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**ERRC Submission to the Joint CEDAW-CRC General Recommendation /  
Comment on Harmful Practices:  
Child Marriages among Roma**

The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations. The ERRC's extensive research programme has provided reliable data about the human rights situation of Roma since 1996. Some recent and ongoing ERRC campaigns advocate for: effective state responses to violence and hate speech against Roma; school desegregation; an end to forced evictions and protection of other housing rights; implementation of comprehensive anti-discrimination law; justice for victims of coercive sterilisation; and Romani women's rights. The ERRC has been documenting child and forced marriages issues since 2005.

**INTERNATIONAL LAW ON CHILD MARRIAGE**

Child marriage represents perhaps the most prevalent form of sexual abuse and exploitation of children, particularly girls.<sup>1</sup> According to Article 1 of the Convention on the Rights of the Child, a child is defined as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."<sup>2</sup> A child marriage is defined as any union in which one or both of the partners is younger than the legal age allowed for marriage.<sup>3</sup> A forced marriage is defined as the union of two persons of any age, at least one of whom has not given their full and free consent to the marriage.<sup>4</sup>

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW or Convention) Article 16(2) bans child marriages, stating: "[t]he betrothal and the marriage of a child shall have no legal effect."<sup>5</sup> It further requires that States enact legislation and other necessary measures "to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory." Concerning the discriminatory effects of child marriage, Article 16(1)(b) of CEDAW requires States to ensure equality between men and women in the enjoyment of "[t]he same right freely to choose a spouse and to enter into marriage only with their free and full consent." The Committee on the Elimination of Discrimination against Women (Committee) monitors State compliance with the CEDAW. Its General Recommendation No. 19 notes: "when minors, particularly girls, marry and have children, their health can be adversely affected and their education is impeded.

<sup>1</sup> UNICEF, *Child Protection Information Sheet*, available at: [http://www.unicef.org/protection/files/Child\\_Marriage.pdf](http://www.unicef.org/protection/files/Child_Marriage.pdf).

<sup>2</sup> United Nations, *Convention on the Rights of the Child*, Article 1, available at: <http://www2.ohchr.org/english/law/crc.htm>. Many European states apply graded legal definitions of adulthood, where the age of majority is between the ages of 16 and 18. For the purposes of this submission, child marriage is consider to be any act constituting a traditional or legal marriage involving one or more persons below the age of 18 unless the legal age of marriage is lower in national law.

<sup>3</sup> Council of Europe, *Parliamentary Assembly Resolution 1468 (2005) on Forced marriages and child marriages*, available at: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/ERES1468.htm>

<sup>4</sup> Council of Europe, *Parliamentary Assembly Resolution 1468 (2005) on Forced marriages and child marriages*, available at: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/ERES1468.htm>.

<sup>5</sup> United Nations, *Convention on the Elimination of All Forms of Discrimination against Women*, Article 16(2), available at: <http://www2.ohchr.org/english/law/cedaw.htm>.

As a result their economic autonomy is restricted.”<sup>6</sup> General Recommendation No. 21 also states: “a woman’s right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being.”<sup>7</sup>

Under Article 3 of the Convention on the Rights of the Child (CRC), States Parties must “ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.”<sup>8</sup> Article 12 states that “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.” Article 24(3) calls on States Parties to “take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.” Finally, under Article 27, “States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development [and] in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes.”

## OVERVIEW OF CHILD MARRIAGES IN ROMANI COMMUNITIES

Despite the wealth of international legal provisions banning this practice, child marriage continues to be practiced in certain Romani communities around Europe.<sup>9</sup> Although there is insufficient data on the extent of this practice, ERRC research as well as reports by international organisations indicate that child marriages continue to be practised in Romani communities in Albania, Bosnia and Herzegovina, Bulgaria, Greece, Kosovo, Macedonia, Moldova, Montenegro, Romania, Turkey and Ukraine and in migrant Romani communities in certain Western European countries, such as Italy.<sup>10</sup>

National legal provisions often require individuals to be 18 to marry, or 16 with parental consent. Research recently conducted by the ERRC in selected Central and Eastern European countries reveals significant legal gaps which result in a failure to protect children from this practice: such gaps were noted during research in Bulgaria, Hungary, Romania and Slovakia.<sup>11</sup> There is no specific provision criminalising forced marriage in Hungary, Romania or Slovakia, although marriage conducted without the free will and consent of the parties is deemed null and void.<sup>12</sup> In Bulgaria there

<sup>6</sup> United Nation, General recommendations made by the Committee on the Elimination of Discrimination against Women General Recommendation No. 19 (11th session, 1992) ), available at:

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

<sup>7</sup> United Nation, General recommendations made by the Committee on the Elimination of Discrimination against Women General Recommendation No. 19 (11th session, 1992) ), available at:

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

<sup>8</sup> United Nations, *Convention on the Rights of the Child*, Article 3.

<sup>9</sup> In Bulgaria: the 2002 UNDP survey *Avoiding the Dependency Trap – a Human Development Report on the Roma Minority in Central and Eastern Europe* found that “most Roma marriages occur in the 15 to 20 age group, and marriages before the age of 15 are not rare. According to 1995 IMIR research data, 40 percent of Roma marry before reaching the age of 16, 32 percent marry at the age of 17 to 18, and 22 percent marry between the ages of 19 and 22.” In Romania: Interview with a representative of the National Agency for Roma. Bucharest, Romania: 15 July 2009. See also: ERRC, *Submission to UN Special Rapporteur on Trafficking in Persons, Especially Women and Children* (November 2006), available at: [www.errc.org/db/03/7A/m0000037A.pdf](http://www.errc.org/db/03/7A/m0000037A.pdf).

<sup>10</sup> U.S. Department of State, *2010 Country Reports on Human Rights Practices* (4 April 2011). Bosnia and Herzegovina: <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154416.htm>; Bulgaria: <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154417.htm>; Greece: <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154427.htm>; Kosovo: <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154432.htm>; Macedonia: <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154437.htm>; Moldova: <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154439.htm>; Montenegro: <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154441.htm>; Romania: <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154446.htm>; and Ukraine: <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154456.htm>. In Albania: Hermine De Soto, Sabine Beddies and Ilir Gedeshi, *Roma and Egyptians in Albania: From Social Exclusion to Social Inclusion* (Washington D.C.: The World Bank, 2005), available at: [http://siteresources.worldbank.org/EXTROMA/Resources/2005\\_Albania\\_WB\\_Report\\_Social\\_Exclusion.pdf](http://siteresources.worldbank.org/EXTROMA/Resources/2005_Albania_WB_Report_Social_Exclusion.pdf). In Turkey: UNICEF Turkey, *Child Marriage*, available at: <http://www.unicef.org/tr/en/content/detail/73/child-marriage-2.html>. In Italy: European Roma Rights Centre and Associazione 21 Luglio, *Parallel Report by the European Roma Rights Centre and Associazione 21 luglio to the Committee on the Rights of the Child on its Consideration at the 58<sup>th</sup> Session 19 September to 7 October 2011* (26 July 2011), available at: <http://www.errc.org/cms/upload/file/italy-crc-submission-26-july-2011.pdf>.

<sup>11</sup> European Roma Rights Centre and People in Need, *Breaking the Silence: Trafficking in Romani Communities* (March 2011), available at: <http://www.errc.org/cms/upload/file/breaking-the-silence-19-march-2011.pdf>.

<sup>12</sup> European Roma Rights Centre and People in Need, *Breaking the Silence: Trafficking in Romani Communities* (March 2011), available at: <http://www.errc.org/cms/upload/file/breaking-the-silence-19-march-2011.pdf>.

is a legal provision in force which absolves perpetrators of the crime of sexual violence against minors, including cases of statutory rape, if they marry the victim.<sup>13</sup> Most child marriages in Romani communities are informal, i.e. not legally conducted, therefore making provisions nullifying child marriage ineffective if they do not reach this informal conduct.

European States generally fail to apply international or national legal protections when Romani women and girls are subjected to such human rights violations. Despite the continuation of this practice in some Romani communities and the very negative effect of child marriage on Romani girls and women, the ERRC is unaware of any serious Governmental response to issue.<sup>14</sup>

## EVIDENCE OF CHILD MARRIAGE IN ROMANI COMMUNITIES

### Albania

A World Bank report in which 661 Roma and Egyptian households were surveyed found that the average age of marriage among Romani youth is 15.5 years while for Romani men is 18.2 years old.<sup>15</sup> Many Romani women marry early in their teenage years, between the ages of 13 and 14. Such marriages involve children under the legal age of marriage so they are not formally registered which results in difficulties collecting quantitative data on this issue.<sup>16</sup>

### Bulgaria

A 2010 survey of 595 households in residential areas of Bulgaria with predominantly Romani populations including 2,746 individuals from all regions and groups of Roma in the country found that while the average age of marriage or matrimonial cohabitation among all Roma was 18 years, 50% of all 16-year-old Roma with only a primary education or less were already living with a permanent partner, at least a portion of whom likely began co-habiting with their partner before 16 when it is legally possible to enter marriage with parental consent. In the same survey, 34.5% of Romani respondents accepted the idea that parents choose their children's partners. Low educational attainment as a factor contributing to the occurrence of de facto child marriage is highly problematic in Bulgaria because only 46.2% of Romani children complete primary education.<sup>17</sup> Economic status was also found to be a determining factor contributing to the occurrence of child marriage, with the age of first cohabitation or marriage being proportional to a household's average monthly income and average living area per household.<sup>18</sup>

### Italy

ERRC field research among Romani women in Italy in 2011 found that 47 of 74 (64%) female Romani respondents entered marriage before the age of 18; 22 (30%) were below the age of 16 (the youngest were 12 at the time). Some of the marriages were performed according to Romani tradition, but not in compliance with Italian law. Of the respondents that married below the age of 18, five women stated that they were forced to marry against their will. Additionally, research found that of 49 Romani women that provided reasons for school drop out when surveyed, eight (16%) reported dropout due to early marriage; and three (6%) reportedly left school due to pregnancy.<sup>19</sup>

<sup>13</sup> Bulgaria, *Penal Code*, Article 158.

<sup>14</sup> European Roma Rights Centre, *Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe* (November 2006), available at: <http://www.errc.org/cms/upload/media/02/BA/m000002BA.pdf>.

<sup>15</sup> Hermine De Soto, Sabine Beddies and Ilir Gedeshi, *Roma and Egyptians in Albania: From Social Exclusion to Social Inclusion* (Washington D.C.: The World Bank, 2005), p. 27, available at:

[http://siteresources.worldbank.org/EXTROMA/Resources/2005\\_Albania\\_WB\\_Report\\_Social\\_Exclusion.pdf](http://siteresources.worldbank.org/EXTROMA/Resources/2005_Albania_WB_Report_Social_Exclusion.pdf).

<sup>16</sup> *Ibid.*, p. 28.

<sup>17</sup> Open Society Institute, *International Comparative Data Set on Roma Education, A Statistical Baseline for Central, Eastern, and South Eastern Europe* (2008), available at: [http://www.soros.org/initiatives/esp/articles\\_publications/publications/monitoring\\_20061218/table\\_2008.pdf](http://www.soros.org/initiatives/esp/articles_publications/publications/monitoring_20061218/table_2008.pdf).

<sup>18</sup> Project "Preventing Forced Marriages", *Проект „Превенция на насилствените бракове* (29 June 2010), available at: [http://www.romanibori.com/index.php?option=com\\_content&view=article&id=76%3Astudy-marital-attitudes-among-roma-in-bulgariaq&catid=1%3Alatest-news&Itemid=50&lang=en](http://www.romanibori.com/index.php?option=com_content&view=article&id=76%3Astudy-marital-attitudes-among-roma-in-bulgariaq&catid=1%3Alatest-news&Itemid=50&lang=en).

<sup>19</sup> European Roma Rights Centre, *Parallel Submission to the Committee on the Elimination of all forms of Discrimination Against Women on Italy Under Article 18 of the Convention on the Elimination of all forms of Discrimination Against Women for its consideration at the 49<sup>th</sup> Session 11 to 29 July 2011 Concerning the Situation of Romani Women in Italy* (June 2011), available at: <http://www.errc.org/cms/upload/file/italy-cedaw-submission-24-june-2011.pdf>.

## Montenegro

A 2003 survey of refugees and internally displaced persons in Montenegro found that, of 850 Romani women surveyed, 90% married before the age of 16, which is illegal in Montenegro,<sup>20</sup> 3% between the ages of 16 and 20, and 7% after the age of 20. It was reported that, as a result of the practice of early marriage, Romani girls drop out of school very early so as to preserve their virginity and enable them to “prepare for an early marriage.”<sup>21</sup>

## Romania

While data from a 2006 Open Society Foundation report indicates that the practice of child marriage among Roma in Romania is declining with every generation, the average ages of marriage and childbirth among Romani women are still significantly lower than those of the general population. According to research for that study, 53% of Romani women surveyed, and 43% of their daughters, married before the age of 18. In addition, 43% of respondents were younger than 19 when their first child was born and the average age of childbirth for Romani women was 5 years younger than the national average age of 24, as reported by the 2003 Romanian Statistical Yearbook.<sup>22</sup> During research for an ERRC study on child protection in Romania in 2010, respondents indicated that child protection authorities do not recognise early marriage as an infringement of the child protection law: “it [child marriage] cannot be considered a marriage because the law establishes that the minimum age for marriage is 16 years of age.”<sup>23</sup> Further, the lack of action was justified with the excuse that early marriage “is a Romani cultural custom with which we cannot interfere.”<sup>24</sup>

## Ukraine

The impact of early marriages among some Romani families in the Ukraine can be seen in data that documents the school drop out rate among Romani girls. A report from a Romani volunteer who worked from September 2004 to August 2005 in Mukacheve, a town in Southwestern Ukraine, noted that in the local predominantly Romani primary school, the number of female Romani students suddenly dropped after the 5th grade, when Romani boys and girls are between 12 and 13 years old. In the previous years, the percentage of Romani girls among all Romani pupils was over 50%, but in the 5th year it was only 20-25%. The report observes that the girls were married to adult men several years older (20-25 years old), whereas the boys of their age would continue to attend school.<sup>25</sup> General monitoring of the situation of Romani women in Ukraine by International Charitable Organization Roma Women Fund “Chiricli” indicates that this school drop-out phenomenon continues today, which suggests that the practice of child marriage does as well.<sup>26</sup>

## THE HUMAN RIGHTS IMPACT OF CHILD MARRIAGE IN ROMANI COMMUNITIES

In addition to violating the rights of Romani children themselves, in most if not all cases the betrothal and marriage of children in traditional Romani communities in Europe creates the conditions for serial human rights abuses. This includes diminished access to education, resulting in increased illiteracy rates and poorer chances of employment, as well as sexual abuse and exploitation, early pregnancies, muted psychological development, and other negative health effects as a result of early/forced sexual activity. These factors create the pre-conditions for threats to the right to an adequate standard of living arising from the dependence of the bride on the groom and his family,<sup>27</sup>

<sup>20</sup> See: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/442/95/PDF/G1044295.pdf?OpenElement>, p. 418.

<sup>21</sup> Institute for Strategic Studies and Prognoses and United Nations Development Programme, *Household Survey of Roma, Askaleia and Egyptian Refugees and Internally Displaced Persons* (2003), available at: [http://www.undp.org.me/files/reports/si/Household%20Survey%20ISSP\\_UNDP\\_eng.pdf](http://www.undp.org.me/files/reports/si/Household%20Survey%20ISSP_UNDP_eng.pdf).

<sup>22</sup> Open Society Foundations, *Broadening the Agenda: The Status of Romani Women in Romania* (March 2006), available at: [http://www.soros.org/initiatives/roma/articles\\_publications/publications/broadening\\_20060313/broadening\\_agenda.pdf](http://www.soros.org/initiatives/roma/articles_publications/publications/broadening_20060313/broadening_agenda.pdf).

<sup>23</sup> ERRC interview with representatives of the DGASPC, Brasov County, Romania: September 2010.

<sup>24</sup> *Ibid.*

<sup>25</sup> Mida, Robert, “Report about the Roma People in Mukacheve, Ukraine”, 2006, pp. 4. Both documents are on file at the ERRC.

<sup>26</sup> European Roma Rights Centre, *Written Comments by the European Roma Rights Centre and the International Charitable Organization Roma Women Fund “Chiricli” Concerning the Republic of Ukraine for Consideration by the Committee on the Elimination of All Forms of Discrimination against Women at Its 45th Session* (January 2010), available at: <http://www.errc.org/cms/upload/media/04/3D/m0000043D.pdf>.

<sup>27</sup> Romani girls are generally expected to move to the groom’s house after the wedding and become part of his family. They are also expected to work day and night carrying out domestic work.



as well as a range of other concerns including increased vulnerability to domestic violence and trafficking in human beings. These harmful practices take place with impunity among traditional Romani communities and/or families.<sup>28</sup> A brief discussion of some of these matters follows below.<sup>29</sup>

### Denial of the Right to Education

Child marriage frequently precludes Romani girls from attending school, infringing their right to education and diminishing their employment opportunities. In Italy, research by the ERRC indicates that the school drop out rate among Romani women is high, due in part to forced and child marriage. Eight of 49 (16%) Romani women surveyed by the ERRC in Italy stated that they dropped out of school due to child marriage.<sup>30</sup> State authorities do not intervene effectively to counter school absenteeism among Romani girls, particularly in the case of drop out due to early marriage.

Available educational data also reflects the impact of early marriages on the education of Romani girls in Macedonia: a 2005 United Nations Development Program study found that 39% of Romani women surveyed had no education whatsoever or incomplete elementary education. When asked why they failed to complete their education, 5% responded that their parents had prohibited them and 8% cited marriage as the reason.<sup>31</sup>

### Domestic Violence

Victims of child marriage face heightened vulnerability to domestic violence. During ERRC research in Italy in 2011 on Romani women's rights, five respondents married below the age of 18 stated that they were forced to marry against their will. Four of these women reported experiences of domestic violence.

While several factors influence the high vulnerability of domestic violence among Roma, the powerless position in which Romani women and girls end up as a result of child marriage and the resulting lack of education and hindered employment opportunities are key factors. Incidents of domestic violence among Roma go underreported for several reasons: First, violence against women is accepted in some Romani families.<sup>32</sup> Secondly, Romani women who experience domestic violence fear being ostracised and shamed by their communities and families. Thirdly, perpetrators of violence against women are rarely held accountable for their acts, which discourages women from seeking help. Fourth, Romani women who experience domestic violence fear further victimisation on the part of the police and/or others.<sup>33</sup> In addition, there are a number of practical issues that make it virtually impossible for young, uneducated Romani girls and women to escape these situations including lack of alternative housing, inadequate economic means to survive on their own and/or lack of employment opportunities.<sup>34</sup>

The day of my marriage I was given to my husband. My mother and father left me there and for the last seven years I have been ill-treated. [...] I reported him but his family was against me because of it. I don't have a house or a job and social services took my children instead of

<sup>28</sup> European Roma Rights Centre, *Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe* (November 2006), available at: <http://www.errc.org/cms/upload/media/02/BA/m000002BA.pdf>.

<sup>29</sup> European Roma Rights Centre, *Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe* (November 2006), available at: <http://www.errc.org/cms/upload/media/02/BA/m000002BA.pdf>.

<sup>30</sup> European Roma Rights Centre, *Parallel Submission to the Committee on the Elimination of all forms of Discrimination Against Women on Italy Under Article 18 of the Convention on the Elimination of all forms of Discrimination Against Women for its consideration at the 49<sup>th</sup> Session 11 to 29 July 2011 Concerning the Situation of Romani Women in Italy* (June 2011), available at: <http://www.errc.org/cms/upload/file/italy-cedaw-submission-24-june-2011.pdf>.

<sup>31</sup> United Nations Development Programme (UNDP). *Faces of Poverty, Faces of Hope: Vulnerability Profiles for Decade of Roma Inclusion Countries*. Bratislava, 2005. Available online at: <http://vulnerability.undp.sk>.

<sup>32</sup> European Roma Rights Centre, *Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe* (November 2006), available at: <http://www.errc.org/cms/upload/media/02/BA/m000002BA.pdf>.

<sup>33</sup> Roma Centre of Skopje, Network Women's Program and European Roma Rights Centre *shadow report submitted to the United Nations Committee on the Elimination of Discrimination Against Women concerning the situation of Romani women and girls in Macedonia for its consideration at the 34<sup>th</sup> CEDAW Session* (January 2006), available at: <http://www.errc.org/cms/upload/media/03/83/m00000383.pdf> European Roma Rights Centre, Bibija, Eureka and Women's Space *Written Comments Concerning the Republic of Serbia For Consideration by the United Nations Committee on the Elimination of Discrimination against Women at its 38<sup>th</sup> Session*. (March 2007), available at: <http://www.errc.org/cms/upload/media/03/7C/m0000037C.pdf>.

<sup>34</sup> European Roma Rights Centre, *Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe* (November 2006), available at: <http://www.errc.org/cms/upload/media/02/BA/m000002BA.pdf>.

putting us in a centre to be protected. He used to beat me and not allow me to go out except to beg to support my children.<sup>35</sup>

Another consequence of the continuing occurrence of child marriages in Romani communities is the practice of virginity testing in preparation for marriage, which violates young Romani women's human rights and bodily integrity.<sup>36</sup> This practice contributes to continuation of child marriages as some Romani children are required to marry early to increase the likelihood that they will be virgin at the time of marriage and pass the public test. There are various modalities of virginity testing but they generally include the practice of observing or even breaking the girl's hymen in some way or another in order to prove the girl's virginity.<sup>37</sup> During ERRC research in Italy in 2011 among Romani women, of 48 women that responded to questions on this topic 65% were tested for virginity at the time of marriage: "I married at 13 years of age and I had to go through the virginity test. I was so ashamed because many people were outside waiting to see if I was pure."<sup>38</sup> Anecdotal evidence collected during ERRC roundtable workshops in Russia with local Romani women indicates that some Romani girls have required hospitalisation after virginity testing as a result of heavy bleeding.<sup>39</sup>

Additionally, Romani women who "fail" virginity tests face diverse consequences. Respondents in Italy for example often noted that punishments were more severe in the past but that nowadays women may be scolded, sent back to their family or otherwise shamed, verbally abused, or suffer from infidelity of the husband, disrespect from the groom's family, or ostracism from the community.<sup>40</sup>

## Health

Child marriage also has significant impacts on the physical and psychological health situation of Romani girls and any children they may bear. Rates of infant mortality are increased and Romani girls face increased risk of complications during pregnancy and delivery, which may lead to death.<sup>41</sup> According to UNICEF early pregnancy and childbirth threatens the life of both the mother and the unborn child by increasing the risk of premature labour, delivery complications, low birth-weight and infant mortality. As such, pregnancy-related deaths, usually resulting from haemorrhage, sepsis, preeclampsia and obstructed labour, are the leading cause of mortality for girls ages 15 to 19 worldwide. Compared to women ages 20 to 24, girls ages 15 to 19 have between a 20 and 200 percent greater chance of dying during pregnancy.<sup>42</sup> There are also reported negative psychological affects linked to forced marriages, including depression.<sup>43</sup> Such negative psychological effects stem from "the loss of adolescence, the forced sexual relations, and the denial of freedom and personal development" that young brides often experience.<sup>44</sup>

## Trafficking in Human Beings

While child marriages do not constitute trafficking in all cases, forced child marriages can result in the trafficking of the young bride and increase her and her children's vulnerability to trafficking. The barriers that Romani women and girls face, namely poverty, discrimination and marginalisation, and the human rights violations that stem from child marriage place them in desperate situations which

<sup>35</sup> Interview with a 37-year-old immigrant Romani woman. Rome, Italy: 9 April 2011.

<sup>36</sup> Bibija-Roma Women's Center, *Virginity-Freedom of Choice* (Belgrade, no date specified). The Centre for Roma Initiatives-Niksic, *Virginity does not determine whether a Roma girl is worthy or not* (2006), available at: [http://www.osim.org.me/fosi\\_rom\\_en/download/roma\\_virginity\\_brosura.pdf](http://www.osim.org.me/fosi_rom_en/download/roma_virginity_brosura.pdf). Zemfira Kondur et al., Research Report: Virginity Cult Within Roma Society.

<sup>37</sup> European Roma Rights Centre, *Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe* (November 2006), available at: <http://www.errc.org/cms/upload/media/02/BA/m000002BA.pdf>.

<sup>38</sup> Interview with a 22-year-old Romani woman. Turin, Italy: 7 April 2011.

<sup>39</sup> ERRC roundtable discussions with Romani women in ten different cities in Russia between 1 July 2005 and 30 June 2006.

<sup>40</sup> European Roma Rights Centre, *Parallel Submission to the Committee on the Elimination of all forms of Discrimination Against Women on Italy Under Article 18 of the Convention on the Elimination of all forms of Discrimination Against Women for its consideration at the 49<sup>th</sup> Session 11 to 29 July 2011 Concerning the Situation of Romani Women in Italy* (June 2011), available at: <http://www.errc.org/cms/upload/file/italy-cedaw-submission-24-june-2011.pdf>.

<sup>41</sup> European Roma Rights Centre, *Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe* (November 2006), available at: <http://www.errc.org/cms/upload/media/02/BA/m000002BA.pdf>.

<sup>42</sup> United Nation's Children's Fund, *Early Marriage: Child Spouses* (March 2001), available at: <http://www.unicef-irc.org/publications/pdf/digest7e.pdf>.

<sup>43</sup> European Roma Rights Centre, *Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe* (November 2006), available at: <http://www.errc.org/cms/upload/media/02/BA/m000002BA.pdf>.

<sup>44</sup> United Nation's Children's Fund, *Early Marriage: Child Spouses* (March 2001), available at: <http://www.unicef-irc.org/publications/pdf/digest7e.pdf>.

make them particularly vulnerable to being trafficked.<sup>45</sup> During research by the ERRC and People in Need on trafficking in Romani communities in 2010, respondents from the regions of Pazardzhik and Sliven in Bulgaria reported that the most common reason for the trafficking of young Romani women is that they marry too early (often at the age of 14) after the husband “steals the girl.” It was reported that after one or two years of marriage, girls married under such circumstances may manage to escape but are then very vulnerable to trafficking.<sup>46</sup>

## Recommendations

The Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women should, in their joint recommendations, ask States parties to:

- Include information about the prevalence, impact and State response to child marriages in Romani communities in their reporting on compliance with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women;
- Ensure that national legal provisions are in line with international law and that any gaps are closed, and that States uphold, through an appropriate mix of law enforcement, policy and community programming responses, respect for the legal age of marriage;
- Develop and implement appropriate policy focusing on education and social inclusion of Romani communities that supports and promotes human rights, women’s rights and children’s rights, and builds capacity and empowers individuals, communities and civil society to eliminate child marriages;
- Conduct and make public reliable research on the prevalence, reasons for and results of child marriage in Romani communities;
- Support awareness raising and public information programmes about the negative effects of child marriage, in particular targeting Romani parents. This may include organising campaigns in Romani communities to open discuss and debate child marriage practices and impact;
- Support initiatives promoting Romani women’s autonomy by establishing income generating activities;
- Develop specific programmes to ensure that Romani girls complete education;
- Ensure improvement of the material conditions in excluded Romani communities, such that Roma have equal access to quality education, employment, healthcare, housing, and social services;
- Monitor and develop adequate responses to the links between trafficking in human beings and child marriage.

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<sup>45</sup> The link between child marriage and trafficking is exemplified in a case documented by the ERRC in Bulgaria involving a young adopted Bulgarian girl of Romani origin. In 2002, when she was 13-years-old, the girl’s adoptive parents sold her into marriage to a Romani family in the Netherlands. They took her to the Netherlands, where she was supposed to marry the son of the Dutch family. According to the case report, “As soon as her family left, she was forced to work as a prostitute by her so-called ‘mother and father-in-law’.” While she eventually managed to escape, the girl was kept locked in their house for about a year and was beaten and raped when she refused to work as a prostitute. European Roma Rights Centre and People in Need, *Breaking the Silence: Trafficking in Romani Communities* (March 2011), available at: <http://www.errc.org/cms/upload/file/breaking-the-silence-19-march-2011.pdf>.

<sup>46</sup> Interviews with municipal officials. Southeastern Bulgaria: 16 March 2010. Interviews with NGOs. Southcentral Bulgaria: 31 March 2010. Interview with a Romani NGO. South-central Bulgaria: 31 March 2010.