**EARLY CHILD MARRIAGE IN ALBANIA**

On the topic of the issue of early child marriage, a prominent contribution has been provided by the Children's Rights Observatory. The ONG “Observatory for Children’s Rights” (Observatory) has conducted one other survey and study within the project “The prohibition of early marriages in Albania”, October 2015-February 2016, funded by the Canadian Fund for Local Initiatives. The aim’s report was analysis of early marriages in pilot areas which are Korça and Vlora. The website Observatory: [www.observator.org.al](http://www.observator.org.al).

They published a study on underage marriages as they monitored the decisions of 6-7 courts of the Judicial District Courts of Shkodra, Kukës, Fier, Kavaja, Lezha, Puka and Tropoja for the period 2011 - 2017 and the study of these cases). The study was not designed to generate information about the prevalence of early marriage but rather its causes and consequences. There is a clear *bias* towards women in early marriage as this study tries to elicit information related to them in order to benefit them and their families.

Rather then justifying it, as a traditional practice (which as this study shows it is clearly not the case in Albania), early marriage and cohabitation need to be recognized as a response to adolescent sexuality and corrupted normative standards of a peripheral society undergoing transition that insists that girls should engage in sexual relations within the institution of marriage.

The study indicates that there is community and family acceptance of early marriage including the illegal cases of socially accepted marriages. The social values in regard to teenage sexual relations are still evolving allowing opportunities for consensual relationships with a wide age difference. Law enforcement authorities and social and childcare workers must do a lot more to educate young girls about marriage and reinforce values on the importance of marriage and risks of early marriage;

While negative implications are similar for early marriage or early cohabitation, legal implications are different because a registered legal marriage confers spousal rights including property rights and legitimizes children. Where girls over 14 years of age are in sexual relationships, maximum effort should be made to provide support services including reproductive and sexual health services and counselling to ensure that the negative impacts particularly health related ones are minimized.

Support should be also offered to women who want to leave abusive relationships or to those who want to legalize their cohabitation situation in order to fully emancipate themselves;

This study clearly shows that early marriage is primary a response to teenage sexuality. Its negative consequences on young girls should be widely recognized and discussed. Age appropriate and effective teenager productive and sexual health services need to be strengthened and teenage sexuality should not be viewed as ‘immoral’.

Early marriage is a disincentive to school particularly in low-income families. It is our consideration and recommendation that vocational training and education opportunities should be created for the women in early marriage unions;

Proactive measures should be taken through the courts to make continuation of education part of the early marriage agreement;

Training of civil service employees should be considered to monitor and maintain standards on the duties and responsibilities regarding early marriage in order to prevent corruption relating to birth and marriage registration. Trainings should also be considered for health workers dealing with underage pregnant women.

Although national data is needed this study concludes that early marriage affects girls, reflecting gender biases and discriminatory attitudes in families and communities;

The study supports the arguments for increasing the minimum age of sexual consent to 15 to coincide with the age of mandatory education and to move Albania closer to the majority of countries in the world whose age for sexual consent is 16 years old;

The current Albanian laws and policies on early marriage are in harmony with international obligations including CRC and CEDAW but the implementation force is lacking bringing negative impacts from early\ marriages as outlined in this study;

Early marriage clearly violates the human rights of the girls in these unions to human development by impeding health and education, their rights to protection and participation rights.

**Human rights norms and legislation that address child and early marriage in the Republic of Albania**

According to the Constitution of Albania, children, young people, pregnant women, and young mothers have the right to special protection from the state. It is also stated that any child has the right of protection from violence and exploitation that may damage health or put its life and normal development at risk. According to the Albanian Family Code, the minimum legal age that an Albanian citizen can enter a marriage is 18 years old. However, according to the same article of the Family Code based on the approval of a local court, marriage can be entered by children under 18 years old on important matters including pregnancy or if the spouse is an emigrant who would like to contract a marriage with a person under 18 years of age. ***In this case*** ***no minimum age is defined***. Following ratification of all the international instruments and in line with the Albanian legislation, marriages must be based on the free consent of both future spouses, and must be registered at an official register office. Law nr.18/2017 on the Rights and Protection of the Child defines child as ‘any person born alive who is under 18 years of age’. This definition is in accordance with the UN Convention on the Rights of the Child. The law sought to establish child protection units at regional and local level as venues where child rights violations can be reported.

The Civil Code of the Republic of Albania states that a person attains full legal capacity when he or she reaches 18 years of age. The code specifies, however, that if a girl marries before the age of 18, she automatically attain legal capacity.

There is a reference in the Penal Code in article 130 which states that forced, commenced or continued cohabitation as well as the demand of an adult to go out of the territory of the Albanian state with a child in order to oblige him in marriage is punishable by a fine or up to three months of imprisonment. According to the same Penal Code in article 100, sexual intercourse with a minor below the age of 14 is considered statutory rape, with a punishment of seven to fifteen years in prison, while forced sexual intercourse with a minor aged 14-18 years is punished by five to fifteen years of imprisonment.

This assessment also seeks to connect human development to human resource development. Women in early marriages seem to be directly impacted by it as they experience retreat from social life and work outside home. As a result vicious circles related to early marriage, unemployment and lack of opportunities have been created that prevent both exercise of human rights and human development.