

CHILD MARRIAGE IN ALBANIA

Specific view to Roma Community



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OBSERVATORY OF THE CHILDREN'S RIGHTS

The Observatory of the Children's Rights has been established since 2009, with the support and encouragement of UNICEF office in Albania. Observatory of the Children's Rights experience is introduced for the first time in the Albanian society, and it aims to function as an observer structure, based in local level, regarding the implementation and realization of the children's rights, by acting and supporting as part of civil society. The Observatory aims to encourage the efforts and reforms in national and local level, within the framework of the implementation of the Convention on the Rights of the Child (CRC).

Through its representatives at the sub-national (regional) level and in collaboration with local government units in municipalities and communes, the Observatory is collecting statistical information from administrative records of health, education, social protection and other local authorities. Using the DevInfo software the wealth of statistical information is consolidated into a database accessible online at: <http://www.observator.org.al/odf-map/>.

So far, the Observatory database has been a unique source of such disaggregated data: a user-friendly interface allows zooming into the specifics of Albania's 374 municipalities and communes.

The study *"Early marriages in Albania - Focus on Roma Community"* is based on findings and analysis of previous studies, the actions and policies undertaken by the Albanian State, as well as in the analysis of international documents and legislation in place, - addressing the issue of early marriage in the country. The analysis of this study, together with its findings is presented at the appropriate moment, when

the Albanian Government is developing national policies, action plans and strategies in defense of vulnerable groups and social protection. The findings of this study, are serving as lobbying arguments to get the attention of policy-makers and implementation's agencies, in national and international level, for the issue of early marriages in Albania.

Observatory's publications are contributors to the national debate on *child rights issues* and include a wide range of opinions. For this reason, Observatory may produce publications that do not necessary reflect Canadian Embassy policy or approaches to some topics. The views expressed are those of the authors and contributors and are published by Canadian Embassy in order to stimulate further dialogue on child rights.

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TABLE OF FIGURES

- Graph 1:** Percentage of marriages over 20 years old (2001 – 2013)
- Graph 2:** Percentage of marriages by sex and age group for 2013
- Graph 3:** Average age of marriage by sex, 2000 - 2013
- Graph 4:** The average household size in the Albanian Society (2002-2012)
- Graph 5:** The marital status of children (15-18 years old) in the overall population - 2011
- Graph 6:** The marital status of children (15-18 years old) in the overall population, by sex - 2011
- Graph 7:** The percentage of married children in total divided by age and sex - 2011
- Graph 8:** The percentage of divorced children in total divided by age and sex - 2011
- Graph 9:** The percentage of widowed children in total divided by age and sex - 2011
- Graph 10:** The marital status of Roma children (13-18 years old) – 2011
- Graph 11:** The percentage of single Roma children (13-18 years old) - 2011
- Graph 12:** The percentage of married Roma children (13-18 years old) – 2011
- Graph 13:** The percentage of Roma children who cohabitate (13-18 years old) – 2011
- Graph 14:** The percentage that Roma children represent in the

overall Albanian Society children- 2011

Graph 15: The marital status of children – Comparison between total and Roma population, 2011

Graph 16: The percentage that single Roma children represent in the overall Albanian society single children - 2011

Graph 17: The percentage that married Roma children represent in the overall Albanian society married children - 2011

Graph 18: The age in which the interviewees are married/cohabitants - 2015

Graph 19: The age in which the interviewees are married/cohabitants, divided by sex - 2015

Graph 20: The numbers of children the interviewees actually have - 2015

TABLE OF CONTENTS:

Observatory of the Children's Rights.....	3
Acknowledgements.....	5
Table of Figures.....	6
Executive Summary.....	11
Child marriage is a practice that has persisted for centuries.....	11
Main Findings:.....	13
Recommendations and Obstacles.....	15
What is child marriage?.....	18
1. Child Marriage in the Albanian Society.....	19
2. Early Marriage among Roma Community.....	20
3. National and International Legal Context.....	23
3.1 International Human Rights Norms that Address	
Child Marriage ratified by the Albanian State	24
3.1.1 The Universal Declaration of Human rights (UDHR)	24
3.1.2 The Convention on the Rights of the Child.....	25
3.1.3 The Convention on the Elimination of All Forms	
of Discrimination against Women (CEDAW).....	25
3.1.4 International Convention on Civil and Political	
Rights (ICCPR).....	26
3.1.5 International Convention on Economic Social	
and Cultural Rights (ICESCR).....	26
3.1.6 The Supplementary Convention on the Abolition of	
Slavery, the Slave Trade and Institutions and Practices...	27
3.1.7 The International Labor Organization's Convention 182	
on the Elimination of the Worst Forms of Child Labor....	27
3.1.8 The World Health Organization Constitution.....	27
3.1.9 Convention against Torture and Other Cruel, Inhuman	
or Degrading Treatment or Punishment (CAT).....	28
3.1.10 The European Convention on Human Rights.....	28
3.2 Albanian National Human Rights Norms and Legislation	
that Address Child Marriage.....	28

3.3 State Party, Civil Society and Children report in the Sixty-First Session Committee on the Rights of the Child (17 September – 5 October 2012)	30
4. Factors which contribute to Early Child Marriage and Effects that these marriages bring.....	33
4.1 Factors leading to Child Marriage.....	33
4.1.1 Cultural Norms and Values.....	34
4.1.2 Poverty.....	35
4.1.3 Fear of kidnapping and prostitution.....	35
4.1.4 Birth Control.....	35
4.2 Effects of early Child Marriage.....	35
4.2.1 Low education levels.....	36
4.2.2 Poor child care.....	36
4.2.3 Increase of divorce rates.....	36
4.2.4 Education and economy:.....	37
4.2.5 Sexuality and violence	37
4.2.6 Health risks.....	38
5. Analysis of child marriage phenomenon in Albania – Specific view on Roma Community.....	38
5.1 First Dimension - Albanian Society Marriage Overview.....	39
5.3 Third Dimension - Early Marriages in Roma Community.....	47
5.4 Fourth Dimension - The part that Roma community have in the overall population regarding child marriage	50
6. Analysis of Early Marriages in the Roma Communities of Shkoza, Liqeni and Tufina areas – Case Study	54
References.....	59
Annex:	
Photos from the open meetings and focus groups in the Roma Communities of Shkoza, Liqeni and Tufina areas.....	61

EXECUTIVE SUMMARY

Child marriage is a practice that has persisted for centuries.

Today, it is defined as a formal or customary union in which one or both parties are under the age of eighteen. This practice takes place across regions, cultures, and religions, and though it affects children of both sexes, girls are disproportionately affected.

The origins of child marriage are multidimensional and deeply rooted. Historically, early marriage was used as a tool to maximize fertility in the context of high mortality rates. Child marriage was also employed to further economic, political, or social relationships. Today, this tradition is motivated by poverty, social marginalization and cultural norms, and is perpetuated by gender inequalities and the low status of girls and women.

Economic concerns are fundamental to the practice of child marriage. In disadvantaged and rural areas, where the tradition of child marriage is most prevalent, limited educational and economic opportunities for girls increase the likelihood for early marriages. In addition, economic transactions related to marriage often place a value on youth, which pushes poor families to marry off their daughters to increase their own economic stability. Practices

such as bride price or bride wealth, where the groom's family gives money or possessions to the bride's, also encourage early marriage on the account that younger brides have a higher value because they can contribute more over time to the groom and his family¹.

Child marriage is a phenomenon that affects girls and boys at the same time, but in different ways, by turning the phenomenon into a gendered one. Generally observed the phenomenon is much more visible in girls than in boys, by making the early marriage rate in boys lower than in girls. The phenomenon is strongly linked to various factors which lead to the problem, but at the same time this phenomenon has various socio-economic consequences. Girl child spouses are also vulnerable to domestic violence and sexual abuse within relationships that are unequal, and if they become pregnant, often experience complications during pregnancy and childbirth, as their bodies are not ready for childbearing. Upon marrying, both boys and girls often have to leave education to enter the workforce and/or take up domestic responsibilities at home.

While child marriage is not well-researched, it has been peripherally addressed as a by-product of other issues, such as ethnicity-based social exclusion, discrimination, poverty, and child labor and exploitation. A review of the few available studies reveals that child marriage in Albania is most commonly practiced among the Roma ethnic group. That said, child marriages also occur in some Albanian communities living in extremely isolated, poor, rural areas. Marriages involving children are not registered and, hence are not legally recognized. This means that accurate statistical data about these subpopulations is very poor.

This study that the Observatory for the Children's Rights has undertaken is focused on early marriages and its special focus is

1 *European Roma and Travellers Forum & Romani Women Informal Platform "Phenjalipe"* (2014), *Making Early Marriage in Roma Communities a Global Concern*, pg 7

the phenomenon of early marriage in the Roma community. During the realization of this study we faced lots of limitations; starting from the absence of the researches in this field for this phenomenon in Albania, continuing to the lack and updated data in the desk review process, and the cultural barrier of talking about this phenomenon to the Roma communities which have been as pilot areas in this initiative.

The study is divided in 3 main parts. The first and the second part are based in the desk review process, and the third part is based on field observations that Observatory for the Children's Rights has done in 3 pilot areas of Roma community. The first is the wrap up of all the theoretical part analyzing this phenomenon starting from the meaning of it in the Albanian population and in the Roma community, analyzing the national and international legal context which prohibit early child marriage and closing it with the factors which contribute to early marriages and the effects that these marriages bring. The second part is a desk review of data from Albanian population Census 2011 and Roma Mapping 2011 and in this part a more specific statistical focus is given to the phenomenon of early marriages. In this part a detailed data comparison of early marriages between Albanian Population and Roma population is done. The third and the last part is focused in the field observations that the Observatory for the Children's Rights has done in the 3 pilot areas (Shkoza, Tufina and Liqeni areas) and which have Roma Community living in it. For the field observations, despite the meetings with the community, a questionnaire was used to better translate the findings.

Main Findings:

The study about early marriages in the Albanian Society with a special focus to Roma community recognizes the following main findings:

- Most of the 15-18 year old Albanian children are single and

they represent 96.9% or 6179 of the children. The part of the 15-18 year old children who are married is 2.92% or 186 children, which is a considerable value. The other 3 categories of the children marital status are divorced children which is 0.05% or 3 of the 15-18 year old children, widow children which is 0.14% or 9 of the 15-18 year old children and not legally separated children which is 0%;

- The percentage of single 13-18 year old Roma children is 76% or 1488 children. Consequently the percentage of the other categories (married, divorced, cohabitation) is higher for this community. The percentage of married children in Roma community is 9% or 180 children. Great parts are the children who cohabit in the Roma community who cover 14% or 275 children, while only 1% of the Roma children are separated but legally married;
- 21.4% of the 15-18 year old children in the Albanian society are Roma children. In the comparison of single and married Roma children to the Albanian Society children, we can say that 14.7% of the single Albanian society children are Roma community children and 93.5% of the married Albanian society children are Roma community children;
- From the interviews in the pilot areas most of the interviewees were older than 18 years old, and had been married/cohabitants at a young age. From all the 60 interviewees, 59 of them declared to be married before the age of 18 years old and from these 36 of them specified that were not legally married and celebrated;
- From the interviewees most of the females got married at 13 years old (9 females) and at the age of 17 years old (8 females), and most of the males got married at 17 years old (7 males);
- Regarding the age when the interviewees had their first child, we can say that 47% (28 of them) had their first child when

- they were less than 18 years old;
- Asked about the information they had about the ways of Family Planning, 51% (31 of them) answered that they had no information about the ways of Family Planning, 12% (7 of them) answered that they had information about family planning and they practice/use them and 37% (22 of them) answered that they had information and they didn't practice/use them.

Recommendations and Obstacles:

- According to the Family Law, article 7 provides the marriage between a man and a woman who have reached 18 years old. However the Penal Code does not criminalize child marriage. 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 a criminal offence, with a punishment of seven to 15 years in prison, while forced sexual intercourse with a minor aged 14-18 years is punished by five to 15 years of imprisonment. By all this legal observation we can conclude that there is a need in the Albanian legislation to specifically state that early marriages are punishable and condemned;
- After the Committee delivered the recommendations for Albania at the closure of the reporting, in October 2012, during this period in the framework of the study Observatory for the Children's Rights has contacted many state and non-state institutions to ask them if any concrete step were undertaken from the Albanian Government or the Civil Society to alleviate the situation of children in Albania regarding the issue

of early child marriage. Some of the representatives of the partners (governmental and civil society) of Observatory have no updated information about the issue of early child marriage, except some sporadic studies that some of the NGO's had undertaken in some local areas of Albania. Based on our information Albania needs to undertake mitigation measures to alleviate the phenomenon of early marriages;

- The Albanian children protection system needs to reflect the phenomenon of early marriages. There is still a lack of referring system when it comes to identified cases of married children, so the institutions should still work on building up the referral system of early marriages;
- The need to intensify collaboration with the police, as an important partner in coordinating with the system and realization of legal obligations for all the steps of the referral system for similar cases;
- The phenomenon of early marriages needs a special focus from different state and non-state actors in order to reduce the magnitude and its effect;
- The need to reflect the negative effects of early marriages in various school subjects and activities and to intensify the efforts of Roma children inclusion in schools;
- The need to improve social policies in defense of vulnerable groups, as it is done with the Economic Aid scheme of cash incentive given for parents who send their children to school. A similar policy should be used in order to reduce the phenomenon of early marriages;
- High mortality rate among Roma community is seen as a contributing factor which drives this community to practice the phenomenon of children marriages;
- The need to reflect the phenomenon of Early Marriages in the National Action Plan of Integration of Roma and Egyptian in Albania 2015-2020;

- The need to increase and reallocate the fund for awareness campaign about health problems and the health risks that early marriage can bring. Currently the allocated fund for health promotion is 54,000ALL and it is not enough in order to highly address this problem;
- The need to address the phenomenon of early marriages in the Standards of the Protocol for the Protection of the Children's Rights of the State Agency of the Protection of the Children's Rights, and which is signed by 4(four) Ministries; MoYSW, MoES, MoH and MoI;
- While calculating the percentage that Roma community children occupy in the Albanian society children in different marital statuses, we see that in many categories the values are very high and surpass 100% or we conclude errors in reporting. This may be a result when Roma community tend to declare themselves as married or divorced when they are not legally married but only cohabitants, or it may be an error in counting and interviewing the families;
- In the field research process and during the interviews many of the Roma community members refused to take part in the interview process, so there is still the need for awareness campaigns in this direction;
- From the field research process we conclude that Roma community needs awareness campaigns regarding the phenomenon of early marriages and the impact that this phenomenon has in the society and development;
- Another element that needs reach out campaigns is the information that Roma families need about Family Planning, because during the interviews many of them answered that they had no information about the ways of Family Planning.

WHAT IS CHILD MARRIAGE?

Child marriage, defined as a formal marriage or informal union before age 18, is a reality for both boys and girls, although girls are disproportionately the most affected. Child marriage is widespread and can lead to a lifetime of disadvantage and deprivation².

According to UNICEF (2014), worldwide more than 700 million women alive today were married as children. More than 1 in 3 – or some 250 million – was married before the age of 15. Girls who marry before they turn 18, are less likely to remain in school and more likely to experience domestic violence. Young teenage girls are more likely to die due to complications in pregnancy and childbirth than women in their 20s; their infants are more likely to be stillborn or die in the first month of life.

Child marriage has two different forms of manifestation practiced in some communities. The first is that of marrying a minor girl to an adult male, through arranged and forced marriage, without the legal marriageable age being met. The second practice is a form of arranged marriage in which the parents of two children from different families arrange a future marriage. This way the two children become “betrothed” until they are both considered to be of a marriageable age. Evaluating this age very much depends on the culture of the group, but most of the times it is at or after the onset of puberty. Betrothal is a different act than the actual wedding, when

2 UNICEF (2014), *Child protection from violence, exploitation and abuse – Child marriage*

the girl's virginity constitutes a central element in the arrangement³.

1. Child Marriage in the Albanian Society

According to UNFPA (2012), child marriage in Albania has been a practice in the last two decades in the Albanian society especially in the extremely remote, rural, mountainous areas, where a patriarchal mentality meets poverty. It usually is linked with girls who are under 18 years old, while boys marry older in age, usually in their 20s and early 30s. Even though this phenomenon has diminished in the last few years, the phenomenon still exists.

Usually the marriages are arranged by families and the girls have no choice of the spouse or to reject him. Male dominance plays a significant role. The father is the one who makes the choice and the decision for the daughter, while mothers have no right to intervene in the negotiations of their daughters' luck.

Girls of these remote village areas know little of the available choices, due to the fact that most of them have never travelled outside of their village. Many of the girls in these communities drop out of school at age 12-13, in order to take on domestic work at home and prepare for marriage. Girls are kept away from social life and school, so marriage seems to be the best choice for them. Child marriages in remote rural areas follow a distinctive pattern. Daughters are engaged at 13-15 years of age. The wedding takes place a few years later, after which the girls move to their spouse's house. The grooms are usually emigrants in other countries and visit their house once or twice a year, so they live their new wives with their family and return to emigration.

3 Bitu. N and Morteau. C (2010), *Are the Rights of the Child Negotiable? The Case of Early Marriages within Roma Communities in Romania, Bucharest*, ISBN 978-973-139-143-4, pg. 29

Observatory for the Children's Rights annually monitors children's rights in regional level and one of the issues identified during our monitoring mission is early girl's engagement (not reaching the age of 18 years old) with the approval of their parents. An identified case is in Lac city (Kurbin), where 90% of middle school girls (under 18 years old) are engaged, promised to be married.

Observatory of the Children's Rights in Lezha – July 2013

Dropping out of school, usually happen before completion of compulsory education (for the majority group), and before the completion of basic primary school (for Roma) is a predictor of child marriage. It may happen before or after the marriage itself, and is a decision made by parents, rooted in the belief that 'school is not the future'. Parents do not see a future for their daughters beyond being a wife, homemaker, and mother. School dropout is reported for both genders in the last years of compulsory education, but for different reasons. Boys tend to drop out in order to enter the labor market, while girls drop out in order to prepare for marriage.

In recent decades, these marriages have been feeding the trafficking phenomenon. The option of having a wealthy son-in-law is so appealing that the prospective bride's family is willing to give consent to the marriage even if they know very little about the future son-in-law, who may in fact turn out to be a trafficker⁴.

2. Early Marriage among Roma Community

The same historic, economic and marginalization factors apply to Roma community early marriages, as globally, and this

⁴ United Nations Population Fund in Albania - UNFPA (2012), *Child Marriage in Albania (Overview)*, Version 1

community cannot be separated from the practice of early marriage. Based on the study of European Roma and Travellers Forum & Romani Women Informal Platform “Phenjalipe” (2014), when it comes to dealing with early marriage in Roma community there is a lot of inconsistency. Seeing early marriage, among Roma community and not only, in a human rights perspective it can be denounced as a harmful cultural practice, which is against European norms. While child marriage is being condemned as a human rights violation, there is a lack of adequate responses to affectively address the issue by state actors and involving the communities and families affected themselves.

In times of Romania slavery, as a solution against potential sexual abuse by the slave owners, the Roma married their daughters off while they were still very young, as, once married, girls would not represent the same type of interest. At the same time, migrating from India, where child marriages have been established for centuries, and early marriage was a practice that may have well been perpetuated as a result of the Indian legacy.

Making Early Marriage in Roma Communities a Global Concern - European Roma and Travelers Forum & Romani Women Informal Platform “Phenjalipe”

Generally child marriage among Roma community has placed this community in a judged position, by blaming their culture for this phenomenon. When the cultural traits of Roma community are described in a negative manner in a society, specific traditions come out stronger and are identified as the worst characteristics of this community.

In this way, early child marriage in these societies is generally identified with the Roma community and is usually addressed to this community. It is defined as a human rights violation in which the state responds according to a number of human rights

standards and national instruments. This does not always function because most of the time it is identified as a Roma specific tradition, and which needs to be dealt with within the Roma community.

Nowadays this phenomenon has diminished comparing to 10 or 20 years ago. It continues to take place in marginalized and poor traditional communities. Many social and economic factors lead to early child marriage such as: youth, love and early desire to form a family union, family pressure, financial insecurity of family, deep poverty, lack of perspectives, school dropout, placement in state care and lack of family reunification/adoption, sexual intercourse outside marriage, unplanned pregnancy, rape, peer pressure, community practices, etc.

For many decades the primary factor has always been poverty, one of the major factors underpinning early marriage, which in the last few years has worsened by the economic crisis. When young girls reach a certain age, are seen as an economic burden in their families and their marriage with older men is seen as a survival strategy to poverty.

The lack of opportunities to employment among Roma community seems to have a great impact on school-drop-out and attitude towards marriage. Even though their culture is seen as reluctant towards education and they lack the appreciation of the benefits of education could bring to their children, the truth is that Roma community is generally discriminated in the labor market, and have lower employment opportunities, lower employment and wage returns to education. Since they have lower benefits from education, it is logical for them to turn to alternative ways of living and earning. We usually make education decisions according to the extent to which we have reason to value education, both in terms of its costs and benefits now, and in terms of its ability to expand our capability set and enhance our well-being in the future. In this way Roma perceive educational pursuit as beneficial, at least from an economic point of view. Meanwhile, going parallel

to that, the lack of employment of Roma girls contributes to the fact of their early marriage. At the same time the educational level of the Roma parents affects directly the decisions regarding when and whether or not to marry off their daughters.

The role of the state is also very controversial when it comes to applying international or national legal protections when Roma women or girls are subjected to early marriage. These kinds of marriages are either not registered at all in the Civil Registration office, or they are registered under the circumstances of the tribunal court order. The unwillingness to strongly intervene, impede and sanction these marriages, is by ‘turning a blind eye’ to them based on plain neglect, or by agreeing that “this is a Roma tradition, their internal issue⁵”.

3. National and International Legal Context

Child marriage violates the rights of the child to be free from all forms of discrimination, inhuman and degrading treatment, and slavery. It violates a set of interconnected rights, including, the right to equality on grounds of sex and age, the right to marry and found a family, the right to life, the right to the highest attainable standard of health, the right to education and development. Referring to child marriage as a human rights violation also helps to raise it as a public concern rather than a private matter between families.

It is very important for a country to set in its legislative documents the minimum legal age of marriage. Laws that set a minimum age of marriage are an important way to safeguard boys and girls from being married before they are ready. It is important that children are recognized in the law as being children and that they are accorded the full protection of the law. Governments need to

5 *European Roma and Travellers Forum & Romani Women Informal Platform “Phenjalipe” (2014), Making Early Marriage in Roma Communities a Global Concern*, pg. 9

have clear and consistent legislation that establishes 18 as the minimum age of marriage. Adequate safeguards must be in place to ensure that parental consent or other exceptions are not used to force girls into marriage. The existence of laws that set a minimum age for marriage is an important tool that helps those working to dissuade families and communities from marrying off their daughters as children.

This part analyses the different legal frameworks and human rights dimensions of child marriage. By reviewing the landscape of laws that impact on women and children, we are able to come up with a broader range of policy alternatives and a more sophisticated understanding of how the multiple strands of law and innovative legal strategies can converge to prevent child marriage.

3.1 International Human Rights Norms that Address Child Marriage ratified by the Albanian State⁶

Various international treaties, conventions, and programs for action address child marriage. These international instruments cover the abolishment of harmful customs and traditions, violence against the girl child, marriage consent, marriageable age, registration of marriage, and the freedom to choose a spouse. More concretely the international instruments which prohibit child marriage and are ratified by the Albanian government are as follows:

3.1.1 The Universal Declaration of Human rights (UDHR)

The right to a free and full consent to a marriage is recognized in the Universal Declaration of Human Rights. The recognition that consent cannot be free and full when one of the parties involved is not sufficiently mature to make an informed decision about a life partner is a violation of the UDHR. Article 16 of the UDHR refers to free and full consent marriage.

6 *De Silva-de-Alwis, Rangita (2008), Child Marriage and the Law - Legislative Reform Initiative Paper Series, New York, pg. 4*

3.1.2 The Convention on the Rights of the Child

The Convention on the Rights of the Child refers to children's rights which are entitled to human rights in their own right. The child is the recipient of the privileges of the human rights according to this Convention and referring (directly or indirectly) to early child marriage under the Articles 1, 2, 3, 6, 12, 19, 24, 28, 29, 34, 35 and 36.

RIGHTS DENIED BY CHILD MARRIAGE OR EARLY MARRIAGE IN THE CRC

Early marriage undermines a number of rights guaranteed by the Convention on the Rights of the Child:

- *The right to education (Article 28).*
- *The right to be protected from all forms of physical or mental violence, injury or abuse, including sexual abuse (Article 19) and from all forms of sexual exploitation (Article 34).*
- *The right to the enjoyment of the highest attainable standard of health (Article 24).*
- *The right to educational and vocational information and guidance (Article 28).*
- *The right to seek, receive and impart information and ideas (Article 13).*
- *The right to rest and leisure, and to participate freely in cultural life (Article 31).*
- *The right to not be separated from their parents against their will (Article 9).*
- *The right to protection against all forms of exploitation affecting any aspect of the child's welfare (Article 36).*

3.1.3 The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Considered the Bill of Rights of Women, the CEDAW guarantees the State's responsibility to ensure those rights. The proclamation of

CEDAW was the culmination of the efforts of the global women's human rights movement to bring together in a single document a charter of women's rights. It gives voice to the notion that women's rights are human rights. This Convention provides that the betrothal and marriage of a child shall have all the necessary action, including legislation, to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory. The CEDAW provision relating to child marriage is Article 16 (1) and (2) which prescribes that men and women have the same right to enter into marriage, have the same right to freely choose a spouse and enter into marriage only with their free and full consent, as well as the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage.

3.1.4 International Convention on Civil and Political Rights (ICCPR)

The Political Covenant's Human Rights Committee has developed interpretations of its substantive articles by issuing general comments. The obligations for the state parties developed under this Convention requires not only that states take measures to protect women, such as the enactment of laws, but also to take measures of affirmative action designed to ensure the positive enjoyment of rights. It also imposes on states a duty to obtain information regarding the role of women in its jurisdiction in order to determine specifically what additional measures need to be taken. Article 23 of the ICCPR establish for the rights of men and women of marriageable age to marry. It also states that no marriage shall be entered into without the free and full consent of the intending spouse.

3.1.5 International Convention on Economic Social and Cultural Rights (ICESCR)

The ICESCR provides in Article 10 that marriage must be entered into with the free consent of the intending spouse. ICE-

SCR Concluding Comments have elaborated further concerns on child marriage. Some of these concern the following:

Differences in marriageable age between males and females violate Article 10; the practice of early marriage has a negative impact on the right to health, education and work and the ICE Committee has also recommended that the legal minimum age of marriage be raised to 18

3.1.6 The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices

The Supplementary Convention equates any marriage that is forced upon a girl or woman by her family or guardians as similar to slavery and requires the state party to eliminate it. The part of the Convention preventing child marriage is Article 1(c).

3.1.7 The International Labor Organization's Convention 182 on the Elimination of the Worst Forms of Child Labor

According to Article 3 of the International Labor Organization's Convention on the Elimination of the Worst Forms of Child Labor all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, forced or compulsory labor are forms which are likely to jeopardize the health, safety or morals of children. Child marriage as a form of the rights and freedom violation and as a form of slavery prevents the development of the children.

3.1.8 The World Health Organization Constitution

The WHO Constitution places a right to the highest attainable standard of health and defines health broadly as a state of complete physical, mental and social well being and not merely the absence of disease or infirmity. Child marriage goes against the spirit of the WHO Constitution.

3.1.9 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

According to Article 1 of the CAT, the agreement of the law enforcement in failing to prosecute rape in child marriage, especially in countries where rape covers both marital and non-marital rape.

3.1.10 The European Convention on Human Rights

The European Convention on Human Rights (ECHR) does not contain an explicit right to health or right to a clean environment. However this Convention is linked to child marriage, both by the right to life in Article 2 of the ECHR and the right to respect for private life and home in Article 8 of ECHR have been held by the European Court of Human Rights to impose certain positive obligations on the State.

3.2 Albanian National Human Rights Norms and Legislation that Address Child Marriage⁷

According to the Albanian legislation and to the most recent Law on Children, the 2010 Law on the Protection of the Rights of the Child, conforming to the UN Convention on the Rights of the Child, which are referred to a child as ‘any person born alive who is under 18 years of age’. The Law on the Protection of the Rights of the Child also defines all the rights and protection a child is entitled to, and names the mechanisms and institutions that are responsible for guaranteeing the realization of these rights. These are the National Council and the National Agency for the Protection of the Rights of the Child, which were set up in 2010. The Law also envisages the establishment of child protection units at regional and local level, to serve as primary units for cases of child rights violations. According to the Constitution, children,

⁷ *United Nations Population Fund in Albania (2012), Child Marriage in Albania (Overview), Version 1*

young people, pregnant women, and young mothers have the right to special protection from the State. The same article states that any child has the right to 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 in marriage can enter also children under 18 years old for matters of importance, for example; if when a girl under 18 years of age is pregnant, or the future husband 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. According and based on the ratification of all the international instruments, in the Albanian state according to the Albanian legislation all marriages must be based on the free consent of both future spouses, and must be registered at an official register office.

The Civil Code of the Republic of Albania states that a person attains full juridical 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 attains juridical capacity. Juridical capacity gives a person certain legal rights and obligations; for instance, to enter into legally binding contracts, receive medical treatment without parental consent, and to register the birth of children.

However the Penal Code does not criminalize child marriage. 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 a criminal offence, with a punishment of seven to 15 years in prison, while forced sexual intercourse with a minor aged 14-18 years is punished by

five to 15 years of imprisonment

3.3 State Party, Civil Society and Children report in the Sixty-First Session Committee on the Rights of the Child (17 September – 5 October 2012)

Albania ratified the Convention on the Rights of the Child (CRC) on 27 February 1992. On 25 September 2012, the Committee on the Rights of the Child examined the 2nd, 3rd and 4th combined periodic report of Albania. Albania was represented by the Delegation of Albania which was composed of high representatives of the Ministry of Labor, Social Affairs and Equal Chances, the Ministry of Science and Education, the Ministry of Internal Affairs, and of the Permanent Mission of Albania to the United Nations Office in Geneva. In this presentation the representatives of Albania presented the new law on the Protection of the Rights of the Child issued on 4 November 2010 and the Action Plan for Children 2012-2015 as steps forward to fulfilling and observing the rights of the children in Albania. For the first time in this reporting the establishment of the Child Rights units at the local level and the State Agency for the Protection of the Rights of the Child were presented and were tasked with the monitoring of the implementation of both the law and Action Plan for Children.

The head of the delegation emphasized the progress that Albania had made in the areas of health, education, foster care and child protection. The delegation mentioned the decrease of infant mortality, the improved care for new-born and the new law on pre-university education. They also highlighted the good cooperation with civil society, which had been able to provide input during the drafting of the law on the Protection of the Rights of the Child.

Regarding the issue of early child marriage in Albania, the Committee had given a list of issues concerning additional and updated information, in which the State Party was asked to submit in writing additional, updated information regarding the topics. In

the 3rd paragraph of Part I, the Committee asked the State to provide information on the specific measures undertaken to address the problem of early marriages which are reportedly still common in certain communities. The response of the state to this point was:

Regarding the problem of early marriage of Roma community we mention that the Family Law, article 7 provides the marriage between a man and a woman who have reached 18 years old. Only for reasons of great importance, may the court permit the marriage before reaching this age. This field is already arranged with the provisions in the family law which does not allow marriages in an early age. Indeed even the state structures have cooperated with Roma and not Roma non-profit organizations, which addressed this problem through awareness campaigns to raise Roma community awareness in order to minimize the marriages in an early age in this community.⁸

According to the NGO Group for the CRC (2012) the Delegation response to this issue was that early marriages were not common in rural areas but were of concern in Roma communities as it was an element of their culture. Efforts had been made to address this trend, including a National Action Plan for Roma inclusion in education. According to the National Action Plan for the Decade of Roma Inclusion 2010-2015, early child marriage was mentioned in none of the priorities as well as the objectives of his National Action Plan.

Another reporting came from talks, interviews, questionnaires, workshops, trainings, and meetings that United for Child Care and Protection Coalition (BKTF) has made with 26 children who gathered in Durrës on 15, 16 and 28, 29 October 2011, and who

⁸ Committee on the Rights of the Child, Sixty-first session, Implementation of the Convention on the Rights of the Child, List of issues concerning additional and updated information related to the consideration of the combined second, third and fourth periodic reports of Albania (CRC/C/ALB/2-4), Written replies of Albania

represent 14.534 children from Tirana, Vlora, Durrës, Kucovë, Elbasan, Peshkopi and Diber. Their concern regarding the issue of early child marriage is that in many Albanian families children are used for hard labor; they immigrate; or are excluded from important decisions on their life. There have been cases of arranged marriages for minor girls without their consent. Children who lack parental care encounter many difficulties to fit in the society; they lack a safe shelter, food and security; they do not benefit from the health care system and many of them end up abandoning school. Early marriage is a violation of their rights according to the CRC.

Concluding Observations and Recommendations of the Committee on the Rights of the Child

After the reporting of different stakeholders (states party and complementary reports of other actors) in the UN Commission about the situation of the rights of the child, in terms of both the implementation and violation of these rights, the early child marriage was categorized as a “Harmful Practice” by the committee and the recommendation of the committee about this issue was as follows:

The Committee, while noting that the minimum legal age of marriage is set at 18 years, expresses concern about the persistent practice of early and forced marriages, especially in the Roma community.

Continuation of the process after the observations and recommendations of the Committee.

After the Committee delivered the recommendations for Albania at the closure of the reporting, in October 2012, during this period in the framework of the study Observatory for the Children’s Rights has contacted many state and non-state institutions to ask them if any concrete step were undertaken from the Albanian Government or the Civil Society to alleviate the situation of children in Albania regarding the issue of early child marriage. Some of the

representatives of the partners (governmental and civil society) of Observatory have no updated information about the issue of early child marriage, except some sporadic studies that some of the NGO's had undertaken in some local areas of Albania. Based on our information from October 2012, until February 2015 no mitigation measures have been undertaken to study in depth this phenomenon.

4. Factors which contribute to Early Child Marriage and Effects that these marriages bring⁹

Early marriage and child bearing generally reflect Roma traditions of marriage and gender roles. They expect women to be wives and mothers. Additionally, few receive formal family-planning instruction. As a result, the use of birth control methods is low among Roma, and abortion rates are high. The main side effects of early marriage and young childbearing ages include low education levels and high divorce rates. For Roma, divorce rates are higher than for Albanians. For women, divorce leads to increased poverty and social exclusion for themselves, their families, and their children. This may result in a retreat into prostitution as a strategy for survival and a coping mechanism for poverty

4.1 Factors leading to Child Marriage

Early marriage ages come from the adherence to cultural norms and traditional gender roles, poverty, parents' fear of kidnapping and prostitution, and little family-planning knowledge. The influence of these norms and values on marital ages is especially strong for women.

The root causes of child marriage among Roma need to be tackled. Child marriage is not an isolated event. It is related to other social problems that Roma families face, such as economic diffi-

9 De Soto H., S. Beddies, and I. Gedeshi (2005) 'Roma and Egyptians in Albania: From social exclusion to social inclusion', *The World Bank, Washington D.C.*, pg.28

culties, lack of adequate housing, and lack of access to education and health services, lack of information about family planning.

4.1.1 Cultural Norms and Values

Roma women are expected to marry early and have children. Parents feel that their daughters' "eligibility" for marriage declines with age. They believe that when the girl is 18-19 years old and she's unmarried, something is wrong with this girl. The most important reason of early marriage is the sanctity of female virginity, which in the Roma culture is translated as "the girl's loyalty to her husband".

One of the influences on women the family pressure to reconcile women separated from their husbands. Even those in abusive marriages are frequently encouraged by family members to endure abuse rather than separate. In fact, family members intervene and reconcile the couples, even when women in abusive marriages attempt to leave their husbands. In contrast to Roma, Albanian cultural norms and values were subject to more change during the same period. The general factors related to cultural norms are:10

- the pressure of patriarchal culture;
- the importance of preserving girl's honor and virginity;
- the way of reaffirming man's place in the family and mother in-law's role;
- insuring an image before the group/community;
- parents' wish to make sure that youth do not lose their cultural and traditional values and do not become too "modern";
- religiously justified reasons to preserve the image and role of the woman;
- the impact of racism on the community which leads to compact communities, without mixed socialization;
- some families' concern regarding the "mixing" of marriages;

10 Bitu. N and Morteau. C (2010), *Are the Rights of the Child Negotiable? The Case of Early Marriages within Roma Communities in Romania, Bucharest*, ISBN 978-973-139-143-4, pg.29

etc,

4.1.2 Poverty

Poverty is seen as the primary economic factor for Roma community early marriages. In many cases early marriage is another poverty-coping mechanism. Many poor parents are forced to marry off their daughters at an early age to ease their own economic difficulties. Married women live with their husbands, and frequently their husbands' families, so marriage decreases the numbers of dependents within the woman's family.

4.1.3 Fear of kidnapping and prostitution

The fear of kidnapping and possible prostitution makes early marriages a choice for Roma parents. Parents feel that unmarried, unaccompanied women are more easily approached by strangers or are more inclined to talk to strangers. The perceived link between prostitution and early marriage is high.

4.1.4 Birth Control

Birth control use is rare among these groups. Roma community use birth control is in a low percentage. Low birth control use is partly the result of mistrust of, and lack of knowledge about, birth control methods. Most of Roma women think that the methods used for birth control are not trustful and harm their health. The fact that Roma women do not know much or do not use the methods of birth control, is highly correlated with the fact that the rate of abortion among Roma women is very high. In many cases it happens that their husbands don't want their wife to use contraceptives and they violate them when they turn out to know that they are using them. In most of the cases abortions are performed by a doctor, and in many others they perform the abortions by themselves.

4.2 Effects of early Child Marriage

Early marriages are a big threat to the human rights and well-being of children. It denies the young an opportunity to grow and empower themselves. It challenges the basic right of these children to education, health, protection and development. Some of the effects that early child marriage brings are:

4.2.1 Low education levels

At early child marriage, girls and women drop out of school very early to take care of their husbands, their family and their children. So early marriage is strongly correlated with drop out and low education levels. While many Roma girls and young women do not attend school at all, those who do go to school drop out to perform family duties when they get engaged or married. In many cases, the simple expectation of early marriage caused women to leave school early to remain at home and prepare for their forthcoming duties as wives and mothers. Some of the consequences of these choices are high illiteracy rates, low qualifications, and few, if any, useful vocational skills.

4.2.2 Poor child care

When women marry young and have children early, the quality of child care tends to be lower than for older women. Many young mothers are still children themselves and lack any understanding of the demands of child care. It seems that mothers-in-law are also responsible for teaching their young daughters-in-law basic child care.

4.2.3 Increase of divorce rates

Early marriages and usually arranged marriages are identified as a cause of divorce, because spouses know little about each other before embarking on marriage. In many times one of the spouses or both of them do not support and do not admit the marriage.

These kinds of marriages are not based on knowing each other, so this is that kind of marriage which ends in divorce. Early marriage and arranged one do end up to spousal abuse as well. Even though Roma believe that marriages improve for couples who remained together as they grow older, the practice has shown the opposite. When women reach a certain age and they grow old, and they still continue to suffer from violence of her spouse, comes a moment when she reaches maturity and she will denounce this abuse.

4.2.4 Education and economy:

Because young girls are married early, little or no focus is given to their education, going grossly against the adage, “educate a woman and you educate a family, educate a family and you educate a nation.” Pulling out of the future generations from schools perpetuates the cycle of poverty and thereby, curtails the overall economic growth of the nation. Women with higher levels of schooling are less likely to marry early.

4.2.5 Sexuality and violence

Young girls with low levels of education are more likely to experience violence by an intimate partner. A young girl who is still struggling to understand her own anatomy is forced to make conjugal relations and often show signs of post-traumatic stress and depression owing to sexual abuse by her older partner. Neither their bodies are prepared nor their innocent little minds. Forced sexual encounters lead to irreversible physical damage. The psychological damage cannot even be comprehended.

The girls are three times more likely to experience marital rape. The girls who marry after 18 years are more likely to talk to their husbands about contraception, discuss when to have children and how many. Young brides face a higher risk of contracting HIV and other sexually transmitted diseases owing to her marriage with an older man with more sexual encounters.

Young girls who are less than 15 years are five times more likely to die during child birth than those in the 20s. The infant mortality rate is very high because the young body of a woman is biologically not capable of maternity.

Owing to their tender age, some of them are sexually exploited by other men in the family and they are too scared to go out and complain. In the absence of proper education, little do they know that the gender of a child depends on the father and not the mother.

4.2.6 Health risks

There is a direct link between marital relationships and physical health. Commonly, early marriages are seen in developing countries and child brides can face serious, life threatening issues. Young girls who are married at an early age are exposed to recurrent childbirths, unplanned pregnancies, sexually transmitted illness and abortions that in turn are detrimental to their health and nutritional status. As a result, babies born to mothers who have a poor nutritional status are at risk of low birth weight and stunting and wasting later on.

5. Analysis of child marriage phenomenon in Albania – Specific view on Roma Community

This part of the study is deeply focused in the analyses of child marriage phenomenon with specific view and comparison with the Roma community. The data represented in this part are from the Censuses made in 2011 for the total Albanian Population by IN-STAT and for the Roma community by Roma Mapping 2011.

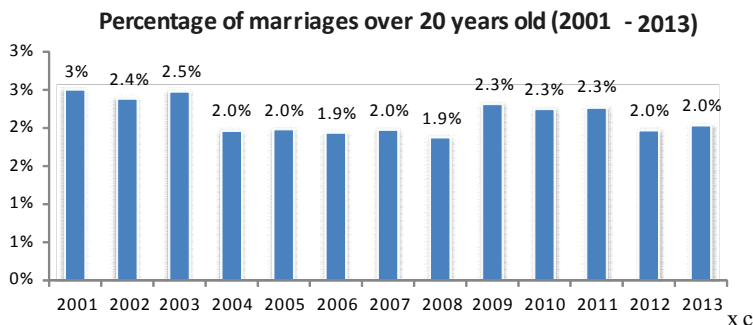
The analysis is focused in 4 dimensions. The first dimension analysis the general data about the Albanian society marriages regarding the average ages in marriages, average household size and how these trends and data have changed over years showing at the same time a change that the society has undergone through all these years. The reason why we have given a focus to this part is to show that even though the Albanian society has been undergoing a series of changes

in the way of the conception of marriage, the phenomenon of early marriages still exists in the same size. Generally speaking from the analysis of this part, the average age that the Albanian society goes in marriage has increased, the percentage of marriages over 20 years old has decreased and the average household size has decreased. Despite all these cultural changes the phenomenon of child marriages still exists and it is more obvious in the culture of Roma community. The second part analyzes the phenomenon of early marriages in the Albanian majority. The third part analyzes the phenomenon of early marriages in Roma community and the fourth and last part analyzes the part that Roma Community child marriages occupy in the phenomenon of child marriages in the Albanian Society.

5.1 First Dimension - Albanian Society Marriage Overview

Speaking about general data, according to INSTAT the percentage of marriages over 20 years old in one year out of the total population in this age group for 2013, is 2% from which 2.3% are males and 1.8% are females. As shown in graph nr. 1 the trend in the percentage of the marriages in one year in Albania has decreased by 1 point percent from 2001.

Graph 1: Percentage of marriages over 20 years old (2001 – 2013)

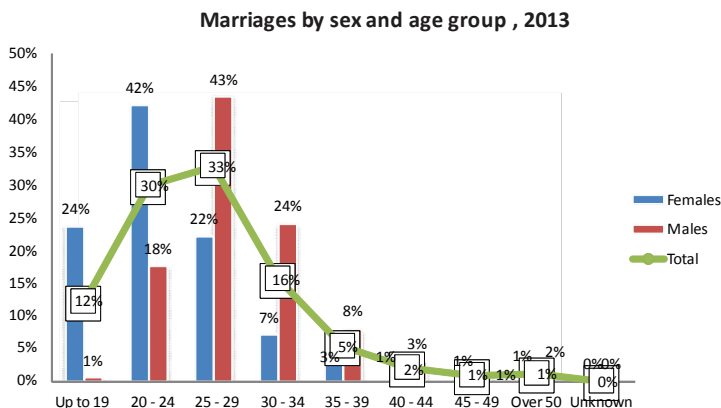


Source: INSTAT (2015) - The number of marriages over 20 years old and the number of the total population over 20 years old. Calculations by the author

In 2001 the percentage of marriages in Albania was 3%, and in 2013 the percentage of marriages was 2%. The strongest decrease registered in the percentage of marriages in Albania is in 2006 and 2008 by 1.9%.

According to INSTAT the trend of marriages based on age groups over 19 years old has the form of an increasing and then decreasing curve. The slope of the curve changes according to the age. Graph nr.2 shows the percentage of the marriages based on the age groups and according to the sex.

Graph 2: Percentage of marriages by sex and age group for 2013



Source: INSTAT (2015) - The number of marriages for 2013

Calculations by the author

From the graph nr. 2 we can see that the percentage of marriages increases with age up to 29 years old. 25-29 years old group age is on the average of population the most wanted group age to get married with 33% of the population getting married at that age. Up to that age the slope of the marriages curve keeps increasing, by starting with an average of 12% for the marriages up to 19 years old and continuing with an increase of 18 percentage point to the age group of 20-24 years old. After the age group of 25-29 years old the slope of the mar-

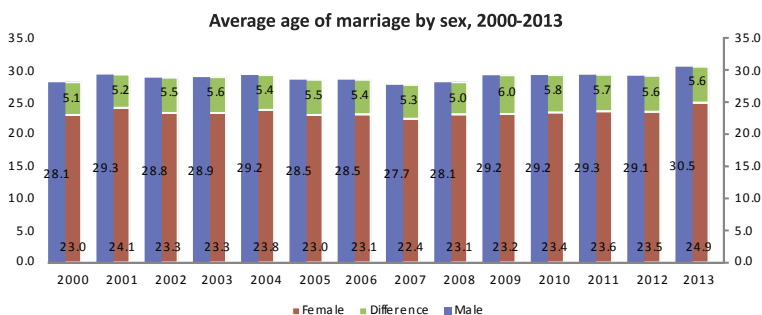
riage curve decreases significantly up to 16% for the age group 30-34 years old, and it keeps decreasing while the age increases.

However if we analyze the trend of marriages based on sex, we can see that most of the females tend to get married at the group age of 20-24 years old which is explained with a high percentage of females getting married at that age with 42%, and the males mostly get married at the group age of 25-29 years old which is explained with the high percentage of the males getting married at that age by 43%. The slope of the marriage curve for the females' increases up to the group age of 20-24 years old and then decreases, and the slope of the marriage curve for males' increases up to 25-29 years old and then decreases.

Another fact observed from graph nr. 2 is that the difference of the males and females getting married up to 19 years old is very deep, by 23 percentage point in higher for the females. The percentage of the females' getting married up to 19 years old is 24%, while the males' is only 1%.

Graph nr. 2 gives a brief explanation about the average age that the Albanian society goes into marriage. It goes parallel with graph nr. 3, which gives detailed information about the average age that Albanian males and females marry.

Graph 3: Average age of marriage by sex, 2000 - 2013



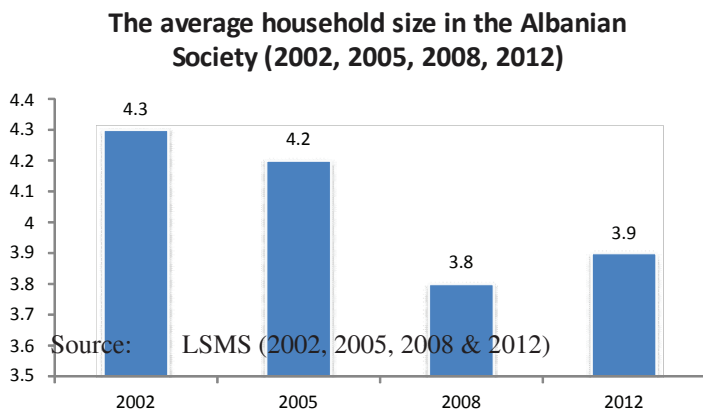
Source: INSTAT (2015)

As we can observe from graph nr. 3, the average age in which Albanian males and females marry has increased significantly from 2000 to 2013. For males the average age used to be 28.1 years old in 2000, and it has increased to 30.5 years old. For females the average age used to be 23 years old in 2000 and it has increased to 24.9 years old in 2013. It is clearly seen that the difference in age in which males and females get married has increased as well from 2000 to 2013. In 2000 the difference in the average age between males and females was 5.1 years and in 2013 it has increased in 5.6 years.

If we compare the data from graph 2 and graph 3, we can say that even though the average age in which females got married in 2013 is 24.9 years old, most of the females (42% of them) have gotten married at the group age of 20-24 years old in 2013. The same is for the males, even though the average age for the males is 30.5 years old, most of the males (43% of them) have gotten married at the group age of 25-29 years old.

According to the Living Standards Measurement Study (LSMS) undertaken by INSTAT in 2002, 2005, 2008 and 2012 the average household size in the Albanian society has decreased from 2002 to 2012 with 0.4 members. As we can observe from graph nr. 4, in 2002 the average household size was 4.3 members and in 2012 it has decreased to 3.9 members.

Graph 4: The average household size in the Albanian Society (2002-2012)

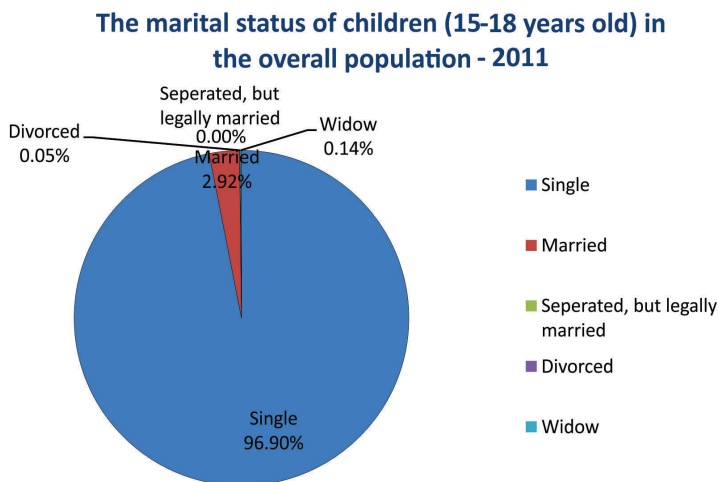


Second Dimension - Early Marriages in the Albanian Majority

If we get a closer to the issue of early child marriage in the Albanian society, due to the lack of the studies on this topic and lack of updated data on child marriages, this part of the study is based on data which derive from Albanian Census Population 2011. This kind of data can only be gathered from household interviews in all the areas of the country, part of which is covered by Population Census, and the latest for Albania is the year 2011.

Based on Census 2011 data, as it is also reflected in graph nr. 5, most of the Albanian children are single and they represent 96.9% or 6179 of the 15-18 year old children. The part of the 15-18 year old children who are married is 2.92% or 186 children, which is a considerable value. The other 3 categories of the children marital status are divorced children which is 0.05% or 3 of the 15-18 year old children, widow children which is 0.14% or 9 of the 15-18 year old children and not legally separated children which is 0%.

Graph 5: The marital status of children (15-18 years old) in the overall population - 2011

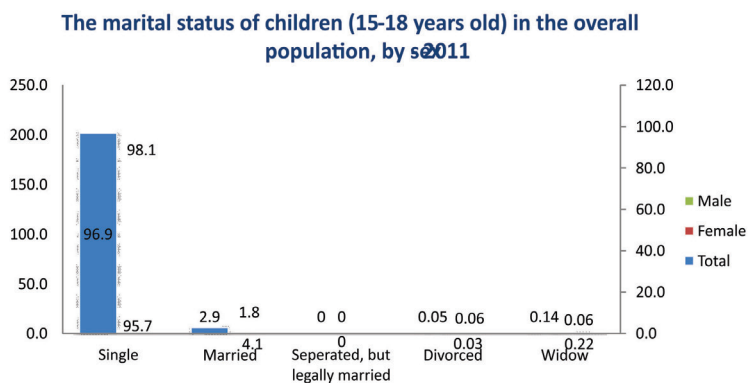


Source: Albania Population Census – INSTAT (2011)

Calculations by the author

If we observe the marital status of 15-18 year old children divided by sex (Graph nr. 6), in order to get an overview of which of the sexes has greater effect on each of the categories, we can conclude that male children make the highest part in the single category, by 98.1% comparing to female children by 95.7%, and female 15-18 year old children make the highest part of the married children by 4.1% (127 girls), comparing to male children by 1.8% (59 boys). We can say that male children have higher percentages in the two other categories as well by 0.06% of the divorced male children comparing to 0.3% of the divorced female children and 0.06% of the widow male children comparing to 0.22% of the female widow children.

Graph 6: The marital status of children (15-18 years old) in the overall population, by sex - 2011

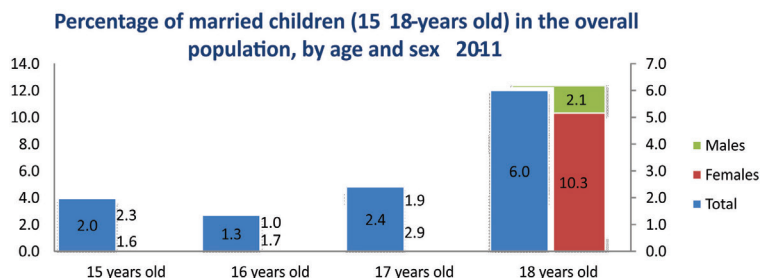


Source: Albania Population Census – INSTAT (2011)

Calculations by the author

If we analyze the issue of child marriages divided by the categories of the Civil Status (married, divorced and widowed) and based on the age group (15 until 18 years old), if we start with the category of married children, as shown in graph 7, we can say that the percentage of married children increases with age. This means that the percentage of 15 year old married children is 2% and it is lower than the percentage of 18 year old married children which is 6%. However in almost all the age groups the percentage of married girls is higher than married boys.

Graph 7: The percentage of married children in total divided by age and sex - 2011

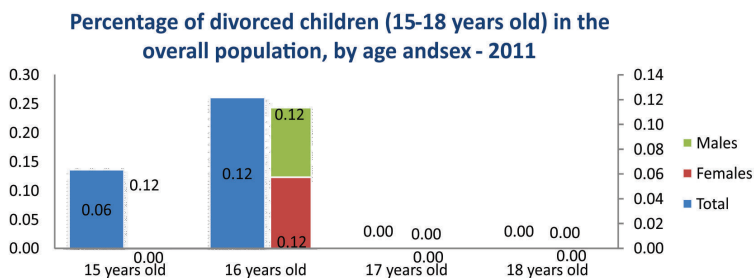


Source: Albania Population Census – INSTAT (2011)

Calculations by the author

Based on the 2011 Census data, the phenomenon of divorced children (graph nr. 8) is seen only in 15 and 16 years old age group. Like in the category of married children, the percentage of divorced children increases with age and the most affected sex are the females.

Graph 8: The percentage of divorced children in total divided by age and sex - 2011

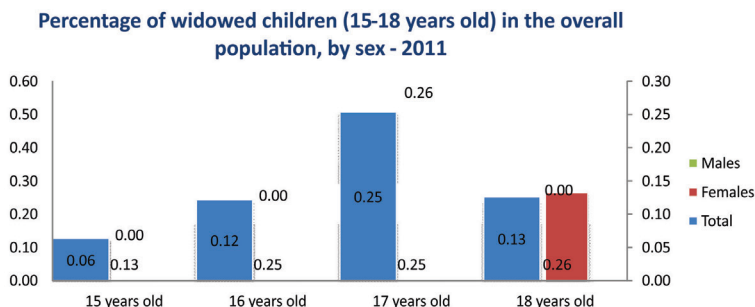


Source: Albania Population Census – INSTAT (2011)

Calculations by the author

Like in all the categories, females are the most affected in the category of widowed children as well (graph nr 9). The highest percentage is seen in the age group of 17 year old children with 0.25%.

Graph 9: The percentage of widowed children in total divided by age and sex - 2011



Source: Albania Population Census – INSTAT (2011)

Calculations by the author

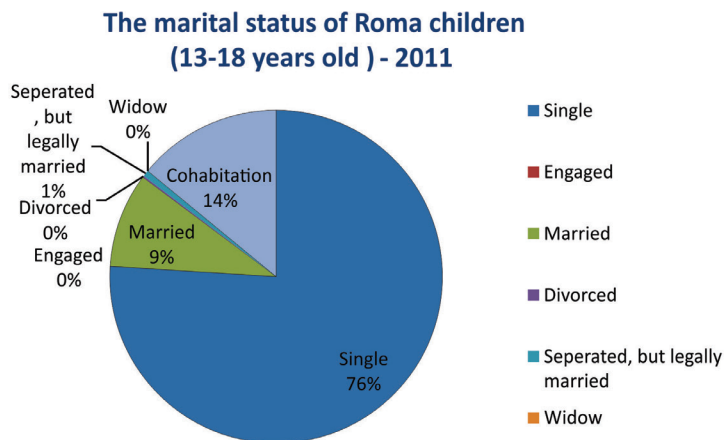
5.3 Third Dimension - Early Marriages in Roma Community

Due to the fact that Roma community is the community which is mostly affected from the phenomenon of early marriages, we have paid a special attention the analysis of early marriages in this community. The data for Roma early marriages in Albania is from Roma Mapping 2011 in Albania.

The data on the marriages of Roma children start earlier than those of the children of the Albanian majority. The marriages of Roma children start at 13 years old. As seen in graph nr. 10 the percentage of single 13-18 year old Roma children is 76% or 1488 children and it is much lower compared to early marriages in the Albanian majority which is 96.9%. Consequently the percentage of the other categories (married, divorced, cohabitation) is higher for this community. The percentage of married children in Roma community is 9% or 180 children and it is higher than the majority

which is 2.9%. A great part are the children who cohabit in the Roma community who cover 14% or 275 children.

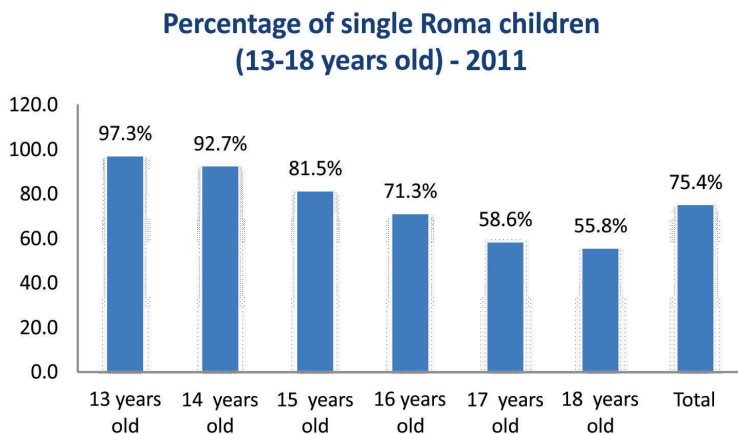
Graph 10: The marital status of Roma children (13-18 years old) – 2011



Source: Roma Mapping (2011)
Calculations by the author

If we analyze the categories more specifically, we see from graph nr 11 that the percentage of single Roma children decreases with age. The percentage of single children is higher in 13 year old children (97.3%) than in 18 year old children which is only 55.8%. The contrary happens to married children (graph nr. 11). The percentage of 13 year old married children is lower (0.7%) compared to 18 year old children (18.1%)

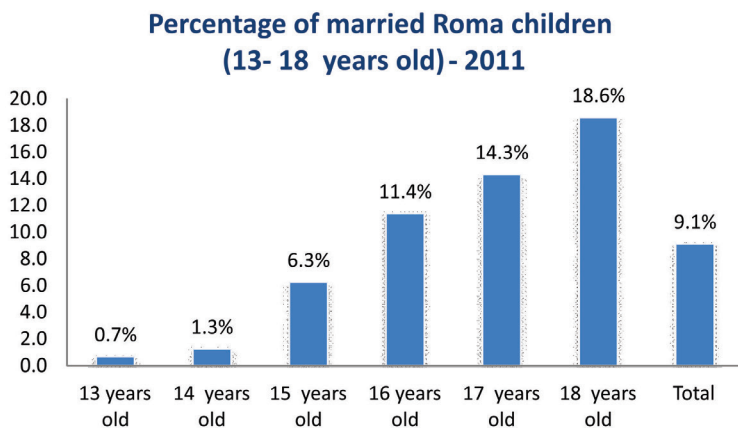
Graph 11: The percentage of single Roma children (13-18 years old) - 2011



Source: Roma Mapping (2011)

Calculations by the author

Graph 12: The percentage of married Roma children (13-18 years old) – 2011

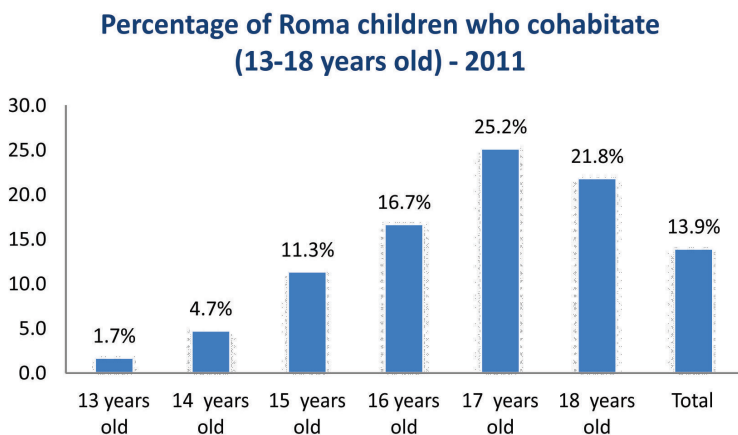


Source: Roma Mapping (2011)

Calculations by the author

The category of children who cohabitate have a considerable importance in the phenomenon of married children and it is a category which is category either married or single. They sometimes are confused and declare themselves as married, by overcharging the category of married children. As shown in graph nr. 13, goes up to 25% of the Roma children or 79 children. The percentage of the children who cohabitate increases with age as well. It begins with 1.7% of the 13 year old Roma children who cohabitate, and it ends up to 25% of the 17 year old Roma children who cohabitate.

Graph 13: The percentage of Roma children who cohabitate (13-18 years old) – 2011



Source: Roma Mapping (2011)

Calculations by the author

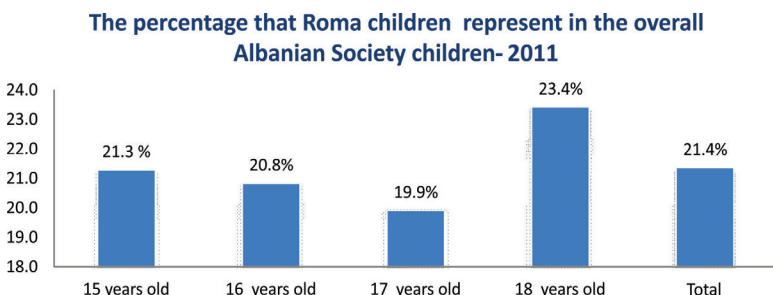
5.4 Fourth Dimension - The part that Roma community have in the overall population regarding child marriage

This part of the study is focused in analyzing the part that Roma Community child marriages occupy in the phenomenon of child marriages in the Albanian Society. This part gives a more complete overview of the fact if Roma community makes the hig-

hest percentage in early marriages. The data from Albanian Census Population and Roma Mapping are both from 2011 and they can be compared in the sense of the timeline and context. They both have data about the marital status of citizens and specifically of children under 18 years old.

According to these data sources (Census and Roma mapping 2011) graph nr 14 shows the part that Roma children represent in the overall Albanian Society children. 21.4% of the 15-18 year old children in the Albanian society are Roma children while the highest percentage is in 18 year old children which are 23.4%.

Graph 14: The percentage that Roma children represent in the overall Albanian Society children- 2011



Source: Albania Population Census – INSTAT (2011)

Roma Mapping (2011)

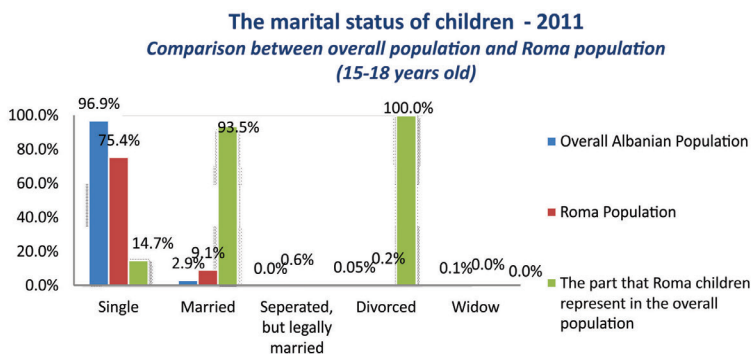
Calculations by the author

Graph nr. 15 shows at the same time the marital status of Albanian Society children, Roma Community children and the part that Roma community occupy in the Albanian Society. If we analyze the category of single children we can say that 96.9% of the Albanian society children are single, while 75.4% of the Roma community children are single and by this we can say that 14.7% of the single Albanian society children are Roma community children.

If we analyze early marriages we can say that 2.9% of the Albanian society children are married while 9.1% of the Roma community children are married. This means that 93.5% of the married Albanian society children are Roma community children.

The categories which show errors in reporting are the categories of “Separated, but legally married children” and “Divorced children”. In the first category 11 Roma community children out of 0 Albanian Society children declare to be “Separated, but legally married children”. The same happens with the second category where 3 Roma community children out of 3 Albanian Society children declare to be “Divorced children”. These overlapping and high values may be either errors in reporting, where Roma children declare to be legally married or divorced while they may be only cohabitants or not legally divorced or it may be an error in counting and interviewing the families.

Graph 15: The marital status of children – Comparison between total and Roma population, 2011

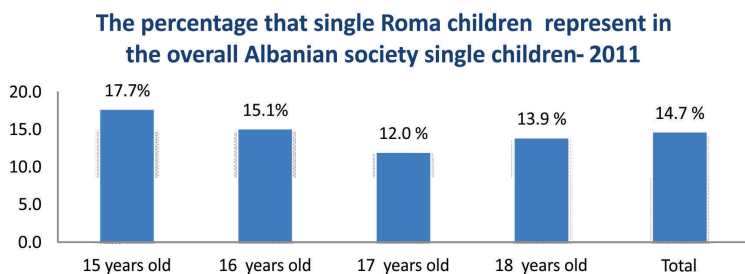


Source: Albania Population Census – INSTAT (2011)
 Roma Mapping (2011)
 Calculations by the author

If we specifically analyze the category of single and married children by age group and what percentage of these categories are

Roma children, as it is shown in graph nr. 16, 14.7% of the single children are Roma, while this percentage decreases with age. The older a child might be, the lower is the percentage of single children. 17.7% from the 15 year old single children are Roma children, while 13.9% of the 18 year old single children are Roma.

Graph 16: The percentage that single Roma children represent in the overall Albanian society single children - 2011



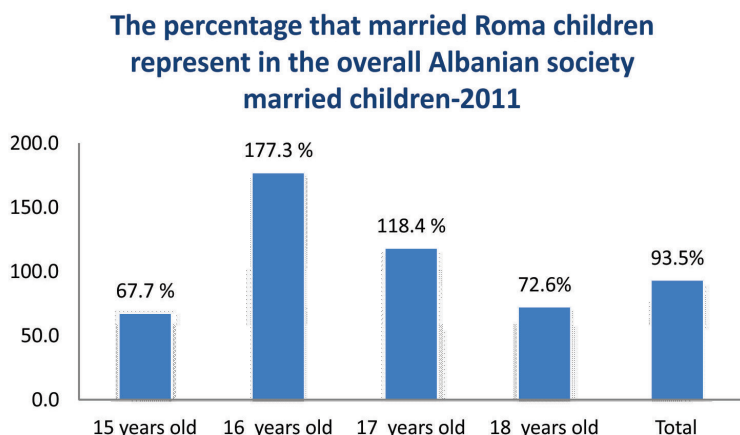
Source: Albania Population Census – INSTAT (2011)

Roma Mapping (2011)

Calculations by the author

Graph nr. 17 represent the category of married children and more specifically the part that married Roma children represent in the overall Albanian society married children. The rate that Roma children represent in this category is really high, 93.5%. If we compare this representation in different age groups we can conclude that in some of the age groups this rate surpasses the value of 100%. More specifically the part that married 16 and 17 year old Roma children represent in the overall Albanian society 16 and 17 year old married children is respectively 177.3% and 118.4%. These meaningless values can come as a result of a mis-reporting – where Roma children declare to be married while they are not legally married but cohabitants, or as a result of errors in counting or interviewing the families in the Censuses of Albanian population or Roma population.

Graph 17: The percentage that married Roma children represent in the overall Albanian society married children - 2011



Source: Albania Population Census – INSTAT (2011)

Roma Mapping (2011)

Calculations by the author

6. Analysis of Early Marriages in the Roma Communities of Shkoza, Liqeni and Tufina areas – Case Study

Due to the fact that this study is focused in early marriages and the special focus is on Roma Community, the pilot areas of this project were 3 (three) Roma Communities in the region of Tirana, and respectively the Roma Communities located in Shkoza, Liqeni and Tufina areas. The activities in these communities were realized in the form of open meetings and focus groups part of which were male and females of both genders and various ages from these communities. During these meetings Observatory for the Children's Rights used a questionnaire form to interview the participants and to learn more in depth the phenomenon of early marriages in these communities. The purpose of the meetings was to identify the cases of the young brides and grooms, mothers and fathers who were married in a very young age, before the age of 18.

During these activities the achieved outputs were:

- The Roma communities settled in these 3 (three) pilot areas, come from different parts and areas of Albania, such as; Kavaja, Korca, Rrogozhina, Elbasani, Peqini, Berati, Bilishti and Tirana.
- The realization of 8 meetings from which we got 60 completed questionnaires, and respectively:
 - 3 meetings in Shkoza area were 19 questionnaires were completed;
 - 2 meetings in Liqeni area were 22 questionnaires were completed;
 - 3 meetings in Tufina area were 19 questionnaires were completed'

The questionnaires were completed by:

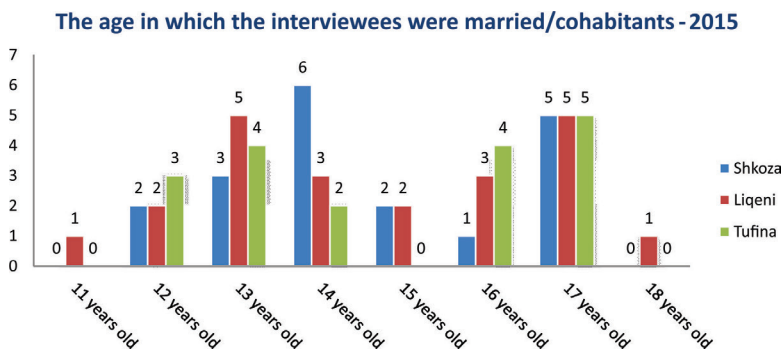
- 21 men (5 in Shkoza area, 10 in Lake area and 6 in Tufina area);
- 39 women (14 in Shkoza area, 12 in Lake area and 13 in Tufina area);
- In the moment of interview most of the interviewees were older than 18 years old, and had been married/cohabitants at a young age. Specifically speaking for 60 interviewees who were married/cohabitants at a young age, 44 of them in the moment of the interview were older than 18 years old and only 16 of them were under 18 years old. Respectively:
 - From 19 interviewees in Shkoza area were 10 were over 18 years old and 9 were under 18 years old;
 - From 22 interviewees in Liqeni area were 17 were over 18 years old and 5 were under 18 years old;
 - From 19 interviewees in Tufina area were 17 were over 18 years old and 2 were under 18 years old;
- From the 60 interviewees, 75% of them (45 interviewees) have never been in school, and the other 25% have followed some years of the compulsory education and only 2 of them have followed the 8 years of the compulsory education.

During the open meetings and focus groups some of the challenges faced were:

- Some of the Roma people in the community refused to become part of the meetings;
- In the Roma Community of Liqeni area some families refused to complete the questionnaire.

Despite the fact that 44 of the interviewees in the moment of the interview were over 18 year old, one of the questions of the questionnaire was about the age in which they got married or went into cohabitation. The results to this question are shown in graph nr. 18, from where we can say that most of the interviewees were married/cohabitants at the age of 17 years old in the three pilot areas.

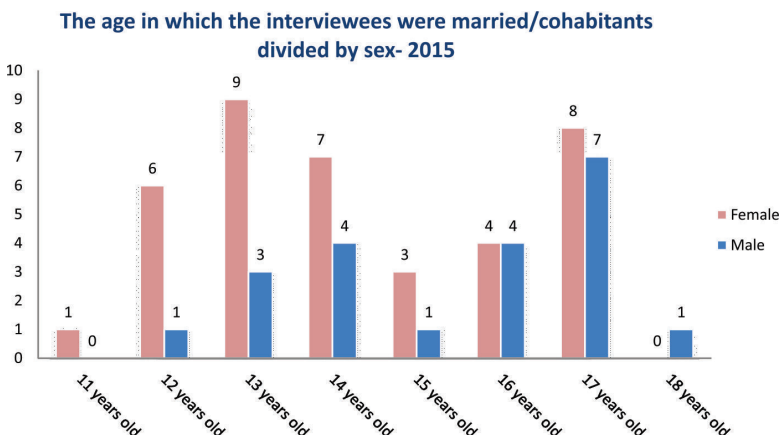
Graph 18: The age in which the interviewees are married/cohabitants - 2015



Source: Open meetings and focus groups in Roma communities in Shkoza, Liqeni and Tufina areas, 2015

According to the collected data and based on the results of graph nr. 19, we can say that from the interviewees most of the females got married at 13 years old (9 females) and at the age of 17 years old (8 females), and most of the males got married at 17 years old (7 males).

Graph 19: The age in which the interviewees are married/cohabitants, divided by sex - 2015

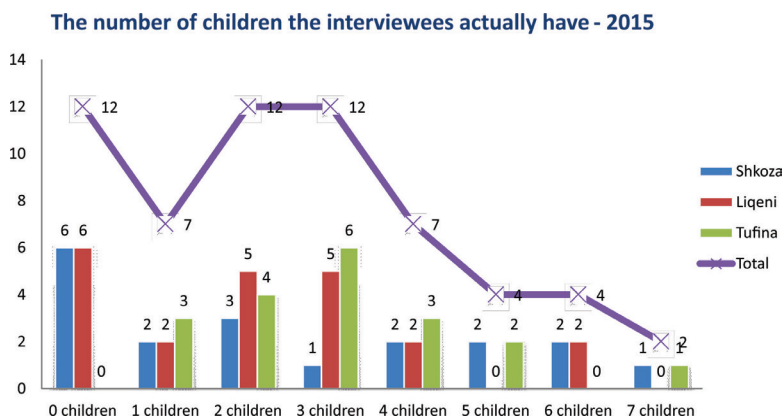


Source: Open meetings and focus groups in Roma communities in Shkoza, Liqeni and Tufina areas, 2015

From all the 60 interviewees, 59 of them declared to be married and from these 36 of them specified that were not legally married and celebrated, however they referred and declared themselves as married. Only 1 (one) of them was divorced.

Graph nr. 20 shows the number of the children that the interviewees actually have. The number of children differs from 0 children to 7 children, where most of them have 0, 2 and 3 children (12 each category respectively). From the 60 interviewees the ones who are actually less than 18 years old and have children are 4 in total and they have children 1-2 years old.

Graph 20: The numbers of children the interviewees actually have - 2015



Source: Open meetings and focus groups in Roma communities in Shkoza, Liqeni and Tufina areas, 2015

Regarding the age when the interviewees had their first child, we can say that 47% (28 of them) had their first child when they were less than 18 years old, or practically speaking when they were children by themselves.

Asked about the information they had about the ways of Family Planning, 51% (31 of them) answered that they had no information about the ways of Family Planning, 12% (7 of them) answered that they had information about family planning and they practice/use them and 37% (22 of them) answered that they had information and they didn't practice/use them.

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ANNEX:

Photos from the open meetings and focus groups in the Roma Communities of Shkoza, Liqeni and Tufina areas



Meetings with mothers and young brides in Shkoza community



Talking with Maradona, the young groom, at Liqeni area



Meetings with mothers and young brides in Tufina

