



REGERINGSKANSLIET

Government Offices
of Sweden

FACT SHEET

Ministry of Justice

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Greater protection against forced marriage and child marriage

From 1 July 2014, new criminal and civil law provisions apply that strengthen protection against forced marriage and child marriage. Two new offences are introduced in the Swedish Penal Code. In addition, the possibility of children being granted exemption to marry is abolished. The provisions on recognition of foreign marriages are also made more stringent.

The offence of coercion to marry

The new offence of coercion to marry applies to a person who, by unlawful coercion or exploitation of another person's vulnerable situation, induces this person to enter into marriage or a marriage-like relationship. The penalty for coercion to marry is imprisonment for at most four years.

Even before the new legislation, cases involving coercion were punishable as unlawful coercion. However, the criminalisation of exploiting a person's vulnerable situation is new. Such exploitation may, for example, involve the perpetrator exploiting the fact that the victim is in a dependent position in relation to him or her. It may also involve the exploitation of certain other circumstances, such as the victim having an intellectual disability. When adults on whom a child is dependent compel the child to marry against their will, or arrange a marriage without consideration to the child's wishes, this may be a case of exploiting the child's vulnerable situation.

This provision applies to Swedish and certain foreign legally valid marriages. It also applies to marriage-like relationships which are entered into in accordance with rules that apply within a group and involve the parties being considered as spouses and as having rights or obligations in relation to each other, and which include the issue of dissolution of the relationship. In practice this concerns various religious or traditional marriages.

Criminalisation at an early stage

Certain preliminary stages to the offence of coercion to marry may be punishable as attempt or preparation to commit this offence, or as the offence of luring someone to travel abroad with the purpose of forcing them to enter into marriage (see below).

If coercion to marry is committed abroad

Coercion to marry has been exempted from the dual criminality requirement that applies to most offences. This means that a suspected case of coercion to marry may be heard by a Swedish court even if the act is not a criminal offence in the country in which it was committed.

The offence of luring someone to travel abroad with the purpose of forcing them to enter into marriage

The provision on coercion to marry is being supplemented with the new offence of luring someone to travel abroad with the purpose of forcing them to enter into marriage. The penalty is imprisonment for at most two years.

This offence applies to a person who by deception induces another person to travel to a state other than the one in which they reside with the purpose of causing the person, by unlawful coercion or exploitation of their vulnerable situation, to enter into a marriage or a marriage-like relationship. In other words, it involves luring someone to travel abroad with the purpose of marrying them off by force or by exploiting their vulnerable situation.

Children will no longer be able to enter into marriage

The premise in Swedish marriage law has long been that a person under the age of 18 has not reached the maturity required to independently take a position on the kinds of personal and financial issues that arise in marriage. The possibility of a person under the age of 18 receiving permission to enter into marriage (exemption from impediment to marriage) is now being abolished. The minimum age required to enter into marriage in Sweden will therefore, without exception, be 18.

Recognition of foreign forced marriages, child marriages and proxy marriages

The recognition of a foreign marriage in Sweden means that it is valid in this country and accordingly has the same legal consequences as a Swedish marriage. The possibility of recognising foreign child marriages in which at least one of the parties has

ties to Sweden, and forced marriages, is now being further limited. Such marriages can be recognised only if exceptional grounds exist. This also applies to the recognition of foreign proxy marriages (marriages in which the parties are not both present at the same time during solemnisation) if at least one of the parties has ties to Sweden. The requirement of exceptional grounds means that recognition may only be considered in strictly exceptional cases. Such could be the case if a refusal of recognition would entail serious consequences for the parties, or if it otherwise appeared unreasonable not to recognise the marriage.

Marriage within religious communities

For a marriage to be valid, it must be officiated by an authorised wedding officiant. Kammarkollegiet (the Legal, Financial and Administrative Services Agency) grants licences to religious communities to perform wedding ceremonies. Kammarkollegiet also authorises the wedding officiants of religious communities. The requirements placed on religious communities and their wedding officiants are being

made more stringent in that licences and authorisations will not be granted if there is good reason to assume that an officiant within a religious community will perform wedding-like ceremonies that give rise to marriage-like relationships in which one of the parties is either under the age of 18 or has not consented to the union. Establishing these requirements as a prerequisite for officiating a wedding also enables Kammarkollegiet to revoke a marriage licence or an officiant's authorisation if such ceremonies have been performed. Finally, Kammarkollegiet's supervision of religious communities and their wedding officiants is being expanded.

Additional information on the new provisions

Further information on the new provisions can be found in the Government Bill 'Greater protection against forced marriage and child marriage, and accession to the Council of Europe Convention on preventing and combating violence against women' (Government Bill 2013/14:208).

The Bill (in Swedish) can be found on the Government website: www.regeringen.se.



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