



Via e-mail:

Committee on the Elimination of Discrimination against Women
& Committee on the Rights of the Child
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**Re: SUBMISSION TO SUPPORT THE DEVELOPMENT OF A GENERAL
COMMENT/RECOMMENDATION ON HARMFUL PRACTICES**

The Roma Center for Social Intervention and Studies (Romani CRISS) and The Euroregional Center for Public Initiatives (ECPI) are two non-governmental organizations promoting human rights in Romania. [Romani CRISS](#) assists Roma beneficiaries by engaging in legal defense and advocacy at local, national and international levels, implementing community development projects and conducting policy-oriented research. In 2007-2008, Romani CRISS realized a qualitative study on the practice of early marriages among traditional Roma. [ECPI](#) is using legal advocacy tools to promote sexual and reproductive rights in Romania, amongst its themes being the adoption of a national strategy in the field of sexual and reproductive health and rights focusing on the situation of the vulnerable groups, ensuring non-discriminatory access to sexual and reproductive health services for women living with HIV, and adolescents' sexual and reproductive rights.

This submission is intended to provide to the CEDAW and CRC Committees information on the practice of child marriage in Romania. It is important to note that this submission is not a comprehensive study on the situation of child marriage in Romania. Rather, it focuses on child marriages taking place in Roma communities. It draws on previous work of UNICEF, Romani CRISS, and other non-governmental organizations that analyzed the practice of child marriage in Roma communities in Romania, notably the research and analysis featured in the 2010 publication *The case of early marriages in Roma communities in Romania. Are the rights of the child negotiable?*¹ and the two publications resulted from UNICEF and Centrul Educația 2000+ research – *Căsătoria și sarcina timpurie în comunitățile de romi* [Marriage and early pregnancy in Roma communities], 2006² and *Sarcina și căsătoria timpurie în cazul tinerelor Roma* [Early pregnancy and early marriage in the case of young Roma women], September, 2004.³

At the beginning of our submission we will make a terminological clarification as to what we understand by “child marriage” (I). We will continue by addressing causes and consequences of child marriage (II). In the end, we will present some measures to be taken by the State to address child marriage in the context of civil society representatives arguing on the need to preserve ethnic identity (III).



I. WHAT CHILD MARRIAGE IS

By “child marriage” we understand the practice taking place in Romania according to which families agree to formalize in the community the unofficial union between their children as husband and wife and agree to their living as a couple outside the girl’s family home; both spouses or at least the girl is below the legal age of marriage (16 years).⁴

In our opinion, the appropriate term to designate this practice is “child marriage” instead of “early marriage”; the first expression reflects accurately the gravity of the facts – a child is the victim of this practice.⁵

We would like to stress that we are of the opinion that child marriage in Romania is not a cultural practice of the Roma community nor is exclusively practiced by Roma, although it occurs more often in traditional Roma communities compared to non-Roma communities.⁶ As sociologist Nicolae Gheorghe suggested, child marriages are part of a traditional model of understanding family, but this model is not peculiar to Roma culture: „*We cannot create a Roma problem, the early marriages, when they have been practiced for long in the other cultures, too. We risk creating a stereotype out of this phenomenon.*”⁷ Indeed, child marriages were widespread in pre-industrial societies around the world and considered legitimate practices.⁸ Child marriages are still present in some non-Roma traditional rural communities in Romania.⁹

II. CAUSES AND CONSEQUENCES

In this section we will address two issues identified by sociological research carried out in Romania regarding child marriage in Roma communities. First, we will demonstrate that traditionalist values entrenched in the family play an important role in the perpetuation of the practice of child marriage (1). Second, we will introduce sociological data showing that girls-victims of child marriage are more likely to drop out school at an early age (2).

1. Traditionalist values entrenched in the family

We hope the General Comment/Recommendation will reflect that in some communities the practice of child marriage is not economically-driven; rather it is determined by traditionalist values existing in the family.

Although marriages among traditional Roma involve economic transactions (such as the bride price paid by the groom’s family) aiming to provide material security to the newlywed couple and compensate the bride’s family for the expenses involved in her upbringing, child marriages are not motivated by economic gain,¹⁰ and do not represent a strategy of survival for the poor members of the Roma community in Romania. Several arguments support this statement. First, sociological data show that the average income of



the households that practice child marriage is higher than in those that do not practice it.¹¹ Second, there are child marriages that involve well-to-do Roma families, as revealed by the three case studies documented by Romani CRISS and the child marriages most widely circulated in the national media in Romania (that of self-proclaimed King Cioabă's daughter and that of Pamela and Dorinel from Strehaia). Third, as events charged with symbolical meaning, wedding celebrations tend to be characterized by conspicuous spending of financial resources, as means of expressing social status and worth.¹²

Traditionalist values entrenched in the family influence the practice of child marriage. First, the model of marriage from the family is influencing the age at first marriage. According to sociological research, the average age at first marriage of the children (16.4 years) is very close to the average age at first marriage of their mothers (16 years).¹³ The same research found that as the mother's age at first marriage, number of grades and household's income are higher, the age at first marriage of their children is higher. In the same time, the age at first marriage drops as the mothers' age at first marriage, number of grades and household's income are lower.¹⁴

... But from girls' point of view, does anybody hear their voice? Does anybody show what happens to these women? Negative examples from these "willow" marriages: knowing that she is to enter the family of a future husband, the girl runs away with the boy, but loses the right to return to her family. She enters another family and can't be protected by her husband, only a few years older than her. What happens to this girl later? She can't raise her head and speak her mind until she becomes a mother-in-law. When she becomes mother-in-law, if her husband respects and appreciates her, she is respected. If not, she is beaten, ill-treated. At old age she doesn't have the right to inheritance, she is at the mercy of her children. These aspects are over looked and only the women who went through these experiences can speak of these cases... (Letitia Mark, President, Gypsy Women for their Children Association)¹⁵

Second, data confirm that it is more likely to find married girls in households where the ethnicity declared is Roma, language spoken is Romani, number of members of the household and number of children is higher, decisions are taken unilaterally by the father as breadwinner of the family and the mother's role is limited to bearing and raising children, her education is under eight grades, the level of cultural consumption is quasi-absent and the information about family planning is lacking.¹⁶

Third, the practice of child marriage could be a response of the traditional family to the existing trend in the Romanian society of lower age at the start of the sexual life.¹⁷ Women and girls are seen in the traditional Roma communities in a very stereotypical way, compared by researchers with the condition of women in Islamic communities. At the center of this stereotypical image is the control over the woman's sexuality, in particular her virginity.¹⁸



... These marriages we talk about are isolated, they are not part of our traditions. It is of great value to us for the woman that marries at 18-19 years to be a virgin. More recently, if she is not, the girl's family pays for the wedding. The report: when the factors generating early marriages are referred to ... what Ms. Letitia said the stages of the Roma woman... What do the parents do? They set up these marriages. What does the mother do with her daughter? When the age of 13-14 years arrives, she explains her that in a few years she will get married and that she has to respect her mother-in-law and father-in-law. Washing the feet of the mother-in-law and father-in-law comes out of this respect obtained through parental education (Florin Motoi, President, European Committee of Roma Krisinitori - informal judges)¹⁹

All these arguments confirm that the age at first marriage depends on traditionalist values existing in the family.

2. School drop-out rates among married girls

We hope the General Comment/Recommendation will touch upon the effect of child marriage on girls' education. In this regard we would like to provide the Committees with data showing that Roma girls in Romania abandon school because of child marriage.²⁰

Generally, the level of education of Roma women is very low compared to the total population. According to the population census, 40% of Roma women did not attend school, only 1/3 graduated primary education and 5% graduated secondary education. Over 30% of Roma women are illiterate.²¹

Recent sociological studies show that child marriages negatively affect Roma participation to education, particularly in case of women. A survey conducted on a representative sample of Roma who dropped out before finishing mandatory education revealed that 6.6% of them abandoned because of getting married, all of them being females.²² Another study, using a convenience sample, estimates the rate of dropout due to early marriages to 4%, without providing a gender breakdown of the data.²³ An older study reported that all girls aged 12-18 out of the 24.5% of families interviewed that have at least one girl married as a child abandoned school before graduating secondary education.²⁴

In a 2006 qualitative sociological research, married girls and their mothers indicate two main reasons for abandoning education: the fear of having their girls "kidnapped" by boys and the girls' being "ashamed" to attend school and be married. First, the so-called "kidnapping" is in fact an agreement between the two adolescents to run away from home together because parents oppose their relationship. However, reports indicate that the incidence of such cases decreased significantly and it is no longer an issue. Second, the so-called "shame" comes from the obligation to respect the norm imposed by the community – the girls who get married become responsible for housework and rising children which comes in contradiction with attending school.²⁵



On the other side, boys that get married are not required to abandon schools.²⁶ Such a disproportionate effect child marriage has on girls should be taken into account and countered by State authorities.

III. LIST OF MEASURES

In this section we will inform the Committees on a series of State measures that were found to be necessary to address the practice of child marriage in the Romanian context. Because child marriage is seen by part of the civil society as being a cultural practice of Roma community, a conflict between fostering ethnic identity and protecting children's rights arise (1). In order to be effective, State measures must take into account this background (2).

1. Towards an agreement within Roma civil society

In August 2008, with the support of UNICEF, Romani CRISS together with Centrul Creștin al Romilor Sibiu, and Alianța Civică a Romilor din România organized a round table aiming to reach an agreement regarding Roma civil society's position on child marriage. Organizations representing traditional Roma, religious groups (Adventist Gabors), organizations for the protection of human rights, children's rights, women's rights, as well as organizations promoting Roma cultural autonomy participated to discussions. Two main positions were expressed and the bases for an agreement between the two were set.

The first position is rooted in Roma culture and cultural autonomy. According to this position, the practice of child marriage is grounded in the traditional norms surrounding the organization of family and gender roles in Roma traditional community. Supporters of traditions take the general interest of the community into consideration and stress out the importance of these rules for the survival of Roma in periods of economic hardship and social marginalization.²⁷

Nowadays, universal human rights face the question whether they are sufficient or not. I paid very much attention to what Letitia Mark said, it was an emphasis on emotion; I would like to say that there is a drama of the woman in modernity, too. There is a drama of the woman in general and traditional cultures in general, not only the Roma one, try to spare the individual of a possible drama. Studies show that human freedom in modernity brings traumas. The divorce rate, child abandonment rate are higher. There are dramas and role conflicts in modernity, too. Traditional culture tries to protect the individuals. Indeed, it controls them. The daughter-in-law - mother-in-law controversy: if the daughter-in-law is submissive, when she becomes mother-in-law she will have somebody submissive. The sale: <pochines> - to pay for, to prize, is different than <bichines> - to sell. I am not saying to accept everything, we must see what goes on, what these terms mean. We must not transfer the terms, but clarify what the terms in the community mean. (Delia Grigore, President, Amare Rromentza)²⁸



The second position is rooted in the promotion of individual's human rights and gender equality. According to this position, traditional norms and practices (including child marriage) are criticized for their overt gender inequality and detrimental effect on children – such as curtailment of their freedom of choice, and limitation of educational and employment opportunities.²⁹

The premises for reaching an agreement between the two positions exist. First, the practice of child marriage should be presented from an historical perspective – its evolution in the European and Romanian societies – and not presented exclusively as a Roma community practice. Second, the socio-cultural dimension of child marriage needs to be researched upon. It is important to have data about the practice of child marriage at the level of the entire Romanian society. A contemporary and debunked description of Roma culture is needed, too.³⁰

The State should take into account these aspects when adopting and implementing measures to prevent and combat child marriage.

2. State measures

We will start by introducing some preliminary steps that are crucial for addressing the issue of child marriage. First, the State should declare clearly that child marriage is a harmful practice that affects children's rights and that it will not be tolerated in the country. When doing that, attention should be paid to explaining the historical, social and cultural dimensions of the practice, not to transform it into an exclusively ethnic or religious issue. Second, the measures to address child marriage should be a public policy priority and resources should be allocated for their implementation. Third, it is important that the State works with Roma community to prevent and combat child marriage – from a joint declaration of Roma organizations on the need to address the issue of child marriage, to consulting with opinion leaders, Roma activists and women activists when adopting and implementing measures.

As to concrete State measures, research findings show that on the long run, changing the model in the family will change the practice of child marriage. Various types of interventions at different levels should be made: behavioral change and communication, monitoring and individual assistance in order to prevent child marriage, and counseling and assistance for couples that have already been through child marriage.

First, behavioral change and communication measures about the risks of child marriage should primarily target men and the elderly, because they are the ones deciding about child marriage.³¹ In the same time, alternative models should be promoted among children in the communities where child marriage is widespread. This could be done by school desegregation of Roma children, promoting Roma women in positions of school mediator, health mediator, promoting models of women from the community who got married at 18 years old or older and had successful school performance and professional carrier, promoting sexuality education in schools and for the general public.³² A



particular focus should be on strengthening women's status – promoting women models, entrepreneurship among women, and family planning.³³

Second, in order to prevent future cases of child marriage, it is necessary to monitor, identify, and provide individual assistance to cases at risk. In this regard the State should engage into developing the capacity and establishing competences of professional orientation and counseling centers, social workers, child workers, and family planning centers to monitor, identify and assist the cases at risk of school abandonment, child marriage, and early pregnancy. In order for the measures to be effective, collaboration with health and school mediators, the close family, and community leaders is vital.³⁴

Third, when child marriage occurs in a community, the State should immediately take firm measures to redress rights violations and ensure protection of children involved, according to the principle of best interest of the child. This may entail measures such as sanctioning the persons responsible for breaching the law and endangering the health and rights of the children, providing individualized counseling and assistance to the victims of child marriage, domestic violence, and providing counseling to the married children with regards to continuing their education, professional opportunities, child rearing, etc.

We hope this information is useful during the Committees' development of a General Comment/Recommendation regarding harmful practices. If you have any questions, or would like further information, please do not hesitate to contact the undersigned.

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¹ Romani CRISS, UNICEF, *The case of early marriages in Roma communities in Romania. Are the rights of the child negotiable?*, Alpha MDN Buzău, 2010 [hereinafter *The case of early marriages 2010*], available at http://www.unicef.org/romania/Early_marriages_Romani_CRISS.pdf (last visit 08.08.2011).

² Centrul Educația 2000+, UNICEF, *Căsătoria și sarcina timpurie în comunitățile de romi* [Marriage and early pregnancy in Roma communities], 2006, Editura Educația 2000+ [hereinafter *Marriage and early pregnancy 2006*].

³ Centrul Educația 2000+, UNICEF, *Sarcina și căsătoria timpurie în cazul tinerelor Roma* [Early pregnancy and early marriage in the case of young Roma women], September 2004 [hereinafter *Early pregnancy and early marriage 2004*].

⁴ According to the Romanian Family Code, the legal age of marriage is 18 years old. In exceptional cases it can be lowered to 16 years old with the condition of proving: a medical opinion assessing the physical capacity for marriage, parental approval, and authorization from the child protection authority. See Family Code, Art.4.

⁵ See the definition of child according to the Convention of the Rights of the Child, Art.1. See also Committee on the Rights of the Child, General Comment 4: Adolescent Health and Development in the Context of the Convention on the Rights of the Child, ¶ 20, U.N. Doc. CRC/GC/2003/4 (2003); Committee on the Elimination of Discrimination against Women, General Recommendation 21: Equality in Marriage and Family Relations, ¶ 36, U.N. Doc. HRI/ GEN/1/Rev.5 (2001).

⁶ 35% of Roma girls got married below the age of 16 years old. The percentage of Roma girls that got married below the age of 18 years old is rising from 44.6 for the generation of 25-29 years to 52.1 for the generation 20-24 years. See Institutul pentru Cercetarea Calității Vieții, *Indicatori privind comunitățile de Romi din România*, Editura Expert, Bucharest, 2002, p.8.

⁷ The case of early marriages 2010, *supra* note 1, p.118.

⁸ See The case of early marriages 2010, *supra* note 1, pp.27-28.

⁹ See Early pregnancy and early marriage 2004, *supra* note 3, p.3.

¹⁰ See The case of early marriages 2010, *supra* note 1, p.34.

¹¹ See Early pregnancy and early marriage 2004, *supra* note 3, p.29.

¹² See The case of early marriages 2010, *supra* note 1.

¹³ See Early pregnancy and early marriage 2004, *supra* note 3, p.28.

¹⁴ *Ibid.*

¹⁵ As quoted in The case of early marriages 2010, *supra* note 1, p.116.

¹⁶ See Early pregnancy and early marriage 2004, *supra* note 3, pp.29-30. See also Marriage and early pregnancy 2006, *supra* note 2, Chapter 3.

¹⁷ The debut of the sexual life in the general population in Romania dropped to 16.7 years old. See Asociația Română pentru Promovarea Sănătății, *Raport de cercetare. Sondaj de opinie privind cunoștințele, atitudinile și practicile tinerilor cu vârste cuprinse între 15 și 24 de ani legate de infecția cu HIV, alte infecții cu transmitere sexuală și consecințele practicării sexului neprotejat* (2010), p.26, available at http://arps.ro/documente/regionale/ro-0062_raport_cantitativ_hiv.pdf (last visit 08.08.2011).

¹⁸ See *Ce spune un dialog cu soțiile de romi?* by Andreea Braga, Alexandra Catrina, Simona Gamonte, Diana Neaga, Gabriel Andreescu, in NEVI SARA KALI. Roma Women's Journal, Publishing House of Foundation Desire, 2009, pp.85-93.

¹⁹ As quoted in The case of early marriages 2010, *supra* note 1, p.66.

²⁰ See Marriage and early pregnancy in Roma communities 2006, *supra* note 2, Chapter 1.

²¹ *Id.*, Chapter 3.

²² See Romani CRISS, *Roma School Participation, Non-Attendance, and Discrimination in Romania*, Bucharest, Vanemonde, 2011, p.57.

²³ See Duminica, Gelu, and Ana Ivasiuc, *One School for All? Access to quality education for Roma children*, Buzau, Alpha MDN, 2011, p.88.

²⁴ See Early pregnancy and early marriage 2004, *supra* note 3, p.30.

²⁵ See Marriage and early pregnancy 2006, *supra* note 2, Chapter 6.



²⁶ *Ibid.*

²⁷ *See* The case of early marriages 2010, *supra* note 1, p.11.

²⁸ As quoted in The case of early marriages 2010, *supra* note 1, p.117.

²⁹ *See* The case of early marriages 2010, *supra* note 1.

³⁰ *Id.*, pp.118-119.

³¹ *See* The case of early marriages 2010, *supra* note 1, p.120. *See also* Marriage and early pregnancy 2006, *supra* note 2, Chapter 7.

³² *See* Early pregnancy and early marriage 2004, *supra* note 3, pp.29-30.

³³ *See* The case of early marriages 2010, *supra* note 1, p.120.

³⁴ *See* Marriage and early pregnancy 2006, *supra* note 2, Chapter 7.