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Report: Survey on forced marriages in Romania

I. Introduction

In its *Report* for the Parliamentary Assembly of the Council of Europe's Committee on Equal Opportunities for Women and Men (20 July 2005), the Rapporteur Mrs Rosmarie Zapfl-Helbling, Switzerland, reiterated that:

"Forced marriages and child marriages constitute serious and recurrent violations of human rights and the rights of the child. It is an outrage that, under the cloak of respect for the culture and traditions of certain communities, there are authorities which tolerate forced marriages and child marriages although they violate the fundamental rights of each and every victim". The Resolution adopted following the Report clearly states that "the Parliamentary Assembly should urge the national parliaments of the Council of Europe member states to adapt their domestic legislation, if appropriate, so as to fix at or raise to eighteen years the minimum statutory age of marriage for women and men, make it easier for forced and child marriages to be prevented, detected and annulled and to bring to justice the perpetrators of rape within such marriages, as well as those who aided and abetted the contracting of such a marriage".

The Resolution also includes a comprehensive list of actions to be taken by national authorities to prevent the practice of forced and early marriages and to provide help in individual cases: "prevention campaigns in schools, informing persons under threat of forced marriage, provide emergency reception facilities where young women and girls liable to be forcibly married can be heard, cared for and accommodated, financially support associations and other non-governmental organizations that assist and support, shelter and protect potential or actual victims; aid victims in their physical and psychological recovery; punish the persons who voluntarily participated in the forced or child marriage, including the perpetrator of rape; punish the persons who aided and abetted the contracting of the forced or the child marriage, considering as an aggravating circumstance the victim's dependency on these persons".

This assessment of the situation of early marriages in Romania is taking into consideration the human rights violation perspective and questions?! the level of attention given to the prevention and combating of this harmful practice at the level of national and local institutions, as well as by the NGO sector.

According to the World Marriage Patterns 2000 of the Population Division and the Statistics Division of the United Nations Department of Economic and Social Affairs, a 1994 survey shows that in Romania men's average age for marriage is 26,0 and the average age for marriage of women is 22,4. If the incidence of marriages of men at the age of 15-19 is 0,5 %, for the same age category, it represents 10,4% of women's marriages, a percentage two times higher than in the Czech Republic, Hungary and Poland, but lower than in Bulgaria (16,5%) and the Republic of Moldova (12,5%). The survey does not include data on child marriages under the age of 15.

Unfortunately such data are missing in both international and national statistics. Consequently, the estimations of the present survey are an approximation of official data and data provided by sociological research and resource persons. The absence of reliable data on early and forced marriages is, on the other hand, an irrefutable proof of the lack of commitment of state institutions to identify, monitor, prevent and combat the harmful practice of early marriages and needs to be addressed in any further public national strategy.

Despite international agreements and national laws adopted mainly after the fall of the totalitarian regime in Romania (1989), the practice of marrying girls below the age of 18 is prevalent in many parts of the country and affects the lives of hundreds of young girls. In Romania, a combination of tradition, poverty, and lack of opportunity put a large number of young people “at-risk” for early marriage.

In many marginalized and/ or traditional Roma communities harmful traditional practices, such as child forced/ early/ arranged marriages, that violate the rights of young people and sharply limit their opportunities for social realization, still exist. Ceasing the personal development and realization of the victims is a common result of them.

Despite the fact that marriage is an important sociological and cultural phenomenon, Romanian demographical studies focusing on this issue are relatively rare. Those existing show clearly that, comparing the marriage habits from the 19th century until today, the motivation, age, conditions and importance of marriages is highly dependent on factors such as cultural traditions, rural/ urban differences, historical period of peace or war, degree of education and prosperity, the subjective feeling of security.

From a historical perspective, the early marriage can be seen as a practice that existed in the tradition of almost all European nations, including Romanians, but its incidence drastically decreased in the last century and especially in the modernization period, after the 2nd WW.

As regarding the age of marriages, it increased constantly in the last century. If in the XVIIIth century foreign visitors have noted that in the Romanian Principalities girls married as young as 12 years old (in Banat) and boys around 19, today’s statistics show that the average marriage for girls tends to be over 22 and for boys over 26.

However several studies show that early marriage is still practiced in communities where it is seen as part of the traditions and of the community’s internal cohesion rituals, or in remote areas. In big cities it occurs in slums, because of poverty, poor housing, the low degree of education and the lack of a personal development perspective.

There are no statistics available in Romania on the ethnic distribution of early marriages, but some data, studies and interviews show that early marriages are much more frequent among the conservative traditional Roma communities of Romania than among the rest of the Roma population, the majority Romanians, or the other national minorities.

Statistics published by the Institute for Research of the Quality of Life in 2002 reveal that 35% of Roma women married before reaching the age of 16; 31% of them married at 17-18 years old; 26% married at 19-22 years old and only 8% married after the age of 22. The proportion of Roma girls who marry before the age of 20 is increasing to 84% in the case of the generation of 20-24 years old girls. This tendency goes together with that of the marriages “without papers”, non-registered marriages. The same statistics show that 40% of the Roma couples were living in non-registered marriages. This percentage is even higher in the case of the girls married at the age of 15-19: it is 83%. As a consequence of early marriages, there is also a high rate of birth giving at an early age. Roma girls have babies before the age of maturity (18) in a proportion of 37%.

There is no specific distinction in these Romanian studies between early and forced marriages. If one can find sufficient data regarding the incidence of early marriages, as well as their consequences, there are however no data or studies specifically focusing on forced marriages. Researchers tend to include both early and forced marriages in the same category. Early marriages occur however with, as well as without the consent of those involved.

The team involved in this project considered all marriages under the legal age of the partners as forced marriages, because the young persons, and especially the girls, do not have the full exercise of the freedom of choice when entering an early marriage. Moreover, marriages that are consummated under the age of maturity fall under the Criminal Code as sexual intercourse with a minor and if violence is used for this intercourse, they are considered rape.

Nevertheless, this view does not have the support of all Roma organizations in Romania. Some still consider early and forced marriages as a legitimate part of the traditional culture of the traditionalist Roma communities. Additionally, the debate is complicated by the classical opposition between human rights and cultural rights. Moreover, the public debate is strained by the tendency of anti-Roma groups to present early and forced marriages from a racist perspective, as a practice unique to the Roma community. This approach, largely present also in the media and in the public discourse in Romania, has prevented the Roma NGOs from openly expressing their criticism towards this practice, and made them consider such debates as reserved to the internal community space. On the other hand, the lack of reliable statistics on the ethnic background of early marriages in Romania tends to single out the Roma community over other ethnic groups.

Taking into consideration all these aspects, the present project identifies as early and forced marriages all those under the minimum statutory age (18) and examines the legal, administrative and civil ways for combating the violations of the rights of children and minors that are perpetuated by maintaining in Roma communities the traditional practices and rituals related to forced marriages. The survey inventories the attitudes of the Roma community towards this practice, and the legal and institutional responsibilities, projects and actions taken by the Romanian NGOs to combat forced marriages and to promote the protection of the human rights and the rights of the child.

The survey presents cases from different traditional Roma communities in Romania, and results of interviews and questionnaires, and ends with recommendations and proposals for enhancing legal, institutional and community involvement in combating the harmful practice of forced and early marriages. The conclusions of the survey are meant primarily to inspire innovative action for advocacy and educational campaigns in Roma communities by members of the community themselves.

1. The Roma community of Romania

According to the last available Census in 2002¹, Romania has a total population of 21,680,974 persons, and among them 535,140 or 2,46% are Roma. The Roma are registered as the second largest minority group in Romania among the 21 declared ethnic groups.

However, there is a large consensus that the registered number of Roma persons is an underestimate. The low rate of self-identification and registration in the 2002 Census is due to

¹ The 2012 census figures are: from the total population of 20.254.866, a number of 619.000 (3,2%) are Roma (*n.ed.*).

the disinclination to assume a Roma identity openly and in many cases it is due also to the lack of identity documents or residence permits.

In accordance with statistics published by the Institute for the Research of the Quality of Life, the unofficial percentage of the Roma population in Romania is 6,7%. But the analysis of needs made by the Roma Education Fund at the launching of the Decade for the Inclusion of Roma and the Roma NGOs estimates the total number of Roma persons to be as high as 2.500.000 persons or 11,52% of the population. Since Romania's accession to the EU on January 1st 2007, around 1 million ethnic Roma have been living on the territory of other EU member states. [...]

According to the statistics published by the Center for Health Policies in 2004, the demographic structure of the Roma population shows that 43,6% of Roma persons are under the age of 18. This figure is relevant for our survey, because due to the underestimation of the size of the Roma population in Romania, the extent of early and forced marriages is also underestimated.

The Roma community of Romania has an inner diversity that should be taken into consideration to avoid generalization. Roma from Romania are diverse from the perspective of geographical dispersion, urban/rural residence, mother tongue and second preferred language, religion, political affiliation, conservative/progressive tradition, degree of education, prosperity and life expectancy.

2. Traditional Roma communities in Romania

There is no specific definition of the Roma traditional community, but it is generally accepted in Romania that communities like the Căldărași, Lingurari, Lăieți, Ursari and Gabor are seen as traditional. It means that the individuals belonging to these groups, especially women, have to obey group rules, wear traditional clothes, speak the Romani mother tongue and practice intra-group arranged early marriages according to the traditions.

A traditional Roma community is identified by the following characteristics:

- large families;
- common household that includes several generations;
- limited cultural access (TV, radio, newspapers, books, theatre etc.);
- patriarchal decision-making;
- women are generally working in the household;
- men assure the income and the leadership of the family;

Among the Roma groups and subgroups living in Romania there are: Aurari (Goldsmiths), Argintari (Silversmiths), Arămari (Tinker), Cocalari, Căramidari (Brick Makers), Covatari, Cositorari (Sieve Makers), Cărbunari, Fierari (Blacksmiths), Florarii (Florists), Gunoieri (Garbage collectors), Cehara, Corturarii (Roma living in tents), Corsarii (Basket Makers), Cosarii (Chimney Sweepers), Lemnari (Carpenters), Lingurari, Lăieți, Geambagii/ Lovari, Măturarii (Sweepers), Pieptănari (Comb Makers), Penari (Add chicken feathers), Rudarii, Racarii (Catch crabs), Olănari (Tiles Makers), Telanii (Patavara), Ursari (Bear Tamers), Căldărari (Kaldarashi), Turkish Muslim Roma, Breastfeeders, Fortune-tellers, Healers, Whishes, Fiddlers, Zlatari, Silk Gypsies, Meseriașii (Craftsmen), Romungre.

The geographical dispersion of the traditional communities covers the whole territory of Romania, with some local differences. For instance, the community of Gabors is concentrated mostly in Transylvania, in the regions where the Hungarian minority is also living. The

Gabors speak Hungarian as second preferred language and have generally Hungarian first names. From the point of view of religious belief, the majority of Roma are Greek-Orthodox. However, mainly after the fall of communism and the open society conditions, Roma have adopted several of the new-Protestant faiths, becoming members of the Advent Church and Pentecostal Church. The preference for the new protestant churches is understandable, as these churches show respect and solidarity towards Roma, far from the reserves of the classical historical Christian denominations (Greek Orthodox and Roman Catholic).

II. The Romanian legislation governing marriage, the family and child protection

The Romanian legal system of protection of human rights and the rights of the child include international treaties signed by Romania and a substantial list of internal laws, adopted by the Romanian Parliament mainly after the fall of communism.

The most relevant legislative documents referring to marriage, family and child protection are:

1. The Constitution of Romania²

Art. 6. Right to identity

(1) The State recognizes and guarantees the right of persons belonging to national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity.

(2) The protection measures taken by the Romanian State for the preservation, development and expression of identity of the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens.

Art. 16. Equality of rights

(1) Citizens are equal before the law and public authorities, without any privilege or discrimination.

(2) No one is above the law. (...)

² The Constitution of Romania of 1991 was amended and completed by Law no. 429/2003 on the revision of the Constitution of Romania, published in the Official Gazette of Romania, Part I, no. 758 of 29 October 2003, republished by the Legislative Council on the grounds of article 152 of the Constitution, with the updated denominations and the renumbered texts (Article 152 became, in the republished form, Article 156).

The Law no. 429/2003 on the revision of the Constitution of Romania was approved by the national referendum of 18-19 October 2003, and came into force on 29 October 2003, the date of the publication in the Official Gazette of Romania, Part I, no. 758 of 29 October 2003 of the Decision of the Constitutional Court no. 3 of 22 October 2003 for the confirmation of the result of the national referendum of 18-19 October 2003 concerning the Law on the revision of the Constitution of Romania.

The Constitution of Romania, in its initial form, was adopted in the sitting of the Constituent Assembly of 21 November 1991, was published in the Official Gazette of Romania, Part I, no. 233 of 21 November 1991, and came into force after its approval by the national referendum of 8 December 1991.

Art. 22. Right to life, to physical and mental integrity

(1) The right to life, as well as the right to physical and mental integrity of a person are guaranteed.

(2) No one shall be subjected to torture or to any kind of inhuman or degrading punishment or treatment. (...)

Art. 26. Personal and family privacy

(1) The public authorities shall respect and protect the intimate, family and private life.

(2) Any natural person has the right to freely dispose of himself unless by this he infringes on the rights and freedoms of others, on public order or morals. (..)

Art. 32. Right to education

(1) The right to education is provided by the compulsory general education, by education in high schools and vocational schools, by higher education, as well as other forms of instruction and postgraduate improvement. (...)

(3) The right of persons belonging to national minorities to learn their mother tongue, and their right to be educated in this language are guaranteed; the ways to exercise these rights shall be regulated by law.

(4) State education shall be free, according to the law. The State shall grant social scholarships to children or young people coming from disadvantaged families and to those institutionalized, as stipulated by the law. (...)

(7) The State shall ensure the freedom of religious education, in accordance with the specific requirements of each religious cult. In public schools, religious education is organized and guaranteed by law.

Art. 33. Access to culture

(1) The access to culture is guaranteed under the law.

(2) A person's freedom to develop his/her spirituality and to get access to the values of national and universal culture shall not be limited.

(3) The State must make sure that spiritual identity is preserved, national culture is supported, arts are stimulated, cultural legacy is protected and preserved, contemporary creativity is developed, and Romania's cultural and artistic values are promoted throughout the world.

Art. 34. Right to protection of health

(1) The right to the protection of health is guaranteed.

(2) The State shall be bound to take measures to ensure public hygiene and health.

(3) The organization of the medical care and social security system in case of sickness, accidents, maternity and recovery, the control over the exercise of medical professions and paramedical activities, as well as other measures to protect physical and mental health of a person shall be established according to the law.

Art. 48. Family

(1) The family is founded on the freely consented marriage of the spouses, their full equality, as well as the right and duty of the parents to ensure the upbringing, education and instruction of their children.

(2) The terms for entering into marriage dissolution and nullity of marriage shall be established by law. Religious weddings may be celebrated only after the civil marriage.

(3) Children born out of wedlock are equal before the law with those born in wedlock.

Art. 49. Protection of children and young people

(1) Children and young people shall enjoy special protection and assistance in the pursuit of their rights.

(2) The State shall grant allowances for children and benefits for the care of ill or disabled children. Other forms of social protection for children and young people shall be established by law.

(3) The exploitation of minors, their employment in activities that might be harmful to their health, or morals, or might endanger their life and normal development are prohibited.

(4) Minors under the age of fifteen may not be employed for any paid labour (...).

Art. 57. Exercise of rights and freedoms

Romanian citizens, foreign citizens, and stateless persons shall exercise their constitutional rights and freedoms in good faith, without any infringement of the rights and liberties of others.

2. The Family Code

The Romanian Family Code became law on January 4, 1954, and was amended several times after. The current version of the Family Code has been adopted in 1993.

It is divided into three titles: the First Title defines marriage; the Second Title defines relatives and the Third Title defines legal representation, various degrees of incapacity and legal protection.

Art. 1. In Romania the state protects marriage and the family; it supports the development and consolidation of the family through economic and social measures.

The state protects the interests of the mother and child and expresses its great concern for the growth and education of the young generation.

The family is based on free consenting marriage between spouses.

In relations between spouses, as well as in the exercise of parental rights, the man and the woman have equal rights.

Parental rights will be exercised only in the child's interest.

Art. 2. Family relationships are based on mutual friendship and affection between its members, who are obligated to provide mutual moral and material support.

The marriage

Art. 3. Only marriages concluded before the civil status officer give rise to rights and obligations of spouses under this code.

Art. 4. The minimum age for marriage is 18 years.

On reasonable grounds, the child who has attained the age of sixteen can marry based on a medical opinion, with the consent of his/her parents or, where appropriate, of his/her guardian and with the authorization of the general department for social care and child protection, in whose territorial jurisdiction the child has his/her domicile. (...)

Art. 101. The parents have the duty to care for the child. Their duties include raising the child, looking after its physical health and development, educating the child, monitoring the schooling and occupational training of the child, according to his/her characteristics and according to the state's goals, in order to become a useful member of the society.

3. Romanian Criminal Code from April 16, 1997 with subsequent amendments**Chapter III. Sex-related offences****Art. 197. Rape**

(1) Sexual intercourse with a female person through coercion or taking advantage of her impossibility to defend herself or express her will, shall be punished by imprisonment between three and ten years.

(2) The punishment shall be imprisonment between five and fifteen years if:

a) The crime was committed by two or more persons together;

b) The victim was under the perpetrator's care, protection, education, supervision or treatment;

c) The victim suffered aggravated bodily or health injury.

(3) The punishment shall be imprisonment between ten and twenty years if the victim was under 14 years of age; if the crime was followed by the victim's suicide or death, the punishment shall be imprisonment between fifteen and twenty years.

(4) The criminal action for the crime foreseen in paragraph 1 shall be initiated by the injured person through a preliminary complaint. (5) The crimes foreseen in paragraphs 1, 2 (b) and (c), and paragraph 3, first thesis shall be dismissed if, before the ruling has been declared definitive, the marriage intervened between victim and the perpetrator.

Art. 198. Sexual intercourse with a minor

Sexual intercourse, of any nature, with a person of the other sex or of the same sex, who has not reached the age of 15, shall be punished by strict imprisonment from 3 to 10 years and the prohibition of certain rights.

The law prohibits sexual contact of any nature with a person of the same or different sex who is under 18 years of age, in exchange for directly or indirectly offering or giving money or other benefits. Violators may be punished with between 3 and 12 years' imprisonment and the prohibition of certain rights. This provision also makes illegal sexual contact of any nature with a person of the same or different sex who is under 15 years of age, as well as sexual contact of any nature with a person of the same or different sex who is between 15 and 18 years of age, where the offender is a person responsible for the child, such as a teacher, guardian, or physician, or where the offender abuses the child's confidence, or the offender's authority or influence over the child. Punishment for these two offences is between 3 and 10 years' imprisonment and the prohibition of some rights. If any of the above three offences is committed for purposes of producing pornographic material, punishment is increased to 5-15 years' imprisonment and prohibition of some rights; if coercion is employed in the commission of any of these offences, punishment is further increased to 5-18 years' imprisonment and the prohibition of some rights.

Art. 199. Enticement

The deed of a person, who, by promises of marriage, determines a female person under age of 18 years to have sexual intercourse with him, shall be punished by 1 to 5 years imprisonment.

Art. 201. Acts of sexual perversity

Acts of sexual perversity perpetrated in public shall be punished by one to five years' imprisonment. Acts of sexual perversity with a person who is under 15 years of age shall be punished by 3 to 10 years' imprisonment and the prohibition of some rights.

With the same punishment are sanctioned the deeds of sexual perversity with a person between 15 and 18 years of age, where the offender is the guardian or the trustee or supervisor, caregiver, physician, teacher or educator, using its quality, or where the offender abuses the child's confidence, or the offender's authority or influence over the child.

If the deeds of sexual perversity with a person under 18 years of age were determined by offering or giving money or other benefits by the perpetrator, directly or indirectly, the punishment will be between 3 and 12 years' imprisonment and the prohibition of certain rights. (...)

Art. 202. Sexual corruption

Performing acts of an obscene character on the minor or in the minor's presence shall be punished by 6 month to 5 years imprisonment.

If the deeds foreseen in paragraph 1 are performed in the family, punishment is from 1 to 7 years imprisonment.

If the deeds foreseen in paragraphs 1 and 2 were committed for purposes of producing pornographic material, the maximum of punishment is increased by 2 years.

The solicitation of a person in order to perform sexual acts with a minor of the same or different sex shall be punished by 1 to 5 years imprisonment.

Art. 203¹. Sexual harassment

The harassment of a person by threat or coercion in order to obtain satisfactions of sexual nature, by a person who abuses his/ her authority or influence given him/her by his/her position at work, shall be punished by 3 month to 2 years imprisonment.

Art. 306. Child maltreatment

Putting in severe danger, through measures or any kind of treatment, the physical, intellectual or moral development of the child, by the parents or any other person to whom the child was entrusted for raising and education, shall be punished by 3 to 15 years imprisonment and the prohibition of certain rights.

4. Law no. 272/2004 on the Protection and Promotion of the Rights of the Child

Art. 2. (2) The best interest of the child also takes priority over the rights and duties of the child's parents, legal guardians, or other persons legally responsible for him or her.

Art. 4. For the present law, the terms and expressions below have the following meanings:

- a) child - a human being below the age of 18, who has not acquired full capacity of exercise, according to the law;
- b) family - the parents and their children;
- c) extended family - the child, his or her parents and their relatives up to the 4th degree of kinship;
- d) substitute family - the persons, other than those who belong to the extended family, who provide care and support for bringing up the child, according to the law; (...)

Art. 5. (2) The parents' main responsibility is to raise and ensure the proper development of the child; they have the duty to exercise their rights and to fulfil their duties towards the child, having the child's best interest as a primary consideration.

Art. 6. Observing and guaranteeing the rights of the child should be conducted in accordance with the following principles (...):

- b) equal opportunities and non-discrimination; (...)

Art. 23. (1) The child has the right to freedom of expression. (...)

(4) Parents may not restrict the right of the minor child to freedom of expression, except in the cases expressly stipulated by the law.

Art. 24. (1) The child who has the capacity to discern has the right to freely express his/her opinion regarding any matter which involves him/her.

Art. 30. (1) The child has the right to be brought up together with his/her parents. (...)

Art. 32. The child has the right to be brought up in an environment which would allow the child's physical, mental, spiritual, moral and social development. For this purpose the parents must:

- a) supervise the child;
 - b) cooperate with the child and respect the child's personal and private life and dignity;
 - c) inform the child on all acts and deeds which may affect him/her and take into account the child's opinion;
 - d) undertake all the necessary measures for the realization of the rights of their children;
- (...)

Art. 44. (1) The child has the right to living standards which would enable his/her physical, mental, spiritual, moral and social development.

(2) The parents or, if the case, other legal representatives have the primary responsibility to ensure, as much as they possibly can, the best living conditions necessary for the raising and development of the children, as well as the necessary conditions for their raising, education, learning and professional training.

Art. 47. (1) The child has the right to receive an education which would allow him or her to develop his or her capacities and personality, in non-discriminatory conditions.

(2) The child's parents have priority in choosing the type of education which the child is to receive, and must enrol the child in school, and ensure the child's regular attendance of the classes. (...)

Art. 85. (1) The child has the right to be protected against any forms of violence, neglect, abuse or maltreatment.

(2) Any natural or legal person, as well as the child, can notify the authorities empowered by the law to take appropriate measures, in order to protect the child against any forms of violence, including sexual violence, harm or physical or mental abuse, maltreatment or exploitation, abandonment or neglect.

Art. 90. It is forbidden to enforce physical punishments of any kind or to deprive the child of his/her rights, which may result in the endangerment of the life, the physical, mental, spiritual, moral and social development, the bodily integrity, and the physical and mental health of the child, both within the family, as well as in any institution which ensures the protection, care and education of children.

5. Other legislation related to the family, child protection, equality and non-discrimination:

Law no. 202/2002 on equal opportunities between women and men

Ordinance no. 137/200 on preventing and punishing all forms of discrimination

Law no. 217 of August 2003 on prevention of domestic violence

Emergency ordinance no. 143 of October 2002 regarding the protection of minors from sexual abuse

Emergency ordinance no. 96/2003 on maternity protection in the workplace

Ordinance no. 61/2008 regarding the equal treatment and equal access of women and men in the matter of providing and access to goods and services

With regard to legislation related to marriage, family and child protection, it also addresses issues such as:

- state allowance for child care;
- complementary and support allowance;
- allowance for single parent families;
- social assistance;
- child medical care;
- incentive of 200 euro for family formation, if it is the first marriage for both parties (Law no. 396/2006, repealed starting from June 1st, 2010);
- parental allowance up to two years;
- aspects of sick leave;
- social inclusion programs;
- trousseau for newborns, childcare vouchers;
- family support for raising the child;
- guaranteed minimum income; allowance for newborn children;
- issues/ services that these „married” minors, young mothers and their children couldn't/cannot benefit from if the mothers are not legally married and their children, born from an unofficial relationship, are not officially registered.

III. Public policies and institutions at the national level related to the prevention of forced/early marriages

Public policies directly targeted to prevent, detect and combat forced marriages and to bring to justice the perpetrators of rape within such marriages, as well as those who aided and abetted the contracting of such marriages, had been practically absent from Romania before 2003. That year, the marriage of a young Roma girl of 13, Ana Maria Cioabă, the daughter of a wealthy Roma religious and community leader, Florin Cioabă, “king of Roma” of the Transylvanian city of Sibiu, attracted an unprecedented media coverage. The Cioabă family, originating from South Romania (Walachia), belongs to the traditional community of Căldărași (Kaldarash). The fact that the marriage ceremony, extremely luxurious and with high ranking participants (among them, a former minister of interior), had captured the Romanian media's attention as never before and then invaded the international newspapers and televisions. The case was an opportunity for Emma Nicholson, MEP, well known for her constant advocacy and support for children's rights in Romania, to express her legitimate outrage. Baroness Nicholson asked the Romanian authorities to take all necessary measures to stop Ana Maria Cioabă's so-called marriage and to efficiently prevent such practices in the future.

After the Ana Maria Cioabă case, and its international media coverage, the forced marriages issue came to the attention of the Romanian Government, institutions, local authorities, churches and NGOs. However, this visibility did not necessarily result in the adoption of a coherent strategy to combat the practice of forced and early marriages.

The most surprising is that despite warnings from the European Commission following the case of the marriage at 13 years old of Ana Maria Cioabă, the relevant Romanian institutions

did not adopt the necessary specific programs and strategies devoted to approach the forced marriages issue from the perspective of the human rights. Forced and early marriages continued to happen and to occupy the front page of the newspapers.

Interviews and questionnaires used for the current survey reveal that the theme of forced marriages is still addressed in an indirect way, lost within strategies, programs and projects related to the health of reproduction, school drop-outs, and the issue of the lack of identity papers. Institutions and policy makers tend to address the consequences rather than the roots of the problem. Or, addressing only the consequences of early marriages, as important as this might be, does not resolve the essence of this harmful practice. A proof that such an approach produces additional damages without solving the problem is the fact that the number of early marriages has increased in the meantime and appears to have been even extended to other communities than the traditional ones. Early marriages became a solution to poverty or a new fashion in several non-traditional Roma communities.

In Romania there are several central and local institutions that are involved in child protection, prevention of sexual abuses, social assistance, education and healthcare. All of them implement public policies and specific programs directly, but more often indirectly, targeted to the prevention of forced marriages. The project team provided questionnaires and did interviews with members of the institutions whose functions are related to the problem of forced/early marriages in order to outline the existing policy on this harmful practice.

1. The National Authority for the Protection of the Family and of Children's Rights

The Authority is functioning under the coordination of the Ministry of Labor, Social Solidarity and Family.

Its mission is to monitor the respect of the rights of all the children and to take all necessary measures to support the creation of a society of dignity for the children, by involving in this process both local and central public administrations, the civil society, the parents and the children themselves. The Authority is organized and functions as a specialized institution of the central public administration, subordinated to the Ministry of Labor, Social Solidarity and Family. Although forced and early marriages are falling under the mandate of the child protection, the Authority does not implement specific programs to expressly prevent and combat early marriages. The Authority has not implemented programs or projects specifically directed to tackle the issue of early marriages in the Roma community, although this type of children's rights violation occurs in compact communities and in well known areas.

In its report for 2008, the Authority mentions only once the issue of early marriages, in the context of an order to be adopted in cooperation with the Ministry of Public Health, "regarding the approval of the procedures for intervention in the establishment of the pregnancy of the minors under the age of 15". Furthermore, the Authority's Report for 2007 includes measures for the protection of children in the Roma communities, but without mentioning the violations occurring within early and forced marriages.

Responding to a questionnaire by the survey team, the Authority formulated very clearly the essence of the harmful practice of forced marriages. It is that "forced and early marriages imply the violation of children's rights as they are stated in the Romanian Law no. 272/2004 regarding the protection and the promotion of the children's rights". According to the opinion

of the Authority, practicing early and forced marriages means to violate the right of the child to enjoy life conditions that are guaranteeing his or her physical, mental, spiritual moral and social development, and prevents the children from expressing their own opinions on facts influencing their life.

The Authority considers that in several cases the practice of forced marriages implies also additional abuses, physical, emotional, sexual, and consequently, violate the children rights to be protected against all forms of violence, abuse, ill treatments.

The main strategic direction of the Authority for the period 2008-2013 is program of "Making the family responsible for the care and the education of their children". This objective is included in the Operational Program for the implementation of the National Strategy related to the protection and promotion of children's rights, approved by the Government's Decision nr. 860/2008.

In accordance with this objective, the Authority has initiated a comprehensive plan of action including: the introduction of an optional study subject focusing on the pre-marital education for the teenagers and youngsters studying in colleges, vocational schools and other types of schools; the introduction in the legislation of a compulsory pre-marital advice program for the youngsters approaching the minimum statutory age of marriage and willing to marry; the development of a network of advisory centers for children and parents in municipalities and big cities; the extension of the "Parents' School" program to all parents' advice centers, mothers' centers and day care centers.

An additional objective of the Operational Plan for the implementation of the National Strategy is meant to contribute to the prevention of the practice of forced marriages. It takes the form of an advocacy campaign to persuade parents on their responsibilities for the care and the education of their children and to inform them on the sanctions applied to those who do not respect these obligations. The Authority has already implemented an educational campaign targeting parents and advocating for the respect of children's rights under the title "You too can be a good parent!", involving parents, health care agencies and medical doctors, teachers, representatives of the police, churches and the judiciary.

The public services for social assistance (SPAS) bear the responsibility to prevent the separation of the child from its parents. Consequently, the local public administrations have the duty to identify risk situations and also to prevent the abusive attitudes of the parents and cases of violence inside the families. The SPAS have the following tasks: monitoring the situation of the children on the territory of their authority, advice and information for parents. In cases where the children cannot remain with their family, the responsibility for the protection of children separated temporary or definitively from their parents, lies with the county directorates for social assistance and child protection. Currently in Romania there are 907 such day centers for children.

Specifically on the theme of the prevention of forced marriages and the protection of the children abused during these practices, there are no relevant public policies generated by the Authority to prevent forced marriages. However the institution is open to cooperation and to participation in interdisciplinary work.

2. The National Agency for Roma (ANR)

The National Agency for Roma is a governmental structure of representation of Roma at the national level. The institution functions as part of the central public administration,

subordinated to the Government and coordinated by the General Secretariat of the Government. The National Agency for Roma has the responsibility to implement, coordinate, monitor and evaluate the measures included in the Strategy of the Romanian Government for the improvement of the situation of Roma nr. 430/2000. The Agency coordinates 41 bureaus for Roma, integrated in the Prefect's Offices of the Romanian county capitals.

The Agency has implemented several projects and programs targeted at preventing and combating the practice of forced marriages. In 2006 the Agency released the report "SOS. Traditional (Pre-modern) Roma communities confronted with the risks of the European integration and (post) modernity – Inclusion policies implemented in the traditional (Semi) Nomadic Roma Communities" written by Georgeta Jurcan and commissioned by Marica Ionescu, president of the Agency at the time. The report constitutes an inventory of traditional practices of the Roma community from Sintești. This includes express recommendations for the prevention of forced marriages. A chapter is devoted to the elaboration of complex programs at the national level aimed at preventing early marriages, refusals of vaccinations, school drop-outs and the exploitation of child labor.

Such provisions are to be found also in other strategies and documents of the Agency, but there are no clear indications of public policies meant to implement such recommendations, specifically on the issue of early marriages.

The position of the Agency on early marriages has been reiterated in several situations, but only when the media has presented cases of forced marriages. The reaction of the Agency has been often limited to the press releases (January 2007) and the adoption of several plans of action, without clear feed-back.

The National Agency for Roma has discussed several case studies of forced marriages. Special attention has been given to the Roma community of Râmnicelu (Buzău county), very often present in the media. Marriages are arranged here at a very early age, for girls 8-12 years old. The Râmnicelu case led the Authority to adopt an inter-institutional innovative cooperation model involving several social partners: the Buzău County Prefect Office, the Directorate for Social Assistance and Child Protection, the School Inspectorate, the Mayor's office, the Public Health Directorate, the Prosecutor's office, the National Council for Combating Discrimination, the National Agency for the Equality of Chances, the County Council Buzău and well known Roma NGOs, such as the Agency for Community Development "Împreună", the Civic Alliance of Roma, the Alliance for Unity Amare RRomentza, the Agency for Monitoring the Media.

Building on the experience gained in the Râmnicelu case, which was monitored for several years, the Agency succeeded in elaborating plans of action that include measures meant to combat forced marriages, such as: evaluation of the local community, facilitation of local development, elaboration of public policies directed towards traditional communities focusing on the protection of the children's rights and interests, education of the members of the community regarding their rights and obligations, organizing information campaigns, supporting the partnership between school-public administration-community; adopting projects and programs facilitating the access to schools and education for the parents; setting up a center to advise young mothers, to help with carrier orientation of the young members of the Râmnicelu community.

For the time being this is one of the most successful direct initiatives of the Agency regarding specifically the issue of public policies to combat forced marriages. Although the

Agency's approach to forced marriages is interdisciplinary, the programs and public policies remain modest, addressing merely the consequences of forced marriages (school drop-out, early birth giving, non-registered babies). In addition the Agency remains interested in evaluating the conservative traditions of the traditional groups, the reproduction of power positions, limitations of individual rights and freedoms, discriminations patterns within the group etc.

Currently, the Agency implements the project "Roma Children's Education - the way towards a stable working place" financed by the European Social Fund. The project stresses the need for the authorities to guarantee full access to education, including for girls, mainly in communities practicing the early marriage tradition.

The Agency has recently attracted funds for financing grass roots activities and campaigns promoting the interest for education of Roma children and young women.

The Agency is very present in projects of the Roma and human rights NGOs dealing with the issue of forced marriages and children's rights.

Despite its positive achievements, the National Roma Agency continues to have a too vast mandate and thus fewer resources to concentrate on the issue of forced marriages. The Agency is open to work within an interdisciplinary group on early marriages and to reserve budgetary funds for grass-roots campaigns.

3. The Ministry of Education, Research, Youth and Sports

The Ministry of Education elaborates, coordinates and implements the national policy of education.

The Ministry of Education functions on the basis of the law no.84/1995. According to the law, there should be in Romania an established system of education in minority mother tongues, from kindergarten to university. The educational policies are implemented at the local level by the 41 county inspectorates of education, responsible for the coordination of the local educational system and programs. In the majority of the inspectorates there are school inspectors for minority issues, and in several cases there are Roma inspectors responsible for the implementation of targeted Roma programs.

The Ministry has a General Directorate for the Education in Minority languages, coordinated by a Secretary of State and divided into several specialised divisions.

The internal division of work of the ministry supposes that all issues related to minorities are falling under the mandate of the Directorate for the Education in Minority Languages.

In this sense, issues related to the Roma children's educational needs are at the centre of the attention of the ministry.

The Annual Report of activity of the State Secretary for minority education comprises extensive information on the measures adopted by the ministry to lower the rate of school abandon in Roma communities. According to the report, the Roma school inspectors have the responsibility to take all necessary measures to prevent the drop-out of Roma children aged of 6-16 and to initiate a strong cooperation with the local community. Their activity is complementary to that of the over 600 school mediators trained since 2003 by the ministry and various social partners. Their task is to contribute by any means to reduce the school drop-out rate.

The General Directorate for Education in the Languages of National Minorities is implementing currently the program "All go to kindergarten - all go to school". The objective

of the program is to prevent early school drop-out in 420 disadvantaged communities, with a high percentage of Roma, mainly in rural areas or small cities. The objective is to increase the school attendance rate for Roma children. Activities are organized in the form of summer kindergartens, school after school programs, parents' schools. The initiative aims to include 8400 children at risk of abandoning school, to disseminate information and advice for parents, mainly from the Roma community, and to offer training courses for 420 representatives of the disadvantaged communities. The program is implemented in partnership with the local public administrations, parents' associations and NGOs.

The Ministry has also adopted several programs directed at strengthening the inclusiveness of the public education system. The National Strategy for Community Action (SNAC) is a coherent and coordinated program including regular actions, programs and activities implemented at grass-roots level mobilizing volunteers, children with special needs and children at risk, in difficult situation or in danger. The SNAC has mobilized in 2009 around 56,541 volunteers and has targeted 14,654 beneficiaries. There is no specific policy to address within the program the theme of forced marriages or to involve the potential victims of early marriages.

The Ministry pays special attention to the educational needs of the Roma community. The multi-annual Phare Program "Access to education for the disadvantaged groups with focus on Roma" is a comprehensive list of all the needs of the Roma children and constitutes the mandate for the work in this field. However, the program does not contain specific, direct references to early and forced marriages.

The Ministry of Education in partnership with UNICEF in Romania organizes the National Conferences on the issue of school drop-out, with the participation of the Ministry of Labour, Family and Social Protection, the National Agency for Roma, the National Authority for the Protection of the Family and the Children's rights, the county school inspectorates, local administrations, county councils, the Institute for Educational Science, the World Bank mission in Romania. The National Conference was aimed at raising awareness of the increasing number of cases of school abandonment, but early marriages as reason for Roma girls school drop-out is not yet a focal point of such events.

The constant effort of the Ministry is concentrated rather on the effects than the roots of school drop-out. The Ministry has invested important budgetary resources in huge programs such as the school of the "Second Chance", the "School after School", the "School of the Mothers in Law". In many cases the beneficiaries of these programs are Roma girls and boys exposed to potential early marriages, those who abandoned school because of contracting such marriages, their parents and relatives. This type of study completion is organized in all the counties of Romania, with variable attendance rates. The curriculum is targeted to complete the basic knowledge of the beneficiaries, but does not target specifically the education to prevent and combat the practice of early marriages.

The statistics at the level of the Ministry on school drop-outs do not include the ethnic or the gender dimension. Therefore it is difficult to obtain a clear picture at the national level of the number of minors abandoning compulsory education because of forced or early marriages. There are no specific programs and projects directed at addressing the issue of forced marriages; there are no curricular study subjects, training courses for teachers in the communities where forced marriages are practiced. The ministry has not elaborated yet a comprehensive policy focusing on the specific phenomenon of forced marriages.

4. The Ministry of Public Health

The Ministry of Public Health applies the strategy and the politics of the Romanian Government in the field of ensuring public health and it is also responsible for the implementation of reforms in the health sector.

The Ministry organizes, coordinates and guides the activities that ensure the health of the population and control the practices that damage the health.

In its composition there can be found 10 structures that function on the rank of general directorates or directorates, as it follows: General Directorate of organization, human resources, professional development and salaries; Legal Directorate; Medical Directorate; General Directorate on policies, strategies and quality management in health; Authority of Public Health; State Sanitary Inspection; National Agency of Programs; Directorate on logistics, administration, public relation and mass media; General Directorate on budget and external loans; and General Directorate on external relations and European Affairs.

The Ministry has within each county a decentralized public service with legal personality called the Public Health Authority. Public health authorities are implementing policies and national programs of public health at the local level, identifying local priority problems of public health, developing and implementing actions of public health.

The Ministry and the subordinated county public health bodies approach the issue of early marriages from the perspective of reproductive health. Early pregnancies are at the centre of their attention, but statistics do not reflect the ethnic background or the causes of early pregnancies.

5. Ministry of Administration and Interior

The Ministry coordinates the activity of the police and has branches in all 41 counties. Police intervention in early marriage cases is frequently the consequence of media information. In many cases, police intervention in the Roma communities where an early marriage ceremony is taking place goes together with the presence of the television teams.

The perpetrators are arrested on the accusation of rape or intercourse with minors, but frequently these police actions result in short prison sentences. The imprisonment as such does not take place, and alternative punishment is favored.

The Ministry does not generate statistics on the number of arrests related to early marriages.

IV. Public policies related to forced/ early marriages at regional and local level

Within the framework of this project Liga Pro Europa has undertaken 123 interviews in questionnaire form, sent to all of the county general departments for social care and child protection, county school inspectorates and prefectures in order to obtain reliable information regarding public policies, measures and activities carried out by these institutions in the field of early/ forced marriages and/or in related fields that may influence this practice of the traditional Roma communities.

The number of distributed questionnaires was 123 (41 counties x 3 institutions), and the readiness to respond of the institutions varied. The most transparent and open institutions

proved to be the General Departments for Social Care and Child Protection (33 completed questionnaires, 80,49%), the county school inspectorates (21 completed questionnaires, 51,22%), with the prefectures being the least responsive (20 completed questionnaires, 48,78%).

1. The General Departments for Social Care and Child Protection (GDSCChP)

The GDSCChP are public institutions at county level, legal entities established on the basis of county council decisions and subordinated to them.

The questionnaires sent to the county directorates contained 12 questions regarding public policies, the mandate of the institutions, the existence of preventive actions, projects regarding early/forced marriages, the issuing or the refusal of issuing the notice for marriages under the legal age of 18 years, the reasons invoked, the statistics regarding pregnant minors under the age of 18 years.

Of the 41 counties of Romania (100%) – excluding the Bucharest municipality – 33 completed questionnaires were returned (80,49%), and 8 counties (19,51%) did not answer the request (Iași, Brașov, Vrancea, Gorj, Olt, Teleorman, Ilfov and Călărași).

A. Public Policies of the GDSCChP regarding the issue of forced/early marriages: From the received answers one can conclude that in 73,53% of cases there are no public policies at the level of these institutions targeted to the issue of early/ forced marriages and only 26,47% of the institutions had activities related to this question. These are:

- issuing of the marriage authorization for minors between 16-18 years;
- “there are no expressly defined public policies regarding early/ forced marriages, only activities in related fields with effects on the issue:
 - health and well-being of the child;
 - special protection of the child temporarily or permanently deprived of his/her parental protection;
 - protecting the child against exploitation, abduction and trafficking;
 - protection of the child against abuse or neglect”;
- “there is not an objective or a priority need regarding the issue of early/ forced marriages at the level of County Strategy for the protection and promotion of children rights for 2009-2010”;
- “during the assessment of an application of a 16 years old minor for dispensation to marry, the institutions – according to art. 4 Family Code – examine the following:
 - the existence of coercion of any kind on the minor applicant;
 - level of awareness of the responsibilities incumbent on minors when married, the roles within the family;
 - information and advice (if the case) regarding hormonal, physical, emotional changes occurring when a child is born;
 - information and advice on further school studies of the minor applicant (if the case);”
- counselling on issues such as: what is marriage, couple relationship, rights and duties of spouses, necessary income sources, money management, conflict management in order to prevent domestic violence, parental responsibilities, family planning;
- action plans for improvement of situation of the Roma community: community development, communication and civic participation, protection and promotion of children’s

rights, preventing discrimination of Roma in social services; access to healthcare and education for Roma persons; awareness raising campaigns in order to prevent abuse, neglect or abandonment of children; debates on early/ forced marriages;

- Buzău county: starting from 2005 partnerships were set up between local authorities having tasks in monitoring risk situations and the police forces in order to stop the early engagements of minors and pregnancy at young ages; in 2008 the police forces compiled 30 criminal records (finalized with penal fines or convictions with suspended sentences); close monitoring of the Râmnicelu commune, which includes a major Roma community practising early marriage of children at very young ages;

In conclusion: there are no national public policies and/or programs to prevent early/forced marriages, the major part of the developed activities consists of evaluations of applications for authorization to marry, counselling and informing the minor applicants and their families. The small number of targeted activities were in those communities where early/ forced marriages were extensively covered in the mass media (for example, Râmnicelu, Buzău and Brateiu, Sibiu county).

B. Preventive actions and measures of county institutions: With regard of the preventive measures and actions undertaken by the GDSCChP, more than half (58,82%) of these institutions are not taking any measures and this problem does not consist a priority for them. The reported preventive actions were:

- periodical preventive activities consisting of distributing informational leaflets on the legal consequences of early/ forced marriages;
- partnerships with local public institutions, Roma and non-Roma nongovernmental organisations;
- individual and group counselling meetings and debates with local Roma leaders on the protection and promotion of children rights;
- informational activities in Roma communities in order to harmonize the specific cultural and moral values with the legislative aspects of protection of children's rights (access to education, preventing poverty and labour exploitation);
- psychological evaluation of young minor girls who applied for marriage authorization; counselling on issues such as: conflict management, domestic violence, family planning, communication;
- mediatization, disseminating information and raising public awareness of children's rights;
- parental education, individual and family counselling;

The major part of the activities are case-specific and are not dealing with the whole phenomenon of early/ forced marriages. The General Departments of Social Care and Child Protection provide mostly counselling, information on children's rights through different materials (leaflets, posters etc.) with an accent on the right to education, and evaluate the applications of minors between 16 and 18 years old for marriage authorizations.

In the view of the county departments, early marriages are marriages concluded between the ages of 16 and 18. Due to the fact that according to the Romanian legislation the legal age for marriage is 18 – or 16 with authorization and parental consent – a special attention is given only to those specific cases that were extensively presented by the press and not generally to the phenomenon of “marrying” children at very young ages, as it is still done in

traditional Roma communities. This is considered by these institutions to be a criminal offence that should be dealt with by the police.

C. Approaching the issue of early/forced marriages: prevention or punishment? Most institutions (78,79%) consider that the issue of early/forced marriages should be approached by prevention and 18,18% of them consider that both prevention and punishment should be used depending on each specific situation.

D. Prevention methods: professional intervention of local authorities (school, church, Mayor's Office, doctors, Police) in offering advice regarding the legal, social, health and emotional aspects of early marriages for every category of persons (parents, children, grandparents, teachers etc.), and in supporting the families;

- close monitoring at local level and involvement of the local community in finding appropriate solutions for each case;

- counselling and protection of the minor child involved in concubinage;

- educational activities; parental education (Parents' school); extracurricular activities involving multidisciplinary teams (school mediators, schoolmasters, doctors, representatives of the GDSCChP, psychologists, social assistants, lawyers);

- awareness raising campaigns on the effects and consequences of early marriages;

- programs run by NGOs;

- promoting models of successful Roma women in different domains: education, family, career, as reference for the local community;

- round tables, debates, seminars with the participation of Roma leaders, representatives of churches, psychologists, doctors in order to debate how to respect traditions regarding marriage and the rights of children, giving them a chance for education and social inclusion;

- exact records of girls older than 12 years;

- planning familial activities in schools;

- monitoring school performance of children in secondary school;

- existence of counsellors, social assistants, psychologists in every school;

- compulsory education up to min. 10th grade;

E. Punishment:

- introduction in the legislation of punishments for the parents who, for various reasons, are forcing their children to marry at a very young age;

- punishment of violation of the existing mandatory legislation (Criminal Code, Family Code, Law no. 272/2004 etc.);

- punishment of infringements on the child's right to be raised by his/her parents, the right to education, health, freedom of expression, private life;

- punishment of the adult partner and of the parents or legal guardians of the minor child;

Regarding the *issuing of autorizations* to marry at the age of 16, according to art. 4 from Law no. 4/1953 – Family Code: “On reasonable grounds, the child who has attained the age of sixteen can marry based on a medical opinion, with the consent of his/her parents or, where appropriate, of his/her guardian and with the authorization of the general department for social care and child protection, in whose territorial jurisdiction the child has his/her domicile”.

Due to the fact that the law did not specify exactly the reasonable grounds on which this opinion may be issued, according to the legal literature and practice, reasonable grounds are pregnancy and giving birth to a child.

In the period covered (2008-2009 and the first quarter of 2010) all the responding county level institutions issued authorization for early marriages, on the following grounds:

- pregnant minor or birth of a child;
- children already existing in the family;
- previous coexistence and common domicile;
- stable affective relationship and desire to start a family;
- school drop-out;
- religious reasons: in order to get married in the Pentecostal Church it is mandatory to obtain first the - authorization from the GDSCChP;
- moving abroad of the young family after marriage;
- poverty;
- incentive for marriage (200 euro);

The highest number of issued authorizations (18) from the responding institutions was in Botoşani county. According to the institutions' declaration there are no records on the applicant's ethnicity, so they do not have any statistical data that shows the percentage of early/ forced marriages in the Roma communities. Due to the fact that, according to the Romanian legislation, marriage under 16 years of age is forbidden, the young Roma couples (between 12-15 years old) are "married" only in the eyes of the community. The county offices are not aware of all the cases and on the other hand consider that the Police and the Prosecutor's office is competent to intervene, because one of the two sexual offenses under the Criminal Code is committed: sexual intercourse with a minor and/or rape.

In most cases, the applications for the authorization of marriage have been requested for minors between 16 and 18, but there had been 5 county institutions where the declared age of minors was between 15 and 16 and two where the request was for minors between 13 and 15 years old.

A very important observations came from Sălaj county: the applicants usually came to the institution 5-10 days before their marriage date and in these cases it is already too late for psychological counselling; on the other hand in these cases the age difference between men and women is around 6-10 years.

F. Reasons of refusal to issue the authorization:

- the minor mother is under the jurisdiction of an other county;
- the juvenile's immaturity, not being prepared for family life;
- refusal of parental consent;
- violation of the provision regarding the minimum age of marriage (16 years);
- lack of reasonable ground (pregnancy or birth of a child);
- drop-out from compulsory school;
- refusal of the minor;
- change of opinion of the minor girl after psychological counselling;

In four counties (Satu Mare, Maramureş, Brăila, Suceava) the issuing of an authorization of marriage was requested on the ground of pregnancy of a child under 15 years of age. Measures taken by these institutions included:

- refusal to grant the authorization due to violation of the legal conditions;

- juridical, social and psychological counselling;
- the couple was urged to return after having the legal age;
- during the year 2009 the Brăila county institution was informed of 21 cases of pregnant girls under 15 years of age by the county Obstetrics and Gynecology Hospital. In these cases protection measures were taken and the minor mothers were admitted in daycare centers or in mother-child care centers.

At the GDSCChP there is no exhaustive record of *pregnant minors under 18 years old* except for cases reported directly to these institutions. Any other evidence is being held by the County Healthcare Departments and/or by the local social assistance and protection services at the local authorities.

The Mehedinți county general department has a statistics of unmarried pregnant minors who give birth according to the data provided monthly by the county hospitals. The institution disposes social investigations at the minor's domicile and on the basis of the recommendations from the report takes special protection measures for the minor mother and child. In the cases of minors under 16 years old the local police forces are informed in order to investigate possible offences of sexual intercourse with a minor.

To our knowledge, there is no real communication and obligation to inform in cases of pregnancy of girls under 16 years old on the part of family doctors – the first who are aware on the early pregnancies – to the benefit of the county healthcare departments and general departments of social care and child protection, police and Prosecutor's Office.

G. Who should perform actions to prevent early/ forced marriages? One of the questions asked was if the institutions consider that the obligation to perform actions to prevent early/ forced marriages should be included or not in their mandate. Most (23, meaning 69,70%) of the questioned institutions consider it should not be mandatory for them to perform these actions, and instead the local social assistance service and local authorities should be responsible, as well as doctors and local police forces (according to the provisions of Law no. 272/2004), because the GDSCChP are county level institutions and do not have structures in the territory.

According to the opinions expressed:

- the local community should develop and run activities in order to prevent early/ forced marriages, being the body that best knows the issues related to ethnicity, tradition, religion, level of education, and material situation of its members;

- marriage is based on the consent of both parties, so a marriage cannot be forced. The young Roma children are living together in concubinage forced by their parents;

- the obligation should be included in the mandate of the guardianship authority within the mayors' offices;

- the obligation should belong to the County Healthcare Department through the health mediators, due to the fact that this issue is one of healthcare also, and it is very frequent in the Roma communities;

Those institutions who agreed about including the obligation in their mandate, consider that the activities should be developed in cooperation with local authorities, educational institutions and with the active participation of the local communities.

According to them:

- on the ground of their long term experience GDSCChP should run prevention activities;

- county institutions should cooperate with other bodies in order to promote the rights of children to education, development and in order to implement activities that reduce and eliminate the causes which can lead to early marriages;

- the prevention activities would be more effective if they are organized in partnership with social care institutions, educational bodies, nongovernmental organisations, local social care and protection services, social assistants, psychologists, lawyers, teachers, medical staff;

H. Projects and programs developed by the county institutions alone or in partnership with other institutions or organisations in the field of early/forced marriages:

Constanța county: GDSCChP Constanța in partnership with Sera Romania Foundation – information campaign on the prevention of unwanted pregnancy and its consequences, with the participation of a social and medical assistant (from 2008 until now). The program is dedicated to women and among its beneficiaries there are very often young Roma women, due to their education towards having a large family and their unwillingness to use contraceptive methods.

Ialomița county: “*Preventing marriages among the Roma youth*”, in partnership with Bărbulești Mayor’s Office, Primary School Bărbulești, the Pentecostal Church; beneficiaries: 100 persons between 12-18 years and their families; activities: counselling, providing information and raising awareness of the risks to which young couples are exposed (2009).

Neamț county: “*Preventing the phenomena of «engagement» of Roma children*”, run in Roznov and Țolic (Petricani) communities in partnership with local authorities, medical staff, lawyers and leaders of the Roma community (2007, 2008).

Vâlcea county: “*Children have no ethnicity, they have childhoods! My rights are your rights!*”, run by the GDSCChP, subordinated to County Council Vâlcea – campaign for the promotion of children’s rights and nondiscrimination.

91% of responding institutions (30 county institutions) declared they have not participated in any projects related to the issue of forced/ early marriages.

Within the framework of the research Liga Pro Europa requested statistical data (for the period 2008-2009 and the first quarter of 2010) on the children in the public protection system, mentioning their ethnical background, their age and their parents’ age according to the data in the social investigation reports. The aim of the request was to see if the number of Roma children in the public protection system is substantially higher than of children with other ethnical backgrounds, and to determine if they come from early married couples and have underage mothers.

Most county departments could not comply with this request, declaring on one hand that they do not have any data regarding the ethnicity of the children, of their parents and/or the age of the parents, and on the other hand that calculating any statistics on the basis of the ethnicity would be discriminatory and an infringement of the Romanian Constitution. Among the very few departments that have any statistics regarding the ethnic background, the case of Mureș county is significant: from a total of 1909 children in the public protection system, 1416 (74,18%) are Roma, and the age of the parents is between 13-65 years.

2. The County School Inspectorates (CSI)

The County School Inspectorates are specialised bodies, at the county level, of the Ministry of Education, Research, Youth and Sports, acting for the implementation of the

educational objectives provided by the Law of Education in the field of pre-university education.

As part of this research, questionnaires were sent to all the institutions. Only 51,22% of them have responded to the request. The local bodies that did not answer the PEL's request are from the counties: Botoșani, Suceava, Neamț, Iași, Bacău, Vrancea, Buzău, Brăila, Ialomița, Ilfov, Prahova, Teleorman, Vâlcea, Mehedinți, Caraș-Severin, Alba, Mureș, Sălaj and Arad.

A. The questionnaires included 12 questions related to: The existence of special classes or schools for Roma children: in 61,90% of the responding counties there are no classes or schools, and in the others education in the Romani language is provided up to the 13 grade, depending on the needs of the community and school system.

B. Major causes for school drop-out of Roma children on the basis of the answers received:

- nomadic way of life of certain families; migration;
- the mentality of parents who consider education as not being important for their life; lack of parents' education;
- lack of interest in school;
- the tradition not to send the children to school, or only until IV grade for girls and VIII grade for boys;
- poverty;
- long distance and high cost of transportation for further school attendance;
- early/ forced marriages of girls, the attitude of the „mothers-in-law” who prohibit their school attendance;
- early pregnancy;
- dysfunctional families;
- leaving the country together with their parents; occasional work of parents in different locations;
- desire to make money from young ages;
- not attending kindergarten, later a cause of school failure;

In traditional Roma communities girls drop-out at the age of 11-12 years (III-IV grade) and boys at the age of 13-15 years (VI-VIII grades), very few of them finalize highschool, and even fewer study at universities.

The County School Inspectorates do not have any statistical data which could estimate the percent of school drop-outs that result from early/ forced marriages of children from traditional Roma communities.

Activities and measures implemented by the school inspectorates for *preventing school drop-out*:

- introduction of Romani language studies where it has been requested;
- monitoring of schools with drop-out cases;
- changing of teachers' behavior in their relationship with the students towards tolerance, understanding etc.;
- mentoring meetings with parents and visits in the community;
- involvement of the students in different projects where they can benefit from different services (scholarships, hot meals, extracurricular activities, school supplies etc.);

- committees for the prevention of school failure and drop-out in the schools (Hunedoara county);
- school mediators;
- extra education plans (school after school);
- establishing and supporting the functioning of day-care centres;
- activities in partnership with the local police forces for the reintegration of students who committed criminal acts, had serious behavioral deviations, high rate of absenteeism etc.;
- support for students in risk situation/ with behavioral deviations in their reintegration in the class;
- continuous professional training for educators, teachers etc.;
- reserved places for Roma in highschools;
- organising contests of Romani language proficiency at every level (local, county, national);
- county strategies regarding the improvement of the situation of Roma;

C. Projects for preventing drop-out implemented by the County School Inspectorates alone or in partnership:

- *“Acces to education for disadvantaged groups”* – CSI Tulcea, 2008-2009; activities: intercultural education, prevention of school segregation, inclusive education, remedial education, employment of school mediators;
- *“The Second Chance”* Program (in several counties);
- *Summer Kindergarten* Program (Argeş, Timiș counties);
- *“Say STOP to school drop-out”* (Vaslui county) – in cooperation with the Local Council;
- *“Parents’ School”* Program (Galați, Bihor, Călărași counties)
- *“School after school”* Program – in partnership with the Ruhama Foundation;
- *“Socialization and Education of Children in the Roma Communities – a Chance for Their Future”* & *„Open School or the Community”* (Giurgiu county);
- Programs of National Interest *“Bagel and Milk”*, *“Money for Highschool”*

D. Project of NGOs:

- *“Let’s Grow Healthy”* – Association Centre for Information, Consultancy and Promotion of Roma (Babadag, Tulcea county) – activities: counselling of Roma girls on early marriages.

The school mediators major responsibilities consist of supporting the participation of all the children from the community to compulsory education, encouraging parental involvement in the children’s education and in the life of the school, facilitating the cooperation between family-community-school.

According to the answers to our questionnaires, a number of 7 to 10 school mediators are hired per county, which is less than the number needed. A few counties have a higher number of hired school mediators (14 persons in Dolj county, 20 in Cluj county, 36 in Braşov county) and some of them have none or only 2-3 mediators for a whole county.

The county school inspectorates are aware of the phenomena of early/ forced marriages in the traditional Roma communities and as a consequence the school drop-out of young Roma girls. From the completed questionnaires one can conclude that those in 16 of the 33 responding counties know about drop-outs as a result of early/forced marriages. The average age for dropping-out of school of children coming from traditional Roma communities is 10-11 years old for girls and 14-15 years old for boys.

3. The County Offices for Roma Issues (CORI)

The County Offices for Roma have been set up on the basis of the Government Decision no. 430/2001 on the Romanian Government's Strategy regarding the improvement of the Roma situation in Romania. There are internal structures of the Prefectures without juridical entity, subordinated to the Ministry of Administration and Interior, and coordinated from technical point of view by the National Roma Agency.

Their major responsibilities consist of the organisation, planification and coordination of the activities at county level for fulfilling the General Plan of Measures for the implementation of the Strategy regarding the improvement of the Roma situation in Romania.

In the composition of the CORI there are 3-4 experts, one of them coming from the Roma community.

From the total number of 41 questionnaires distributed to the prefectures, 20 have been completed and sent back to the organisation. Mixed Working Groups are functioning at all the prefectures, consisting of the representatives of County Roma Offices, county level institutions, experts on Roma issues from the local mayors' offices, health and school mediators, Roma informal leaders and NGOs dealing with Roma issues.

Only in 4 counties has the issue of early/ forced marriages in the traditional Roma communities been discussed in the Mixed Working Group's meetings. In the other respondent counties this issue is not being discussed in the meeting in which all the important decision-making bodies are participating. In Olt County "according to the information provided by the experts on Roma issues from the local mayor offices the custom of early marriages is still present in the Roma communities from Olt county, for example: 100% in Corbu, Grădinari, Potcoava, Valea Mare; 90% in Caracal; 80% in Corabia, Drăgănești-Olt".

A. Project:

- The Agency for Equal Chances, the General Department for Social Care and Child Protection Argeş in partnership with the County Roma Office from the Argeş Prefecture and Partida Romilor has developed activities regarding the issue of early/ forced marriages in traditional Roma communities.

B. Conclusions:

- most of the county institutions do not have any public policies targeted toward the prevention of early/forced marriages of children in traditional Roma communities;
- the responsibility to develop and run these activities and to take effective measures is being passed from an institution to another;
- the general understanding of "early marriage" by the institutions is the marriage of a minor beginning with the legal age of 16 and with the consent of parents and authorization of the General Department of Social Care and Child Protection;
- the engagement and "marriage" of young children coming from traditional Roma communities is considered a criminal act primarily within the competence of the Police and Prosecutor's Office and an internal problem of the traditional community;
- although the public institutions consider prevention as the most useful tool, they intervene only in specific cases and generally after an intense mediatization of these situations;
- there are very few programs and projects targeted to the tradition of early/ forced marriages in the traditional Roma communities;

- the preventive activities consist mostly of providing information and psychological, social and legal counselling.

V. NGO Projects, Programs, Studies, Research on Forced marriages

The interest of NGOs and academic milieus in analyzing, researching and monitoring the extent of the practice of early marriages, the perception of Roma parents and Roma youngsters of the issue, has been stimulated in Romania by the visibility of the Ana Maria Cioabă case from 2003. After the international visibility of this early marriage, a series of institutions, foundations, minority institutions and Roma associations have initiated round tables, conferences, seminars, studies and researches devoted to the issue of early and forced marriage in Romania. UNICEF, OSCE, the Council of Europe, the Royal Embassy of the Netherlands, the French Embassy are among the main financial supporters of such an effort. The Center Educatia 2000+, and Romani Criss have produced studies containing important proposals and recommendations for public policies.

Among the most relevant contributions of the civil society, the project team would emphasize the following:

“Marriage and early pregnancy in the Roma communities”, Report for Educatia 2000+ Center, supported by UNICEF released in 2006 by Mălina Voicu and Raluca Popescu.

The report presents the results of research undertaken in 11 counties of Romania and reveals the low degree of education and the survival of the traditional model of early marriages and early birth giving.

“Come closer: Inclusion and Exclusion of Roma in the society”, editors Gabor Fleck and Cosima Rughinis, part of the project “Consolidating the Institutional capacity and developing partnerships for the improvement of Roma’s perception and their condition” financed by the European Union. The research shows that the practice of early marriages does not constitute the exclusive specificity of the Roma community. On the other hand, Roma communities themselves do not embrace this practice solely out of cultural reasons. The authors underline the fact that in wealthy communities the marriage has also a social function, of administration of the family’s fortune and heritage, whereas for other communities, mainly those deprived and marginalized, the marriage is a way of “escaping” poverty.

“Child Marriage – a cultural problem of access to education or a racial one?” – by Alexandra Oprea, ERRC newsletter 2/2005

The author emphasizes the connection between gender discrimination and racial discrimination in the case of early marriages. The Anti-Roma racism, the marginalization and the gender relations inside the Roma community have more effect on women and girls than men and boys. In the absence of adequate measures taken by the state, early marriages are determined not only by intra community factors, but by external conditions too.

“Are children rights negociable? The case of early marriages in the Roma communities from Romania” by Nicoleta Bitu and Crina Morteau, Romani Criss and UNICEF, 2009.

The innovative dimension of this report is in the attempt to clarify the distinction between different types of marriages involving minors: arranged marriages, forced marriages and early marriages. Each type of marriage is described through case studies and interviews. The report’s conclusions stress the need for common action of the Roma community and the state authorities to support Roma children in enjoying all their legal rights and to target parents

through advocacy campaigns in order to make them aware of the need to give priority to the highest interest of their children.

The project starts from the assertion, formulated in the *Joint Statement of the European Romani women activists* issued in Bucharest on May 3, 2006 that: “one cannot fight the racism of the majority society and in the same time discriminate inside its own community”. The authors completely reject the theory that forced and early marriages, violations of the rights of children (girls and boys) need to be accepted as being the expression of the culture of national minorities and as such, are legitimate. According to the report, the traditional Roma communities explain the practice of the child/ forced/ early marriages as a historical self-defense of the Roma communities and/or as the preservation of an Indian custom relating to the group identity. The project highlights some of the child marriage cases of Romania that have enjoyed a large media coverage: the marriage of Ana Maria Cioabă (13) with Mihai Biriță (15) in the Căldărari community of Sibiu; several cases of early pregnancy in the Râmnicelu community, a very patriarchal, but not traditional community in Buzău county. In 2003 the age of the first pregnancy was around 13, but in 2007, following the tendency to encourage even younger girls to marry, pregnancy cases at 11-12 have been registered. In 2006, two girls aged 12 were pregnant; in 2007 another girl of 13 was pregnant. At the beginning of 2007, the County Directorate for Social Assistance and Child Protection registered 10 traditional weddings involving children of very tender age. In November 2007, the County Police department Buzău registered 33 penal cases for sexual intercourse with minors of age and instigation in favor of sexual relations with minors. In 2008 these cases resulted in 35 penal condemnations of imprisonment for 6 months to 1 year. The lack of coherent preventive policies resulted in a new scandalous case, that of a wedding involving a 5 years old girl, wed to a young boy of the age of 16. This type of marriage does not enjoy the unanimous consent of the local community. Roma belonging to the new-Protestant church reject the pretext that forced marriage is part of tradition.

“Early Marriages in the Kaldarashi Roma communities in Romania - Between tradition and law”, a project implemented by the Roma Christian Center of Sibiu with the support of the OSCE.

The project has been one of the most challenging, as it has been implemented by the community itself. The coordinator of the project was the father of Ana Maria Cioabă, the girl married at 13 in 2003, and whose case was the first internationally covered early marriage in Romania. Florin Cioabă, president of the Roma Christian Center from Sibiu and religious leader of the community, was the person who blessed the marriage in 2003.

This project is the only one in Romania involving the members of the family and of the traditional community which have been the target of public criticism and the subject of judiciary and criminal prosecution. The project was implemented in 2005 and consisted of 4 local meetings within the traditional Roma communities of Sibiu, Târgu Jiu, Râmnicu Vâlcea and Alba Iulia and a meeting with the representatives of the national authorities responsible for child protection and the respect for human rights. The aims of the projects included the following themes: preserving cultural practices and traditions as part of the group identity under the pressure of the modern influences, personal evolution and development of the Roma youth; the role of early marriages; the changing traditions/customs in the Roma community; the effect of early marriages on the youth of Roma origin seen from the point of view of education, personal development and child protection under the Romanian law.

The added value of this project is the ownership by the Roma community of the public debate. The main conclusion was that for the Căldărași community of Sibiu ancient traditions and customs cannot change over night, as participants have sincerely stressed. In the same time, the general idea of the meetings was that the Roma communities, including the traditional ones, want to integrate themselves in the society and in “Europe” and show openness towards accepting the dialogue with state institutions and human rights organization. There was no follow up of the project and there are no available data on the influence of the project on the traditional customs of the group.

Interviews conducted by our project team in the same community in 2010 as part of the current project are in the respective chapter of the survey.

“Early pregnancy and early marriage in the case of the Roma girls” by Laura and Mihai Surdu This report has been released on behalf of the Educatia 2000+ Center, Bucharest in 2005 and registers cases of early marriages in traditional Roma communities. The project concludes with recommendations for public policies.

The same Educatia 2000+ Center from Bucharest, has recently launched the project *“Let’s build together the image of our daughters”* financed by the UNICEF.

The project’s target group is Roma girls aged 12-18 years old, with a precarious material situation, living in urban and rural communities from the Southern Romania counties Căldărași, Ialomița, Buzău. The project’s objective is to support free access to education and to encourage educational progress of Roma girls. It is extended to the issue of early marriages and early pregnancy, aiming to develop a local partnership, involving the Roma community in addressing this harmful custom.

The Amare RRomentza Association has been also among the most active Roma groups in organizing public debates, round tables and fact finding missions on the issue of early marriages.

NGOs in Romania have the merit of being in the frontline of the studies and research focusing on Roma forced marriages. Unlike the majority of state institutions, the NGOs produce coherent models for public policies and efficient action plans to prevent and combat this phenomenon. Despite their value, the proposals and recommendations of the civil society have not been adopted by the relevant local and central authorities.

VI. The attitudes of the religious denominations regarding early marriages

The survey team has held dialogues with representatives of the main religious cults. The general conclusion is that that Roma are affiliated practically to all officially registered denominations, and some of them, of an uncertain number, belong to non-registered cults.

The Roma population usually adopts the religion of the majority population where they live. Since the best represented religion among the Romanian population is Orthodox, most Roma also belong to the Romanian Orthodox Church. In the last two decades some Orthodox Roma converted to different neo-Protestant faiths (although the most of the members of these religious groups are not Roma, but Romanians). In those localities where the predominant population is Hungarian, the Roma are of Roman-Catholic or Protestant faith (depending on the confession of the population). Also, in some of the former Saxon villages there are small Lutheran Roma communities (for ex. Uila, Mures County). An important part of the Roma from Dobrogea are Muslim, around 1% of the total Roma community in Romania.

After the fall of communism, the neo-Protestant churches have shown openness towards the Roma community and its urgent needs. The Protestant churches have organized social aid networks, kindergartens, Sunday schools, religious education courses and have included Roma among the pastors or priests. Some of the services are held in the Romani language. The largest percentage of Roma affiliated to the neo Protestant churches are specifically those belonging to the traditional conservative Roma communities. They feel equal, accepted, respected within the Adventist, Pentecostal, or Baptist religious denominations. Therefore, religion plays an increasing role in the life of the traditional Roma communities of Romania.

The attitude of the churches towards the issue of early and forced marriages is ambiguous. The classical historical Christian churches, the Romanian Orthodox and the Roman-Catholic, to which mainly the non-traditional urban and rural Roma communities belong, reject the idea of early marriages and refrain from blessing such marriages. The new Protestant churches on one hand encourage traditionalist Roma to align to the legal requirements, while on the other hand they fear to lose their believers or to discourage the affiliation of new believers and are therefore refraining from openly campaigning against early marriages.

The Roma community leaders who are religious leaders too have started to adopt a constructive attitude. During several discussions of the survey team with leaders of the Gabor community, they admitted the need for the traditional Roma groups “to adhere to European values”.

But, interviews have revealed that in many cases it is up to the pastor of the church to agree or not to bless and marry girls and boys under the statutory age for marriage. In some Roma communities, conflicts have even occurred between the believers and the priest if he refused to marry the under age couple before they turned the age of 16 for girls and 18 for boys.

VII. Early and forced marriages from the perspective of traditional Roma communities – Evaluation of the interviews

1. Short description of the interviews

The questions of the interviews were aimed to help the project team to correctly assess how traditional Roma persons perceive the early marriage issue, how the marriages are performed, what is the age of the children promised to each other, who makes the decisions related to early marriages and on what grounds, and what is the age of the children getting married. Specific questions were directed to clarify if the marriage is consummated on the wedding night.

The interviewers attempted to establish the rate of school drop-out for children involved in forced marriages and the other consequences of group pressure that curtail individual freedom to choose things like the place where the married couple is living, who administrates their resources and who leads the household. Questions were also intended to establish at what age the early birth giving occurs.

It was also important to find out details on the status of the young bride, what happens if the young girl refuses the marriage or decides to leave her husband and what is the attitude of the individuals towards the issue.

The number of individuals questioned from Roma communities by the survey team is 59, persons belonging to several traditional Roma communities, women and men, elderly and young, urban and rural, Christian and Muslim.

The interviewees were 26 men and 33 women. Questionnaires were applied in traditional Roma communities only by persons of Roma or minority descent, in the regions of Banat, Transylvania, Dobrogea and Muntenia.

In the region of Dobrogea, County Constanța, 20 interviews were carried out:

- In the *Turkish Muslim Roma* community 9 interviews were carried out. All of the respondents were men aged between 29 and 53.

In the *Kaldarashi* community 6 interviews were carried out, three of them with women aged 16, 29 and 79 and three with men – one of undeclared age, the others aged 28 and 31.

- In the *Bear Tamer's* group, 3 interviews were carried out, all of the respondents were men, aged 36, 38 and 68;
- In the *Rudari* community we had 1 woman respondent, aged 35;
- In the *Fiddler's (Lăutari)* community we had 1 woman respondent aged 44.

In the Region of Muntenia 10 interviews were carried out, 5 in the Galați County and 5 in Buzău:

- Galați County 5 women, age 14-29;
- Buzău County 4 women, age 14-22 and one man age 19.

In the Region of Banat, County Timiș, 11 interviews were carried out:

- In the *Gabor* community the respondents were 5 women aged between 20 and 55 and 5 men aged between 20 and 58 and 1 girl (8 years old).

In the Region of Transylvania, a total of 18 interviews were made, 7 interviews in the County of Sibiu and 11 in the County of Mureș:

- in the *Kaldarashi* community respondents were 2 men aged 27 and 56, and 5 women aged between 28 and 53;
- in the *Gabor* community respondents were 6 women aged between 15 and 58 and 2 men aged 28 and 59;
- three in the *Craftsmen* community – 2 women aged 38 and 17 and 1 man aged 23.

2. Early/ Forced marriage patterns in the interviewed communities

In the light of the questionnaires, the *Kaldarashi* and *Gabors* (“Gypsies-with-Hats”) groups are the most closed and traditional ones. They have a deep respect for their customs, being the only Roma groups where women still wear traditional clothes.

2.1. Early/ Forced marriages in the Kaldarashi community

Interviews which were carried out in the *Kaldarashi* community from the region of Transylvania (County Sibiu) show a high degree of unanimity of the respondents on the basic criteria of choosing the partners. The rituals, values, power relations are clearly defined and

known by all the members of the community, no matter their age, gender or position in the family.

The marriage is seen as a crucial event, a strong mechanism of reproduction of the group identity, a tool to prevent assimilation or dilution. Therefore preparations for the marriage start from the moment of birth. In the Kaldarashi community the custom of “promising” the children to each other involves families with children aged between 2 and 8.

The first and most important criterion for choosing the partner is the group identity - marriage has to involve exclusively a Kaldarashi person. In the Kaldarashi community from the County Sibiu, girls of the same group are brought from hundreds of kilometres to be married to local boys, as the county is more “westernized”.

The second criterion is the wealth and the status of the families, the highest priority being given to descendants of respected, wealthy families.

The third criterion is purity - the girl has to be virgin. Virginity has a mystic connotation and is fundamental if the marriage is to take place. In many cases the amount paid for a girl is interpreted not as a price, but as an appreciation of her virginity by the family of the boy.

Unbalanced marriages might occur, when the children do not descend from families with the same wealth or status. But even in such cases strict rules are governing the choice: a girl from a wealthy family would not be allowed to marry a boy from a poorer descent. According to the Kaldarashi norms, a boy from a modest family might not be able to manage the wealth of the bride and then the young couple might face poverty.

The power relations are clearly stated. The father of the boy decides, with the help of the elders from the family, whom to ask for marriage. If the father of the girl has agreed to the marriage then an engagement shall be held, when the boy gives the girl a “gold coin”, which means that from now on she is “taken”. Three members of the community in Sibiu confirmed that asking the children if they like each other or if they want to get married is a new custom, not more than four years old.

The wedding ceremony takes place when the girls are 13 to 14 and the boys a little bit older, around 16 to 17. Five women questioned in the community of Sibiu believe that graduating four classes and marrying at the age of 13-14 is important. Only one woman thinks that the age for the marriages should be raised and the couple should be allowed to get to know each other better.

The boy’s parents will pay for the wedding, but the girl’s dowry is also very important. On the wedding night the consummation of the marriage will take place. The bride will move to her parents-in-law’s who will teach and help her to be a good wife. If it is found out, on the wedding night, that the girl was not a virgin, then damages must be paid to the parents of the boy for the shame brought on their son (this usually amounts to the sum that the boy’s parents had spent for the wedding). The shame suffered by the girl’s parents is deep, they will be punished and ridiculed in the community.

In the opinion of the interviewees, the time between the engagement and the wedding is the period when the two future spouses have the chance to spend more time together and get to know each other better. If after the wedding the young couple cannot live together they have the option to divorce.

The troubles related to early marriages are serious. The first consequence of an early marriage is school abandonment. The girls are the most affected; they will only finish three, maybe four classes. The boys have the chance to graduate eight classes.

In few cases, however, members of the Kaldarashi community from Sibiu, interviewed as part of our survey, have completed their studies, even obtained university diplomas. Among them, there is the religious leader and “king” of the community (56 year old) and his sister (53 years old), a well known Roma poet and activist. Another member of the community of Sibiu is frequenting the courses of two universities (law and political sciences).

Early pregnancy is a factor in this community, due to the fact that girls get married at a very young age (13-14) and they usually have the first child in the first two years of marriage. The young mothers are supported by their families and the newborn children are cherished, protected and not abandoned. In light of this, child trafficking and prostitution is not a risk factor in these communities.

In the opinion of the members of this community the abolishment of early marriages can be achieved in time, through prevention and counselling, the target group being the elders of the community. Criminal punishment as an instrument of education is totally rejected.

The Kaldarashi community from Dobrogea and Muntenia preserve nearly identical matrimonial patterns and rituals as the Kaldarashi from Transylvania.

According to respondents, in these communities, *the traditional early marriage* is still the dominant practice. The age for the girls to marry is between 12 and 14, and for the boys between 15 and 17. The engagement is made much earlier, between the ages of 2 to 8 (in some cases even at birth).

The power relations follow the traditional pattern. The parents are the ones to choose for their children and usually the children obey.

It is obvious that all respondents agree on the identity preserving role of marriage. In their opinion, it is important that these matrimonial unions happen at a young age, so that one can keep their identity as a Kaldarashi Roma and as a member of the community. The best way to keep their identity is for the families to protect their children from harmful knowledge and experiences. They consider that not marrying their children (mostly girls) at a young age and letting them attend school would bring them to “damnation”, but if they marry young then when they reach the age of experiences they already have a family and children to take care of. It is important to wed the children while they are young, to teach them the well determined roles and traditions of the community.

The dominance of collective rights over individual freedom is perceived as a blessing, as a chance for the community to survive, to resist external pressure and assimilation.

The distribution of roles and the division of work are also clearly regulated. Men are bringing money and working outside the family; women are running the household and taking care of the children. Material and financial wealth is a permanent ambition for the Kaldarashi. Many of the questioned individuals have their own private businesses.

Respect for the women evolves with the age. A girl obeys practically everyone in the family, including the younger male brothers. A young bride has almost the same subordinated role as a girl, except in front of her children. Moreover, a bride has to assimilate and to respect all the customs of the husband’s family. When a woman becomes mother-in-law, she advances to a position of higher respect and influence in the family, sometimes superior to her husband’s status.

Respondents have all stressed the importance of the family. They are proud of the fact that Kaldarashi do not abandon their children, which are “precious”, “little Gods”, cherished as a

symbol of purity. Members of the group who marry outside the community are to be banned for life.

The consequences of early marriages affect mostly the girls of this community. Due to the fact that these girls are promised at a very young age (2-8 years old), sometimes even at birth, many of them do not attend school at all, not even 4 classes, their duty being to learn to be a good wife. The first child of the young parents is born when the mother is 12-14 year old. Children are seen as the ones who will carry on the traditions of the community so they are not abandoned and not at risk for prostitution and child trafficking.

The opinions on the abolishment of early marriages differs between the two regions. The members of the Kaldarashi community in Dobrogea consider that the abolishment of this practice should be achieved through prevention (counselling) targeting both youngsters and elders and the most qualified person to offer such an example is the informal leader of the community.

In the region of Muntenia the girls consider that criminal punishment should be applied for the parents of the girls who promise and marry their children at a very young age.

2.2. Early/ Forced marriages in the Gabor community

Interviews were carried out in the Gabor (“Gypsies with Hats”) community in the region of Banat, County Timiș and the region of Transylvania, County Mureș.

Early marriage is present extensively in the community. Within the community of *Gabors* there are some differences in customs, depending on the wealth of the family, or how the wife is chosen for the boy.

In wealthy Roma communities the father of the boy makes the agreement with the parents of the girl to marry their children, while in less wealthy communities the practice is to steal the girl. The most important criterion for choosing a wife is for her to be from the same Roma group.

For the wealthy communities it is important for the girl to be a virgin and to descend from a respected and wealthy family. The children are engaged to each other at the age of 7 or 8 (in some cases 13-14, in the region of Banat). The marriage will take place in front of the community, at the age of 14-16.

The consummation of marriage will take place on the wedding night and the virginity of the girl is the most important element, otherwise the father of the bride will have to pay the price for the shame suffered. Many of the individuals questioned said that in the above mentioned cases Roma justice was applied, but the nature of these punishments was not specified.

In communities where families have a modest income, the beauty of the girl is decisive in choosing the bride. This way the parents of the boy do not have to pay for wedding expenses and the girl doesn't need to have dowry. The age when the “stealing” of the girl happens is the same as in other communities, 13-14.

In both communities, the dropping out of school is frequent for girls. They finish four, in best cases six classes. In the first two years of marriage the first child will be born, and the young mother, who lives with her parents-in-law, will be helped by her mother in law. The children in this community are never abandoned; they are raised and educated within the family.

Each and every person questioned in wealthy communities considers that the tradition of early marriages is a positive one and should not be changed. Two women respondents considered that the only disadvantage is that girls cannot graduate more than four classes.

Women from the communities where the families are of modest means think that the tradition should be banned and girls should be allowed to attend more classes and to have the chance to experience more. In their opinion prevention is the best way to deal with the issue. Counselling and education should target the elders and the parents of the children. The most qualified person to talk about the issue would be the informal leader of the community.

2.3. Early/ Forced marriages in the Turkish Muslim Roma community

It is known that in the region of Dobrogea (South Romania) a large group of traditionalist Turkish Muslim Roma can be found. We carried out 9 interviews there. All of the questioned individuals were men (aged 29 to 53).

In this community the children are promised to each other between the ages of 12-14 and the father of the boy chooses the bride for his son, asking the permission of the girl's parents. The criteria for choosing a daughter-in-law are for her to be from the same community, to be a virgin and to descend from a respected and wealthy family. The age of marriage is between 14 and 18 years old.

After the union takes place, the couple will move to the boy's parents' house. They are helped until they can be on their own. The family roles are well established in this community also. Women are meant to stay at home, run the household, raise and educate the children, while the men are concerned with the financial support of the family.

Early marriages result in dropping out of school by the girls, though some do not attend at all, while the boys are allowed to graduate grade five or even eight.

The girls usually have their first child at the age of 15-17. Family is very important in this community also, the children are not abandoned, but raised within and by the family. The young mother is helped by her mother-in-law and all the other women members of the family. Children are not a target for prostitution or child trafficking.

Each and every member of this community who was asked considers that this tradition is not a profitable one and it should be changed through education and prevention. The target group should be mainly the parents, but also the youngsters, and the most qualified person for the awareness raising campaign is the local non informal leader.

2.4. Early/ Forced marriages in the Bear Tamers community

Three men (aged 30, 36, 68) from the Bear Tamer community have been questioned about their traditions regarding marriage. In this community the children are promised to each other at the age of 13 and 14 (it has been raised from the age of 5 and 6).

The father of the boy is the one who makes the choice for his son, and the girl has to be from the same community and to be from a wealthy family.

After the marriage the young bride will live at her parents-in-law's house and have the first child as soon as possible. The children will be raised within the family; none of them will be abandoned.

The answers reveal that in this community the girls have more freedom, for example they are allowed to go to school and even graduate high school, but even after finishing more

classes they are required to stay home, take care of the children and run the household and do not have a chance to work.

None of the questioned persons thinks that the tradition is a positive one. They all consider that changes should be made. One person thinks that the only way for these changes to take place is through legal punishment. The others consider that prevention is the right way, by targeting the young and the elders through counselling and education, the most qualified person being the informal leader.

2.5. Early/ Forced marriages in other Roma communities

Five other interviews were made in communities where the tradition of early marriages is not practiced. One person is a member of the Rudari group (woman, aged 35), and the other one is part of the Fiddlers group (woman, aged 44). The other three individuals identified themselves as Roma, not specifying the group they belong to (two women aged 17 and 37, one man aged 23).

According to these persons children are not promised to each other. The criterion for choosing a partner in life is for him/her to be from the same group. The age of marriage is around 18-22 for girls and 22-23 for boys. After the marriage the young couple, depending of their income, will live at the boy's parents's house or run their own household. Girls have more freedom in these communities; because they are allowed to graduate more classes, some of them even attend university.

The degree of school dropout in these communities is not related to early marriages, but rather poverty, due to the fact that the incomes of these families come from seasonal work.

None of the questioned individuals were a target of early marriage. The children born in these families are not abandoned either.

In the opinion of these individuals the practice of early marriages should be banned, the children should be allowed to choose whomever they like for partner in life. Emphasis should be made on counselling and education and these should target the elders of the families. The most qualified person would be the informal leader of the community.

3. Conclusions on the traditional Roma communities' attitude towards early/ forced marriages

The practice of early marriages is a custom in closed and traditional Roma groups (mainly Kaldarashi, Gabor and Turkish Muslim Roma). Children promised and married to each other at an early age have the option to divorce, if they cannot live together, but there will be a pressure to marry again as soon as possible. Individuals who get married outside the group are considered traitors and excluded.

The members of these groups have a very strong sense of identity. The roles and power relations are very well established, and these groups are strongly patriarchal ones. In order to keep their identity and by that their traditions, the children are taught from a very early age the rules and roles of the community.

The person who decides in the family is the father with the approval of the elders. The young bride or the mother has no decision making power within the family, her only role being to run the household, raise the children and obey her husband. Early marriage unions are a practice for keeping the group closed and compact. Promising the children to each other

at an early age (between 2 and 8) then marrying them at the ages of 12-15 is important not only for the cohesion of the group, but also so that wealthy families may keep the wealth in the community.

The main troubles related to early marriages in traditional Roma groups are school dropout, mainly for the girls (many of them do not attend school at all), and early pregnancies. The age when these girls have their first child is between 12 and 14. The children are never abandoned and so not at risk for child trafficking. But the questions remain about the internal "trafficking" of the children, related to the old rituals of "stealing" them and imposing on them a destiny out of their own control. The interviews made in wealthy communities lead us to conclude that these individuals consider this tradition as a positive one and believe that this is a way for them to keep their children, mainly girls, away from harmful experiences. It is believed that if they have the chance to go to school, they might have harmful experiences that might lead them to lose their identity as a Roma.

In less wealthy communities, mainly among women, there is a desire to rise the ages of the brides, and in their opinion the best way to do so is through education and counselling. The target groups should be the young and the elders and the most qualified person to approach the issue would be the informal leader of the community.

Individuals in the Kaldarashi community in Muntenia consider that the best way to abolish early marriages is criminal punishment applied to the parents.

VIII. General Conclusions

Child/ forced/ early marriages are still a reality in present day Romania. The practice is deeply rooted in the identity mechanisms of internal solidarity of traditional Roma communities.

Forced marriages constitute a serious violation of basic human rights and freedoms, especially of children's rights.

Romania has adopted practically all relevant international treaties and conventions for the protection of human rights. After the fall of communism and the EU accession, Romania has reformed its internal legislation to bring it into harmony with European standards.

There is in place a coherent institutional system at national, regional and local level able to implement the legislation for the protection of children's rights.

However, public policies directed specifically to prevent, detect and combat forced marriages are rather rare and incoherent.

The Roma associations and the human rights groups have already produced extensive studies and have offered recommendations for public policies, but the state institutions are slow to implement these propositions and recommendations.

The traditional Roma community leaders and members are aware of the fact that the practice of early marriages has to change. They are willing to open a dialogue on the issue, but they do not accept external interventions.

The media plays a crucial role in presenting cases of forced marriages. The media perspective helps on one hand to detect such cases, but on the other hand it strengthens anti-Roma racism.

A new phenomenon is the emergence of a "fashion" of early marriages in the non-traditional wealthy Roma groups. Moreover, early marriages appear in urban slums as a consequence of poverty and exclusion.

The harmful consequences of forced marriages are affecting all the traditional Roma communities. Mainly girls and women are the victims of such practices. Cases of child abandon, child trafficking and child prostitution are however rarer in these wealthy communities than in modernized urban Roma milieus.

The main task in Romania should be to create a synergy of NGO and state institution public policies and to implement at all levels public policies specifically directed to prevent, detect and combat the harmful practice of early marriages.

Prevention and education campaigns should take place with the equal involvement of all stakeholders and the ownership of the process should remain with the traditional Roma communities targeted.