



AD HOC QUERY ON 2019.69 NO EMN AHQ on forced marriage

Requested by Kathleen CHAPMAN on 24 June 2019

Compilation produced on 8 August 2019

Responses from EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Hungary, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Slovakia, EMN NCP Sweden, EMN NCP United Kingdom plus EMN NCP Norway (21 in Total)

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1. Background information

From 20 April 2018, the Norwegian parliament and government introduced a new requirement for persons who are applying for a residence permit for getting married in Norway (fiancé permit) or for joining a marital spouse already in Norway. The change stipulated that both fiancés/spouses must be at least 24 years old by the time the application is processed. The 24-year age limit was introduced for spouses and cohabitants on 1 January 2017. This requirement was introduced in an attempt to limit the number of forced marriages.

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When processing these applications, Norway considers whether the applicants and or their parents have backgrounds from countries/areas/ethnic groups where European immigration authorities have experience that forced marriages occur, for example: Afghanistan, Algeria, Bangladesh, Cambodia, China (only Uyghurs and Tibetans), Egypt, Eritrea, Ethiopia, India, Iraq, Iran, Jordan, Kosovo, Lebanon, Libya, Morocco, Nepal, Pakistan, Palestine, Russia (only Chechens), Somalia, Sri Lanka, Stateless, Sudan, Syria, Tunisia, Turkey, West-Sahara, and/ or Yemen. Norway also considers whether there are any other reasons to believe that an applicant might be vulnerable to forced marriage. Processing an application requires us to be familiar with experience in other MS, so that if we do make an exception to the "24 y.o. rule", because a young couple clearly has a consensual relationship, we only do so in keeping with EU experience regarding forced marriages.

Given that European practice is an important reference point for Norwegian case workers, we would like to ask the EMN MS to share their concrete experience with forced marriage with us.

2. Questions

- 1. 1. Has your MS introduced legal requirements, specific provisions, national legislation or changes in practice that were introduced with the intention of reducing the number of forced marriages? Yes/ No**
- 2. 2. If your MS has legal provisions where a residence permit may be refused if it is likely that the marriage has been entered into against the will of either party, please comment on the numbers of cases that have been rejected on such grounds. Rough estimates are also welcome.**
- 3. 3. Please briefly describe general observations about the profile of typical victims of forced marriage as well as the extent your MS has observed abuse; such as whether the applicants and not least of all, the applicants' parents, belong to particular religious groups, particular nationalities, ethnic background etc.**
- 4. 4. Have there been any particular cases or instances recently that have drawn your attention and concerns?**
- 5. 5. Has your MS undertaken specific research and/or evaluation regarding legal measures taken to reduce the number of cases of forced marriage? If so, please provide links to English/ Scandinavian language texts.**

We would very much appreciate your responses by **26 July 2019**.

3. Responses

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1

		Wider Dissemination ²	
	EMN NCP Austria	No	
	EMN NCP Belgium	Yes	<p>1. Yes. In 2006, the minimum age for family reunification with one's spouse or registered partner residing in Belgium has been raised from 18 to 21 years in order to prevent forced marriages (Art. 10 Immigration Act, modified by the Law of 15 September 2006).</p> <p>The Law of 25 April 2007 moreover inserted provisions in the Civil Code and Penal Code regarding the refusal to celebrate, annulment and criminalisation of forced marriages (Explanatory memorandum; Art. 146ter, 184 Civil Code; Art. 391sexies, 391septies Penal Code). The Law of 2 June 2013 regarding marriages of convenience also contained a number of measures related to forced marriages.</p> <p>In 2017, the Minister of Justice and the College of prosecutors general issued a circular letter on the investigation and prosecution policy regarding honour-related violence, female genital mutilation, forced marriages and forced legal cohabitation. The circular introduced various measures to protect (potential) victims of forced marriages, including a declaration not to engage in forced marriages to be signed by the parents of a minor child in certain situations (Circular of 27 April 2017).</p>

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>In July 2019, the Institute for the Equality of Women and Men published the “Code for civil registrars to report forced marriages”. The Code lists a number of elements that may indicate that one of the candidate-spouses does not consent with the marriage: “Contextual risk factors” (e.g. summer holidays), “Administrative observations” (e.g. irregular stay of one of the parties), “Physical appearance and attitude” (e.g. mental suffering) and “Control” (e.g. presence of family members). If a national civil registrar refuses to celebrate or if a judge annuls a marriage because of its forced character, a copy of the decision or judgment is sent to the Immigration Office. The Office can then decide to reject (or to withdraw) authorisation to stay on the basis of family reunification.</p> <ul style="list-style-type: none"> - Immigration Act: http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&t... - Explanatory Memorandum Law of 25 April 2007 : https://www.dekamer.be/FLWB/pdf/51/2767/51K2767001.pdf - Civil Code : https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&... - Penal Code: http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&c... - Circular 27 April 2017: https://www.intact-association.org/images/COLFR/col06_2017_fr.pdf - Code for Civil Registrars: https://igvm-iefh.belgium.be/sites/default/files/igvm_gedw_huw_fr_web.pdf <p>2. There are no national statistics on refusals of residence permits on the basis of forced marriages.</p> <p>3. Due to the absence of statistics (see Q2), no observations about the profile of typical victims of forced marriages can be made.</p> <p>4. -</p> <p>5. Forced marriage is one of the key topics of the current National Action Plan (NAP) to Combat All Forms of Gender-Related Violence (2015-2019). One of the objectives of the NAP is to extend and to improve existing legislation on gender-related violence. An interim report on the execution of the plan has been published in 2018.</p> <p>National policies and practices related to forced marriage have also been examined by the International Centre for Reproductive Health of Ghent University. See for instance the (slightly outdated) publication “Forced Marriage in Belgium: An Analysis of the Current Situation”.</p> <ul style="list-style-type: none"> - NAP (in English): https://igvm-iefh.belgium.be/sites/default/files/comprehensive_press_fil... - Interim report NAP (in French): https://igvm-
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			<p>iefh.belgium.be/sites/default/files/downloads/evaluatieapp...</p> <p>- Ghent University Report (in English): https://biblio.ugent.be/publication/8552726/file/8552727.pdf</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. 8 cases</p> <p>According to the Bulgarian legislation forced marriage is part of the fake marriage. Refused shall be the issuance of residence permit to a foreigner, who has concluded matrimony with a Bulgarian citizen or a foreigner who has been adopted by a Bulgarian citizen or with a foreigner, who has obtained a residence permit, if data presents, that the matrimony was concluded or adoption was done with the only purpose to circumvent the legislation regulating the foreigners regime in the Republic of Bulgaria and obtaining a residence permit.</p> <p>Assessment to refuse the permit shall be taken by the offices for administrative control of the foreigners on the basis of evidence justifying an objective conclusion that the matrimony has been concluded or the adoption was done solely for the purpose of evading the norms stipulating the regime for foreigners in the Republic of Bulgaria and obtaining a permit for stay. Such evidence can be:</p> <ul style="list-style-type: none"> -the circumstance that the spouses or the adopted person and the adoptive parent do not live together; -lack of contribution to the commitments ensuing from the marriage; -the circumstance that the spouses have not known each other before the marriage; - the presentation of contradicting information for the personal data of the other spouse or the adopted person (name, address, nationality, profession), for the circumstances of their acquaintance or other important personal information; - the circumstance that the spouses or the adopted person and the adoptive parent do not speak a language understandable for both of them; -the payment of money for the contracting of the marriage beyond the usual dowry; - the presence of previous marriages or adoptions contracted for the purpose of evading the norms stipulating the regime for the foreigners; - the circumstance that the matrimony was concluded , respectively – adoption was done, after the

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			<p>foreigner has obtained residence permit. The data can be established by interviews held by employees of the services for administrative control of the foreigners, by statements of the concerned or third persons, by documentary means or by investigation and check up carried out by the state bodies. The services for administrative control of the foreigners shall obligatorily hear out the concerned persons.</p> <p>2. 8 cases</p> <p>According to the Bulgarian legislation forced marriage is part of the fake marriage. Refused shall be the issuance of residence permit to a foreigner, who has concluded matrimony with a Bulgarian citizen or a foreigner who has been adopted by a Bulgarian citizen or with a foreigner, who has obtained a residence permit, if data presents, that the matrimony was concluded or adoption was done with the only purpose to circumvent the legislation regulating the foreigners regime in the Republic of Bulgaria and obtaining a residence permit.</p> <p>Assessment to refuse the permit shall be taken by the offices for administrative control of the foreigners on the basis of evidence justifying an objective conclusion that the matrimony has been concluded or the adoption was done solely for the purpose of evading the norms stipulating the regime for foreigners in the Republic of Bulgaria and obtaining a permit for stay. Such evidence can be:</p> <ul style="list-style-type: none">-the circumstance that the spouses or the adopted person and the adoptive parent do not live together;-lack of contribution to the commitments ensuing from the marriage;-the circumstance that the spouses have not known each other before the marriage;- the presentation of contradicting information for the personal data of the other spouse or the adopted person (name, address, nationality, profession), for the circumstances of their acquaintance or other important personal information;- the circumstance that the spouses or the adopted person and the adoptive parent do not speak a language understandable for both of them;-the payment of money for the contracting of the marriage beyond the usual dowry;- the presence of previous marriages or adoptions contracted for the purpose of evading the norms stipulating the regime for the foreigners;- the circumstance that the matrimony was concluded , respectively – adoption was done, after the foreigner has obtained residence permit.
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			<p>The data can be established by interviews held by employees of the services for administrative control of the foreigners, by statements of the concerned or third persons, by documentary means or by investigation and check up carried out by the state bodies. The services for administrative control of the foreigners shall obligatorily hear out the concerned persons.</p> <p>3. The applicants belong to Bangladesh, Vietnam, Serbia, Turkey and North Macedonia.</p> <p>4.</p> <p>5.</p>
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1. No. Regarding approving temporary residence for the purpose of family reunification, Croatian Aliens Act does not specifically address the issue of forced marriages. The Croatian Aliens Act addresses only marriage of convenience. In Article 58. It is proscribed that temporary residence for the purpose of family reunification shall not be granted if the marriage is concluded as a marriage of convenience. The marriage of convenience means the marriage concluded for the reason of avoiding conditions required for entry and residence of a foreigner. Circumstances which may indicate that the marriage is the marriage of convenience are as follows: the spouses do not maintain their marital union, the spouses do not perform their marital obligations, the spouses have never met before the conclusion of the marriage, the spouses fail to provide consistent personal data, the spouses do not speak a language that they both understand, money was exchanged for the conclusion of marriage, unless the money is given as a dowry, and the spouses come from countries where presentation of a dowry is a custom, there is a proof of previous marriages of convenience on the part of any of the spouses, either in the Republic of Croatia or abroad.</p> <p>2. N/A</p> <p>3. We have no such statistics.</p>

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			<p>4. No information.</p> <p>5. No information.</p>
	EMN NCP Cyprus	Yes	<p>1. In July 2016, the Ministry of Interior has received information that organized criminal groups transports European citizens in Cyprus, mainly women of Roma origin from Bulgaria and Romania, in order to conduct a sham marriage with TCNs, with the ultimate goal of the latter acquiring free movement rights. Certain measures were taken in order to address this phenomenon, aiming to cut off criminal networks and protect victims. The most important measures taken were the preventive checks in the procedure for issuing a non-marriage certificate at the Migration Department. In this context, a member of the Police Office for Combating Trafficking in Human Beings sat together with the officer at the Migration Department, undercover, to jointly investigate suspicious incidents and also to train the responsible officer to identify and refer potential trafficking victims. Also, if the marriage had finally taken place, then the residence permit of the TCN as a family member of a European citizen was issued with a slight delay, with the aim of ensuring a satisfactory period of examining marriage authenticity while the TCN was still in Cyprus. Moreover, immigration police officers at the airport, were instructed to screen women arriving from Bulgaria and Romania, matching the “bride” profile, and if there was such a suspicion, she was either denied entry, or was referred to the Police Office for Combating Trafficking in Human Beings, accordingly.</p> <p>2. N/A</p> <p>3. See Q1 and Q4.</p> <p>4. Applications for international protection submitted in Cyprus by Syrian child brides has increased significantly in the last couple of years, especially due to the escalation of the refugee crisis</p> <p>5. No</p>

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	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. No 2. No, not yet. 3. We do not register any cases of forced marriages. It is hard even to recognize the possible case of forced marriage. 4. No 5. No, not yet.
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. No. 2. Yes, despite the fact that we haven't registered so far such cases, there is legal provision that residence permit may be revoked if there is no real family life (in sense that the spouses share close economic ties and a psychological dependence, the family is stable and the marriage is not fictitious). 3. We have no such cases. 4. No. 5. No.

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	<p>EMN NCP Finland</p>	<p>Yes</p>	<p>1. Specifically no. It is how ever possible to not grant a residence permit, if it is obvious that the other part will not lead a family life with the spouse.</p> <p>2. We have no such statistics as we do not have such a specific legal provision.</p> <p>4. No, not recently.</p>
	<p>EMN NCP France</p>	<p>Yes</p>	<p>2. Not available</p> <p>3. Among the victims, one third is foreign born, two thirds were born in France to foreign parents. The main countries concerned in descending order: Morocco, Algeria, Mali, Senegal, Tunisia, Turkey, Pakistan, Guinea, Comoros and Sri Lanka. Source: Statistical study realised the French Institute for Demographic Studies (INED), 1000 cases examined between 2007 and 2011, https://www.egalite-femmes-hommes.gouv.fr/publications/droits-des-femmes...</p> <p>4. No information</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. Yes, but please note that the Federal Office for Migration and Refugees is only responsible for the asylum procedure in Germany. All questions regarding the stay of an alien including the issuance of residence permits lies within the competence of the Federal States, namely the(over 600) local alien authorities, a query among them is not possible within the timeframe of an Ad-Hoc Query. However,</p>

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			<p>some general information on the topic from third sources is provided below. In 2011, Germany introduced the Act to combat forced marriages and to better protect victims of forced marriage, and to amend some Acts on residence and asylum (see https://www.ohchr.org/Documents/Issues/Women/WRGS/ForcedMarriage/Germany... and http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=89671). Moreover, in 2017, the Act to combat child marriages entered into force (http://www.asylumineurope.org/reports/country/germany/content-internatio... and http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=106046&p_co...) .</p> <p>2. No data available. See also introductory remark above under 1.</p> <p>3. No information available. See also introductory remark above under 1.</p> <p>4. No information available. See also introductory remark above under 1.</p> <p>5. Yes, in 2012 the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth published the study on “Zwangsverheiratung in Deutschland – Anzahl und Analyse von Beratungsfällen” (Forced marriages in Germany – number and analysis in consultation cases). However, the study is only available in German. The Ministry has also published a guidance for child and youth welfare services in 2018 (also only available in German).</p>
	EMN NCP Hungary	Yes	<p>1. Hungary has not introduced legal requirements or specific provisions to reduce the number of forced marriages, but as a general rule, pursuant to the Hungarian law application for residence permit or the extension of existing ones shall be refused, or if already issued shall be withdrawn from third-country nationals who established the family relationship solely for the purpose of obtaining a residence permit on the grounds of family reunification.</p>

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			<p>2. Due to the lack of specific statutory provisions, we do not have information or data related to that kind of cases.</p> <p>3. Due to the lack of specific statutory provisions, we do not have information or data related to that kind of cases.</p> <p>4. Due to the lack of specific statutory provisions, we do not have information or data related to that kind of cases.</p> <p>5. N/A</p>
	EMN NCP Italy	Yes	<p>1. On 17 July 2019, the bill n. 1200/2019 called "Red Code" has become law (still not published in the Official Journal of Italian Republic) introducing the crime of coercion or induction to marriage (art. 558-bis of Penal Code) in the Penal Code. In particular:</p> <ul style="list-style-type: none"> - Anyone forces, with violence or threat, someone else to marriage or civil union is punished with imprisonment from 1 to 5 years (increased if the victim is under 18 years). - The same sanction shall apply to anyone - taking advantage of vulnerable conditions of someone else - induces him else to marriage or civil union. - These penalties are increased (from 2 to 7 years of imprisonment) if the crime is committed against a minor under 14 years old. <p>Before this specific regulation, Italian law did not contain explicit references to "forced marriage". However, it was addressed using other legal instruments, in particular:</p> <ul style="list-style-type: none"> - the classification of domestic maltreatment as a criminal offence (Art. 572 of the Penal Code). - Point 18 of Ministerial Decree (23 April 2007) called "Chart of Citizenship and Integration Values", states that the conjugal union shall be founded on freedom, therefore forced marriage or marriage directly involving children are forbidden. - Ratification (with the law 77/2013) of the Istanbul Convention on preventing and combating violence against women and domestic violence. <p>Article 42 of the Istanbul Convention is entitled Unacceptable justifications for crimes, including</p>

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			<p>crimes committed in the name of so-called “honour” and reads as follows: “in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called ‘honour’ shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.”</p> <p>Also crucial is Article 5 of the Convention, concerning a state’s responsibility to intervene in cases of forced marriages or other harmful and discriminatory practices committed in the name of “honour”: this article binds all the relevant institutions to develop professional standards and procedures for prioritizing women’s safety and protecting their personal identity; respect the victim’s wishes concerning whether or not to initiate civil or criminal legal proceedings; and ensure gender equality as well as impartiality and non-discrimination with respect to ethnic identity or other characteristics relating to the victim’s country of origin.</p> <p>In the migration legislation, there is no an explicit reference to forced migration. The only provisions which may protect the potential victim of this phenomenon, are contained in the following regulation. In particular, article 29 of Consolidated Act on Immigration (law 286/1998) provides that a third country national could ask for family reunification with his spouse only if he (the spouse towards whom has been requested the family reunification) is older than 18 years.</p> <p>Moreover, article 116 of Civil Code allows marriage between foreigners even if one of them is not in possession of a valid residence permit (as states by the Constitutional Court).</p> <p>So, foreigners who wants to get married has to ask an authorization to Embassy of his country in Italy, which verify that there are no impediments to marriage, such as family or parent-child relationship, relation of adoption, previous marriage. Then, according to art. 84 of Civil Code, persons under 18 years old shall not contract marriage, unless the minor is at least 16 years old and he has been allowed by the juvenile court.</p> <p>On 17 July 2019, the bill n. 1200/2019 called “Red Code” has become law (still not published in the Official Journal of Italian Republic) introducing the crime of coercion or induction to marriage (art. 558-bis of Penal Code)in the Penal Code. In particular:</p> <ul style="list-style-type: none"> - Anyone forces, with violence or threat, someone else to marriage or civil union is punished with imprisonment from 1 to 5 years (increased if the victim is under 18 years). - The same sanction shall apply to anyone - taking advantage of vulnerable conditions of someone else - inducts him else to marriage or civil union. - These penalties are increased (from 2 to 7 years of imprisonment) if the crime is committed
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			<p>against a minor under 14 years old.</p> <p>Before this specific regulation, Italian law did not contain explicit references to "forced marriage". However, it was addressed using other legal instruments, in particular:</p> <ul style="list-style-type: none"> - the classification of domestic maltreatment as a criminal offence (Art. 572 of the Penal Code). - Point 18 of Ministerial Decree (23 April 2007) called "Chart of Citizenship and Integration Values", states that the conjugal union shall be founded on freedom, therefore forced marriage or marriage directly involving children are forbidden. - Ratification (with the law 77/2013) of the Istanbul Convention on preventing and combating violence against women and domestic violence. <p>Article 42 of the Istanbul Convention is entitled Unacceptable justifications for crimes, including crimes committed in the name of so-called "honour" and reads as follows: "in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called 'honour' shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour."</p> <p>Also crucial is Article 5 of the Convention, concerning a state's responsibility to intervene in cases of forced marriages or other harmful and discriminatory practices committed in the name of "honour": this article binds all the relevant institutions to develop professional standards and procedures for prioritizing women's safety and protecting their personal identity; respect the victim's wishes concerning whether or not to initiate civil or criminal legal proceedings; and ensure gender equality as well as impartiality and non-discrimination with respect to ethnic identity or other characteristics relating to the victim's country of origin.</p> <p>In the migration legislation, there is no an explicit reference to forced migration. The only provisions which may protect the potential victim of this phenomenon, are contained in the following regulation. In particular, article 29 of Consolidated Act on Immigration (law 286/1998) provides that a third country national could ask for family reunification with his spouse only if he (the spouse towards whom has been requested the family reunification) is older than 18 years.</p> <p>Moreover, article 116 of Civil Code allows marriage between foreigners even if one of them is not in possession of a valid residence permit (as states by the Constitutional Court).</p> <p>So, foreigners who wants to get married has to ask an authorization to Embassy of his country in Italy, which verify that there are no impediments to marriage, such as family or parent-child relationship, relation of adoption, previous marriage. Then, according to art. 84 of Civil Code, persons</p>
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			<p>under 18 years old shall not contract marriage, unless the minor is at least 16 years old and he has been allowed by the juvenile court.</p> <p>2. There is no available specific data on this topic</p> <p>3. First at all, it may be necessary to underline that in Italy there is no official documents relating to the profile of typical victims of forced marriage. Nevertheless, on 22 December 2017, the Department for Equal Opportunities (which supports the Presidency of the Council of Ministers) has published “the Guidelines for the Early Identification of Victims of Female Genital Mutilation or Other Harmful Practices”, such as forced marriage, with the aim to provide guidance to practitioner operating in reception centers. (Link: http://www.pariopportunita.gov.it/wp-content/uploads/2018/01/file-unico-...). Identifying the victims of FGM or forced marriages is essential to ensuring that they can access their rights and may be referred to the relevant specialized services. This means that the victims will receive appropriate assistance, be fully informed about their future options, and be put in touch with one or more organizations that can provide them with the support they need going forward. For girls and young women who are identified as victims of gender-related persecution, including forced marriages, the main local resources are Anti-Violence Centres, and the services provided by local networks of anti-violence centres. In order to obtain a first response to their needs, useful information, and direction to the nearest anti-violence centres and both public and private social and healthcare services, women may call the national freephone number 1522. According to a statistical survey (ISTAT-CNR), in 2017 there were 338 anti-violence centres or specialized services all over the national territory. Foreign women, who, in 2017, have begun a path of release from violence, have been about 8.711. With regard to the reception of women who are potential victims of forced marriages, the Guidelines state as follows. All interviews with the woman must take place in a private setting, and the utmost confidentiality must be ensured. It is crucial in this kind of interview to avoid involving relatives, friends, or mediators from the woman’s own community as interpreters, because this would prevent her from freely speaking about any situation of violence that she has undergone and would prevent her from openly asking for help. The interview must always be conducted in a place that the woman perceives as safe. All possible</p>
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			<p>risk factors must be taken into consideration and evaluated in the course of the interview. The practitioner must briefly and clearly explain to the woman the forms of help that are available to her and possible legal solutions for her situation. It may be relevant to underline that there is a lack of official statistics on the practice in the countries of origin, while the motives leading parents to marry off daughters against their will are complex, defying statistical analysis. However, the United Nations data on early marriage can act as a proxy indicator for the practice of forced marriage in a given country population. Hence, the practitioner can construct a sort of "risk profile" based on the age of the girl/young woman, who – if anyone – is accompanying her, the incidence of early marriages and official fertility rates for younger women and girls in her country of origin, and contingent factors affecting living conditions in the region from which she has migrated (natural disasters, conflict, other). The combination of several of the above risk factors will correspond to an overall higher risk profile. The official United Nations ranking (UNFPA) reveals that the proportion of child brides (under 15 years) in some countries is over 20%, and that two thirds to three quarters of all women are married by age 18 years, which still qualifies as early marriage. Another indirect indicator of early marriage is the fertility rate of young people aged 15-19 years. This supplementary indicator shows, as might be expected, that in countries with large percentages of girls entering marriage before 15 years of age, the fertility rate is very high, but also that the early motherhood is frequently among women marrying before age 18. Please, for more detail see the chart contained at pages 20 and 21 of the Guidelines: http://www.pariopportunita.gov.it/wp-content/uploads/2018/01/file-unico-...</p> <p>4. An interesting case-law regards the story of a Nigerian woman who –after refusing to marry her brother in law as required by local customs - decided to flee from her country of origin and applied for asylum in Italy. This case-law has highlighted the relevance of the phenomenon of forced marriage also among asylum seekers. In this concrete case, international protection application was been refused both by administrative authority and the Court of first instance, because of the forced marriage was not be considered as a</p>
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			<p>form of persecution. But the Court of Cassation (decision n. 28152 of 24 November 2017) stated that forced marriage is a form of persecution which may take shape of both physical and psychological violence or of acts specifically directed against a sexual gender or against children. The treatment suffered by the applicant after refusing to get marry (she was being threatened, kept from family's house and deprived of her rights) has been considered by the Supreme Court as a serious act of violence against a sexual gender and so, granted her a refugee status.</p> <p>5. On 23 November 2017 the Italian Government has approved the National Plan against women's violence (2017-2020), elaborating by an ad hoc multilevel working group (local and central administrations, trade unions, National Research Committee, National Institute of Statistics). The document proposes the three strategic axes defined in the Istanbul Convention (prevent, protect and support, prosecute and punish) and a transversal axe aimed to support the implementation of integrated policies. See also what has already been said in Q. 1.</p>
	EMN NCP Latvia	Yes	<ol style="list-style-type: none"> 1. No 2. In Latvia we have not noticed the problem of forced marriages so far. 3. N/A 4. N/A 5. No, Latvia has not undertaken any specific research and/or evaluation regarding legal measures taken to reduce the number of cases of forced marriage

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	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. The Law of the Republic of Lithuania on the Legal Status of Aliens provides that the provisions of this Law concerning the issue of a temporary residence permit to an alien in the case of family reunification when the alien's spouse or person with whom the registered partnership agreement is concluded and who is a foreigner holding a residence permit, is applicable when both foreign spouses or aliens who have contracted the marriage or registered partnership agreement are not younger than 21 years of age with the exception of the case where the alien, whose spouse or the person, with whom an agreement on registered partnership has been concluded, arrives as a holder of long-term residency in other European Union Member State and has a permission to reside issued by that country. 2. Migration Department has not yet dealt with forced marriage cases. 3. N/A 4. No. 5. No.
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes. The law of 4 July 2014 on the reform of marriage introduced several additional articles to the Civil Code and to the Penal Code in order to fight against forced marriages and marriages of convenience. Article 146-2 of the Civil Code states that there is no marriage when it is contracted without the free will of the two parties or the consent of one of the parties was given under duress, threats or because of violence. A more active role is given to the Civil Registrar Officer who will celebrate the marriage. Article 175-2 (1) of the Civil Code states that if there are serious evidence which makes presume that the planned marriage is susceptible to be declared void in accordance with articles 146 and 146-2, the Civil Registrar Officer can contact without delay the Public Prosecutor Office. In accordance with article 175-2 (2) the Public Prosecutor must, at the moment s/he receives the

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			<p>request, decide to let the marriage be celebrated or oppose to it or suspend it during the duration of the investigation that s/he orders. The Public Prosecutor notified by a motivated decision the Civil Registrar Officer and the two parties. The suspension cannot last more than a month but it can be renewed once by motivated decision. At the expiration of the suspension, the Public Prosecutor must decide if s/he opposes the marriage or allows the celebration.</p> <p>Finally article 389 of the Penal Code states that the individual that because of violence or threats, has contracted marriage or a civil partnership, is punishable to imprisonment of one up to four year and to a fine of 20.000€ up to 40.000€ or only one of the sanctions.</p> <p>The attempt to commit the crime is punishable of one up two years of imprisonment and of a fine of 10.000€ up to 20.000€ or of only one of the sanctions.</p> <p>It is also important to note that there was a general change with the approval of the Law of 23 May 2016 on the recognition of marriage in the Grand Duchy of Luxembourg. This law introduced a new article 170-1 to the Civil Code, which stipulates that: "The marriage contracted in foreign country, between foreigners, shall be valid in the Grand Duchy of Luxembourg if it has been celebrated in the forms customary in the country and if both spouses fulfill either the substantive conditions required by the law applicable to their personal status subject to respect of international public policy, or if both spouses satisfy the substantive requirements of Luxembourgish law. Parliament considered that the reference to international public order will allow the authorities to exclude the application of the applicable foreign law which permits bigamy, polygamy or the marriage of a minor and apply Luxembourgish law in those cases.</p> <p>In Luxembourg, no person aged less than 18 years can contract a valid marriage. A civil registrar may refuse to recognise the validity of a foreign marriage if, at the time the marriage was celebrated, one of the contracting parties was aged less than 18 years in accordance with articles 144, 146 and 146-1 of the Civil Code. Accordingly, a marriage so contracted is null, void and of no effect (article 144 of the Civil Code as amended by the Law of 4 July 2014).</p> <p>However, the guardianship judge can lift the prohibition for marriages involving minors aged 16 and 17 years old, in case of weighty reasons taking into consideration the superior interest of the child. In countries where there is a similar procedure and it turns out that the marriage certificate has been obtained respecting such procedure, in those cases the marriage will be recognized in Luxembourg. The main objective of these articles is to combat early and forced marriages. Marriages involving minors under 16 years of age, at the moment of the celebration of the marriage are not accepted and considered as a criminal offense, whereas any sexual relationship with a minor under 16 years of age</p>
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			<p>is considered as alleged rape.</p> <p>2. If the marriage is not recognized in accordance with the principles indicated above, the family reunification will not be granted in accordance with article 70 (1) a), 75 (1) and 101 of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law). The Immigration Law requires also that the sponsor and the family members in the case of marriage or legal partnership must be 18 years old when filing the application for family reunification. Also, the Minister of Immigration and Asylum will not recognise a marriage celebrated abroad when one of the parties was minor at the moment of the celebration. In case of doubt, the Public prosecutor is asked for advice or the marriage has to be registered first at the Luxembourg municipality of residence of the sponsor.</p> <p>There is no information available in regard to forced marriages or on the applications for family reunification rejected on these grounds.</p> <p>3. There is no information available on the profile of the victims and their nationalities.</p> <p>4. The numbers in Luxembourg have not raised significantly to attract the attention.</p> <p>5. No.</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. Yes, the Dutch government has legal requirements to address forced marriages. As a result of this legislation, the Netherlands has a penalization and raised the age at which the Netherlands acknowledges a marriage concluded abroad up to 18 years.</p> <p>In 2015, the Anti-Marital Compulsion Act entered into force. The admission policy has been adjusted accordingly. The age at which a marriage concluded abroad can be recognized in the Netherlands has risen from 15 to 18 years. The age requirement for family reunification with a spouse who has already entered into a legal marriage abroad has also been increased to 18 years.</p>

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			<p>The main rule in the regular admission policy is that both partners must be 21 years or older. It is possible to make an exception to this and to grant a permit to the marriage migrant under the age of 21, if the following applies:</p> <ol style="list-style-type: none">1. the alien and the sponsor must both have reached the age of 18;2. there must be a marriage or registered partnership legally valid under private international law and the marriage or registered partnership already existed abroad;3. the sponsor was already married before he / she was granted residence in the Netherlands. <p>For family reunification in the context of asylum, the age requirement is 18 years for spouses, registered partners and unmarried partners.</p> <p>However, it will still happen that a minor comes to the Netherlands with her partner / spouse and applies for asylum. In that case, the guardianship institution that performs the guardianship task for unaccompanied minor aliens on the basis of the law, enters into a conversation with the minor (and her partner) about applying for guardianship. During the interviews with the minor (as well as with the partner), the guardianship institution and also the organization responsible for the reception of asylum seekers are very alert to signs of forced marriage and / or other possible forms of abuse. When there are signs of this, a solution is sought together with the minor and where possible with family. The Child Protection Board and / or the National Expertise Center for Honor Related Violence and / or the National Node for Forced Marriage and Abandonment are involved. If necessary, the minor is placed in sheltered reception. In consultation with the foreign nationals, agreements are also made about whether or not to place the main character and the minor partner / spouse together in the shelter.</p> <p>If an adult or minor marital or non-marital partner reports to the Immigration and Naturalization Service (IND) that she is the victim of a forced marriage (marriage) and / or there is honor-related violence, the IND contacts the National Honor Related Expertise Center Violence. A forced marriage is considered a form of violence. If a marriage is declared null and void by the civil court due to the fact that this marriage was forcibly entered into, this annulment in the immigration law procedure serves as evidence for violence and will in itself lead to the granting of a license or extension.</p> <p>As a child bride wish to submit an application to grant a regular residence permit to his / her spouse or partner, the IND must report this to guardianship institution Nidos. The IND</p>
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			<p>assesses whether the minor or adult bride who indicates that he or she has been forced to marry and has applied for asylum can be granted asylum on independent grounds. If that is not the case, it must be considered whether the person concerned can be eligible for a humanitarian residence permit due to honor-related or domestic violence.</p> <p>2. Usually, those involved have already traveled in the context of asylum or of journey in connection with family reunification and it must be assessed in the Netherlands whether or not there is a forced situation. It is then assessed in the Netherlands whether there are reasons to refuse a residence permit for stay with a spouse, to grant an independent asylum permit or to grant a humanitarian permit. The IND does not register such matters separately in its system. Therefore, figures cannot be provided.</p> <p>The 2015 'Gewoon getrouwd' (just married) study (a study of child marriages and religious marriages in the Netherlands) from 2015 revealed that, although there is no separate registration for 'child brides', 29 child brides were known to the IND over the period 2013- 2014. It was noted that this number could be seen as a minimum lower limit</p> <p>3. According to the Dutch Ministry of Health, Wellbeing and Sports, possible forced marriage as a victim in one or more risk groups are:</p> <ul style="list-style-type: none">• Young women (more often) and men from a closed community with traditional ideas about the role, position and sexuality of girls• Migration background, honor culture, orthodox religious or higher environment• Young women and men in a highly dependent position, without network outside the family or own income• Persons with a dependent residence permit. <p>4. no</p> <p>5. Unfortunately there is no English version of specific research available. For the research mentioned in question 2, the link to a Dutch report can be found by the following link; https://www.verwey-jonker.nl/doc/2015/315021_Gewoon_Getrouwd.pdf</p>
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	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. The term “forced marriage” has not been defined yet by the Polish migration and asylum law per se and no special, specific safeguards against forced marriages has been established within the regular migration procedures.</p> <p>The understanding of forced marriage may be compliant with § 15¹ (3) of the Family and Guardianship Code of 25th February 1964 (consolidated text, Journal of Laws from 2017 item 682, as amended) stating that marriage may be annulled if the declaration of marriage (also in the meaning of declaration made for religious marriage, recognized by Polish law) “was made under the influence of an unlawful threat from the other party or a third party where it appears from the circumstances that the declarant may have been concerned that he or she or another person is in serious personal danger”.</p> <p>It should be noticed then that there are no direct, automatic links between false marriage and forced marriage under Polish migration and asylum law. That means that not all marriages considered as forced could be considered as false as well. The abovementioned the Family and Guardianship Code does not provide a possibility to annul of the forced marriage ex officio, but limits that right only to the spouse who made a statement vitiated (within the defined time framework -§ 15¹ (2) and (3)).</p> <p>The Polish asylum law (Act of 13 June 20003 on granting protection to foreigners within the Republic of Poland) does not provide specific legal provisions in the context of forced marriages. Poland fully accepts the right to respect for private and family life which is determined in Convention for the Protection of Human Rights and Fundamental Freedoms signed on 4 November 1950 in Rome. Moreover, Polish asylum law provides the protection for victims of persecution or real risk of serious harm, which may apply to forced marriages.</p> <p>In the context of the reception of applicants for international protection the Office for Foreigners has established a procedure for handling the case the information about getting marriage with minor or about possibility of getting marriage with minor is received or for handling the case the marriage in</p>

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			<p>which one spouse is minor contact the Office to receive social assistance and there are no documents confirming legality of the marriage.</p> <p>Office for Foreigners is a party to the Agreement on standard operating procedures with regard to identification, counteracting and responding the cases of sexual or gender based violence against foreigners living in the centres for applicants for international protection signed on 25 March 2008. Other parties to the Agreement are: Commander-in-Chief of the Police, UNHCR, La Strada Foundation against Trafficking in Persons and Slavery, The Halina Nieć Legal Aid Center. On the basis of the Agreement in every center for foreigners operates Local Cooperation Team (PL: "Lokalny zespół współdziałania") consisting of:</p> <ul style="list-style-type: none"> - Employee of the Office for Foreigners responsible for the center - The local Police unit officer - Representative of the NGO being the party to the Agreement or other NGO invited to cooperation <p>In the Protocol of each meeting there are sections "forced marriage" and "marriage with a minor" – members of the Local Cooperation Team are obliged to fill in these sections assessing the risk of such incidents and to report the incidents if they had occurred.</p> <p>With regard to preventive measures the Office for Foreigners in the Partnership with the Empowering Children Foundation (former: Nobody's Children Foundation) carried out the Project "We protect children in the centres for foreigners – comprehensive system of protection children from violence and exploitation." co-financed by the Asylum. Migration and Integration Fund. In the framework of the project there were organized meetings with parents about non-violent raising children aiming at improving parenting skills as well as meetings for children and teenagers about the threat of violence (including peer violence) and exploitation. During the project the respective internal standard operating procedure with regard to responding the case the violent incident was reported and the verification procedure whether the persons having contact with minors in the centres have not been convicted of a sexual offence.</p> <p>2. The individual assessment of each case may result in conclusion that the particular marriage is considered as valid under Polish law, but has been forced. However, until the assessment proves the marriage has been concluded to bypass the migration</p>
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			<p>rules and in that intention the marriage has been forced, no possible grounds for refusal the residence permit for the purpose of family reunification exist.</p> <p>The Polish migration law (Act of 12 December 2013 on Foreigners) impose the obligation to conduct the proceedings on granting a temporary residence permit issued to the purpose of family reunification in a way that enable to detect false marriages. During the procedure on granting the permit in particular it shall be determined whether the circumstances of the case indicate that:</p> <ol style="list-style-type: none"> 1) one of the spouses accepted a financial gain in exchange for consent to the marriage, unless it was customary to do so in a particular country or social group; 2) the spouses do not fulfil legal obligations arising from the conclusion of the marriage; 3) the spouses do not live together or do not run a common household; 4) the spouses didn't meet before they married; 5) the spouses don't speak a language that both of them can understand; 6) the spouses disagree as to the personal data concerning them and other relevant circumstances concerning them; 7) one or both of the spouses have in the past already concluded bogus marriages of convenience (vide art. 169 para 2). <p>There are no specific legal provisions in the context of forced marriages with regards to international protection cases given on the basis of positive decision issued in such proceedings. However, it may be said that a general mechanism of control is included in the Act on granting protection to foreigners within the territory of Poland. Articles 21 and 22 of the abovementioned Act enable withdrawing/ending of international protection if it is established that a foreigner concealed information or documents or presented false information or document that were of substantial importance for granting refugee status or subsidiary protection.</p> <p>3. No information with regard to regular migration procedures. Poland has not observed any specific trend nor extracted features of any certain profile as number of applications for international protection substantiated with forced marriage claim is very limited (less than 5 in recent years).</p> <p>4. In the context of reception in 2018 and in the first half of 2019 there were reported: 1 case of marriage with a minor foreigner and one 1 case of limiting the freedom of spouse (bride kidnapping).</p>
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			<p>Both cases concerned citizens of Russian Federation of Chechen origin.</p> <p>5. The phenomenon of forced marriages within regular migration and asylum procedures has not been itself the subject of particular interest of regular migration enforcement bodies. No statistics, evaluations or researches on that are available.</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. In Slovakia, forced marriages fall under the legal scope of trafficking in human beings and is punishable by law (under the Penal Code). Generally police forces conduct preventive activities (not specifically the Bureau of Border and Foreign Police of the PFP). Regarding the trafficking of human beings this is within the responsibility of Information Centre for fighting the THB and crime prevention of the Ministry of Interior.</p> <p>2. No such statistics are available.</p> <p>3. The characteristics of victims of the cases examined in Slovakia also depends on whether the person is sold (forced to marry) in Slovakia or abroad (mostly to the UK). Cases usually include especially young girls under 30 years of age from lower social classes, with basic education only, students, but also long-term unemployed, especially from the Roma community, become vulnerable or direct victims. In the case of marriage in Slovakia (note: this is not an official wedding ceremony but a community quasi-ceremony not accepted by state which is traditional and only symbolic), the victim is usually a minor or a juvenile and is handed over to the groom's family. In cases abroad, it is usually a woman who travels to another country where she marries a third-country national (Pakistan, India). This is mostly done through coercion, fraud, deception, abuse of power and victim's distress. Victims are often sexually exploited, physical violence and psychological pressure is used, they are intimidated and further exploited (e.g. for forced prostitution, forced labor). Victims usually cannot communicate freely with others. Often they are denied basic living needs such as food, water, sleep and medical care. Victims tend to be anxious, exhausted, scared, malnourished, drug-addicted, alcoholic, and with visible signs of injuries.</p>

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			<p>In 2018, from 27 cases of trafficking in human beings recorded by the Bureau of Border and Foreign Police, in 6 cases a forced marriage was detected and in 2 cases it was a forced marriage linked to sexual exploitation.</p> <p>4. All the suspected cases of THB, among other also forced marriages, are individually examined by the National Unit for Fight Against the Illegal Migration of the BBFP PFP.</p> <p>5. In this case we focus more on the preventive activities.</p>
	EMN NCP Sweden	Yes	<p>1. Yes. The law was changes in 2014 and further restricted in 2019.</p> <p>2. No information available</p> <p>3. For this kind of information please see: http://www.hedersfortryck.se/hedersfortryck/aktenskapstvang-och-barnakte... (only in Swedish)</p> <p>4. No information available</p> <p>5. Please see: http://www.hedersfortryck.se/hedersfortryck/aktenskapstvang-och-barnaktenskap/arenden-i-sverige/ (only in Swedish)</p>
	EMN NCP United Kingdom	Yes	<p>1. The UK is a world-leader in the fight to stamp out the brutal practice of forced marriage, with our dedicated Forced Marriage Unit leading efforts to combat it both at home and abroad. We made forced marriage a criminal offence in 2014 to better protect victims and send a clear</p>

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			<p>message that this abhorrent practice is unacceptable and will not be tolerated in the UK. And in 2017 we introduced lifelong anonymity for victims of forced marriage to encourage more victims of this hidden crime to come forward.</p> <p>2. In 2018, there were three convictions for the forced marriage offence: the first was in Birmingham where a mother was convicted for forcing her daughter into a marriage in Pakistan, the second and third convictions were a mother and father convicted for forcing their daughter into a marriage in Bangladesh.</p> <p>3. The majority of victims originate from countries in South Asia.</p> <p>4. No.</p> <p>5. The Forced Marriage Unit raises awareness of forced marriage through a targeted outreach programme they deliver training and awareness raising sessions for professionals and communities across the country. In November 2018, the Home Office launched a communications campaign, which was seen by over 3 million times online and on social media platforms.</p>
	<p>EMN NCP Norway</p>	<p>Yes</p>	<p>1. Yes. In family immigration cases a residence permit may be refused if it is likely that the marriage has been entered into against the will of either party. Also the 24-yearage limit was introduced for spouses, cohabitants and fiancés in an attempt to limit the number of forced marriages. If the marriage has been entered into or the cohabitation has been established abroad after the sponsor has previously been resident in Norway, a residence permit may not be granted until the sponsor has returned to Norway and has been interviewed by the immigration authorities. Furthermore, the income requirement and the requirement for four years' employment or education have the same purpose, though more indirectly.</p>

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			<p>2. 2. In 2017 132 applications for residence permits for family immigration were rejected because one or both of the parties were under 24 years old.</p> <p>In 2018 171 applications for residence permits for family immigration were rejected because one or both of the parties were under 24 years old.</p> <p>The parties in these cases typically had backgrounds from Afghanistan, Pakistan, Turkey, Iraq, Morocco and India.</p> <p>In 2017 Norway had 13 applications for residence permits for family immigration that were rejected because it was likely that the marriage had been entered against the will of one of the parties. In 2018 there were 10 . The parties in these cases had background from Pakistan, Eritrea, Afghanistan, Iraq, Iran, Afghanistan, Sri Lanka, India and Bahrain.</p> <p>3. 3. In Norway we have experience with forced marriages occurring among applicants with backgrounds from Pakistan, Eritrea, Afghanistan, Iraq, Iran, Afghanistan, Sri Lanka, India, Turkey, Somalia, Russia, Syria, Palestine, Ethiopia, Sudan and Bahrain.</p> <p>4. 4. Norway has seen an increase in cases from Somalia and also in cases within the rules of EU/EEA, more specifically in cases where family members of EU/EEA nationals apply for a residence card.</p> <p>5. 5. In 2015 the Norwegian Directorate of Immigration (UDI) commissioned a research project to evaluate measures against forced marriage in the regulations relating to immigrants. You can find the report here: https://www.udi.no/globalassets/global/forskning-fou_i/annet/tiltak-tvan....</p> <p>The annual report from the Expert Team for the prevention of Forced Marriage, Female Mutilation and Negative Social Control may also be of interest (Kompetanseteamet mot tvangsekteskap, kjønnslemlestelse og negative sosial kontroll) may also be of interest: https://www.bufdir.no/Global/Arssrapport_kompetanseteamet_2018.pdf.</p>
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AD HOC QUERY ON 2019.69 NO EMN AHQ on forced marriage

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The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.
