subsection (1) is capable of being committed by any conduct carried out for the purpose of causing the victim to enter into a marriage (whether or not the conduct amounts to violence, threats or any other form coercion).

(3) A person commits an offence under the law of Scotland if he or she—

(a) practises any form of deception with the intention of causing another person to leave the United Kingdom, and

(b) intends the other person to be subjected to conduct outside the United Kingdom that is an offence under subsection (1) or would be an offence under that subsection if the victim were in Scotland.

(4) “Marriage” means any religious or civil ceremony of marriage (whether or not legally binding).

(5) “Mental disorder” has the meaning given by section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

(6) It is irrelevant whether the conduct mentioned in paragraph (a) of subsection (1) is directed at the victim of the offence under that subsection or another person.

(7) A person commits an offence under subsection (1) or (3) only if, at the time of the conduct or deception—

(a) the person or the victim or both of them are in Scotland,

(b) neither the person nor the victim is in Scotland but at least one of them is habitually resident in Scotland, or

(c) neither the person nor the victim is in the United Kingdom but at least one of them is a UK national.

(8) “UK national” means an individual who is—

(a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;

(b) a person who under the British Nationality Act 1981 is a British subject; or

(c) a British protected person within the meaning of that Act.

(9) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine or both.

