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**AD HOC COMMITTEE OF EXPERTS ON ROMA ISSUES  
(CAHROM)**

**REPLIES FROM MEMBER STATES TO THE QUESTIONNAIRE ON  
EARLY/FORCED MARRIAGE IN RELATION TO TRAFFICKING OF HUMAN BEINGS  
AND INFORMATION COLLECTED ON THIS TOPIC**

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## QUESTIONNAIRE ADDRESSED TO CAHROM MEMBERS

Below relevant extracts of the 5<sup>th</sup> CAHROM meeting report (Strasbourg, 14-16 May 2013):

41. As regards the issue of forced and early marriages in relation to trafficking, the Committee heard feedback from the GRETA Conference on human trafficking and its workshop on Roma as a group at risk (Sofia, Bulgaria, 4-5 December 2012) and from a Secretariat meeting with the Dutch CAHROM member in Strasbourg on 13 May 2013.
42. The Committee agreed to keep this topic on the agenda of its next meeting and asked its members to provide the Secretariat by the end of June 2013 with:
- Any relevant information on the inclusion of forced and/or early marriages in criminal law and on any relevant case-law;
  - Information as whether forced and/or early marriages of under-age Roma is an issue in the country and whether there are any studies, surveys providing data on this topic;
  - If so, information on whether and how the authorities enforce the law; and
  - Information on whether Roma mediators, where they exist, are involved in prevention against trafficking, and whether they address the issue of forced and/or early marriages.
43. Replies to these questions, as well as information from GRETA monitoring and questionnaire, will be used in the document “*Overview of the situation of Roma women in Council of Europe member states*” for discussion at the Roma Women’s International Helsinki Conference.

## REPLY RECEIVED FROM CROATIA on 1 July 2013

In regard to paragraph 42 of the Draft Final Report hereby we would like to provide additional relevant information regarding the national situation and legislation, in particular regarding the inclusion of forced and/or early marriages in criminal law, on any relevant case-law, on law enforcement and on whether Roma mediators are involved in prevention against trafficking, and in addressing forced and/or early marriages.

In the Criminal Code of the Republic of Croatia (Official Gazette 125/11), Article 106 “Trafficking”, Para 1 foresees “*entering into illicit or forced marriage*” as one way of exploitation of trafficking victims. In the same article, Para 102 foresees “*entering into illicit or forced marriage*” as one way of exploitation of **children** victims of trafficking.

This matter is receiving special attention, therefore National Trafficking Combat Plan 2013-2015 envisages among its measures and activities also education of children victims of trafficking:

1. Joint education for employees of Family Centres, county coordinators from Welfare centres, health coordinators and members of mobile teams.
2. Seminars for children, youth and education staff involved in preschool education, primary and secondary education.
3. Education of staff, children and young adults in homes for children without appropriate parental care and in homes for children with behavioural disorders.

Also, within EU funded IPA 2010 project “*Strengthening the identification of trafficking victims*” a guidelines for outreach work have been developed, covering, among others, Roma national minority and some particular forms of exploitation, such as begging, and illicit or forced marriages. In addition, the Ministry of Interior has a set of specific proactive measures, including those aimed at identification of potential trafficking victims. Roma mediators are active only in the area of education, and in their contacts with parents they are also disseminating information relevant for the problem of trafficking.

**REPLY RECEIVED FROM CYPRUS on 6 March 2015**

**1. Any relevant information on the inclusion of forced and/or early marriages in criminal law and on any relevant case-law.**

Forced marriage can be considered as a THB offence under the legal definition of the exploitation of a person for criminal activities.

Such marriages can be treated within the Law 60(I)/2014 which provides for the prevention and combating of trafficking and exploitation of persons and protection of victims, defines exploitation as: “exploitation of the prostitution of others or other forms of sexual exploitation including pornography, labour exploitation or other services including forced labour or services, begging, forced pedlary. In the case of children the law also includes the worst forms of child labour, slavery or practices similar to slavery, servitude or exploitation of criminal activities, exploitation of a person to make adoption and exploitation of a person for removal, sale and trafficking of human organs or other biological substances, tissues and foetus”.

**2. Information as whether forced and/or early marriages of under-age Roma is an issue in the country and whether there are any studies, surveys providing data on this topic;**

No cases were investigated in which under-age Roma were involved.  
No studies or surveys are available to provide data on this topic.

**3. If so, information on whether and how authorities enforce the law;**

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**4. Information on whether Roma mediators, where they exist, are involved in prevention against trafficking, and whether they address the issue of forced and/or early marriages**

No information available.

**REPLY RECEIVED FROM ITALY on 18 July 2014**

**UNAR’S reply to CAHROM on child, early and/or forced marriages, with regard to Roma children**

As for the prevention of child, early and/or forced marriages (CEFM), it is worthy of mention that Italy is a party to several relevant international legally binding standards, the last of which is the Istanbul Convention (entering into force on August 1<sup>st</sup> and expressly requiring the introduction of the formal crime of early/forced marriage)<sup>1</sup>. All these core treaties demand for the creation of national monitoring mechanisms and procedures to prove an adequate implementation of their contents. To this end, several *ad hoc* committees have been established, including the National Ombudsman on Children’s rights, composed of representatives from the competent Ministries and Departments of the Presidency of the Council of Ministers, as well as local governmental representatives, also supported by the advisory contribution from the civil society.

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<sup>1</sup> UN Convention on the Rights of the Child and related Optional Protocols (Act No. 176/1991 and Act No. 46/2002); UN Convention for the elimination of discrimination against women (Act No.132/1985); UN Convention against transnational organized crime and its Optional Protocols (Act. No.46/2006); Council of Europe’s Convention on Action against trafficking in human beings (Act. No.108/2010); Council of Europe’s Convention on the protection of children against sexual exploitation and sexual abuse (Act. No. 172/2012); Council of Europe’s Convention on preventing and combating violence against women and domestic violence (Act No. 77/2013).

From a legislative standpoint, in the course of the current Legislature, mention should be made of Bill No.724, entitled “Provisions for the promotion of the female subjectivity and the fight against femicide” and Senate Act No.764, entitled “Introduction of the crime of femicide”, under the newly adopted Act No. 119/2013. This Act must be read in conjunction with the above mentioned Act No.77/2013 and has three main objectives: to prevent gender-based violence; to punish whoever commits this crime; and to protect the victims. The first will be accomplished also through the introduction of criminal offences as far as forced marriage, FGM, abortion and forced sterilization. Furthermore mandatory arrest is established for stalking and family abuse crimes, with the abusive spouse subject to immediate removal from the household. Penalties increase in cases of violence against a pregnant woman, or in the presence of youth and children. Moreover women will be supported by free legal aid when they are victims of crime and must be kept informed about the hearing of their abuser.

By Legislative Decree No.24/2014, Italy has fully translated into domestic legislation, Directive 2011/36/UE (on the prevention and the fight against trafficking in human beings and protection of the victims, replacing Framework Decision 2002/629 JHA). By this Directive, the EU has set minimum common criteria for the definition of criminal offenses in relation to trafficking. As mentioned in the explanatory report supplementing the above Legislative Decree, Directive No. 36 pursues the objective to ensure the strengthening of the repressive criminal protection system in order to ensure effective protection of victims, intended as "an essential step/element of the fight against trafficking in persons which necessarily requires an integrated approach”.

From a strictly legal standpoint, minimum legal age for marriage in Italy is 16 years old. In the Italian system, according to the Civil Code, an emancipated minor is whoever has attained the age of 16 - but not yet 18 -, and has been admitted by the juvenile court, to marry. In this case, upon application by the person concerned, the Court ascertains his/her mental and physical maturity and the validity of the reasons put forward in the instance after hearing the prosecutor, the parents or the guardian. The judicial decree can be challenged before the appellate court within a period of ten days from notice; but the court of appeal decision cannot be challenged before the Court of Cassation afterwards and the person concerned comes to emancipation. The emancipation occurs prior to marriage and remains valid even if the marriage contract is subsequently declared invalid.

As for the relevant case-law, mention has to be made of the very recent Court of Cassation’s ruling (Judgment No. 16321, dated April 14, 2014) concerning the transfer to Italy of a Roma minor and the subsequent custody to the future father-in-law upon payment of a sum of money, to her parents. In this case, the Supreme Court has confirmed the following offences: trafficking, reduction into slavery, and sexual violence against a minor. Decisions of a similar nature had been already adopted in the past by the Supreme Court (See also Judgments Nos. 23989 and 23988, both dated June 15, 2011).

From a statistical standpoint, provided that there is not yet a specific project focused on the issue under reference, it should be mentioned the launch of the second edition, by mid-2015, of the violence against women’ survey from the National Office on Statistics (ISTAT), for the biennium 2013-2014. Italian women are interviewed by CATI technique (Computer assisted telephone interview), while migrant women will be interviewed by both CATI and CAPI (Computer assisted personal interview) technique. The survey covers different forms of sexual (rape, attempted rape, physical sexual harassment, to be forced to have sex because of fear of perpetrator’s reaction, to be forced to do humiliating and degrading sexual activity) and physical violence (7 forms of violence from threat to the attempt to be suffocated or strangulated), psychological and economic violence.

- In this survey’s edition, specific attention is paid to stalking. Other data on sexual violence, human trafficking or householder/domestic violence are provided by registers statistics. These statistics concern the reports of violence to the police, crimes and proceedings from the Public Prosecutor Offices, persons charged with violence by the Public Prosecutors, persons convicted of violence and convictions on violence crimes (data from the Central Register Office of convicted

people). Those data have proved to be useful from a judicial standpoint, with regard to the perpetrator's characteristics, while are very poor with regard to victims' characteristics - save Police statistics that have data on victims since 2004. Data can be provided by sex, age and place of birth of the perpetrators and only for police statistics, by sex, age and citizenship of the victims.

At the policy level, Italy has recently adopted relevant National Action Plans in the following areas: the National Action Plan (NAP) on Violence Against Women and Stalking (2010-2013 - being under current revision); the National Action Plan on Children and the Youngsters (2011-2013); the National Strategy on the Integration/Inclusion of Roma, Sinti and Caminanti Communities (2012-2020), in accordance with EC Communication No. 173/2011; the First Plan of Action for the prevention and the fight against discrimination on the ground of sexual orientation and gender identity (2013-2015); and the second National Action Plan on Women, Peace and Security, 2014-2016.

By Ministerial Decree dated 10 November 2010, the then Minister on Equal Opportunities approved, upon positive opinion by the Unified Conference, the three-year term "*National Action Plan against gender-based violence and stalking*". This document is the result of an inclusive process involving all relevant private and public stakeholders and envisages specific actions in the socio-cultural, health, economic, legislative, and judicial fields. More specifically, the aim of this Plan is seven-fold: (a) Raising awareness in a broad, adequate and effective manner; (b) Ensuring and implementing a network of relevant anti-violence Centers and shelters; (c) Securing an adequate support for the victims nationwide; (d) Adequately training and equipping with the appropriate tools, all those social and health-care providers mandated to supporting victims and/or working in this area, with the ultimate goal of mainstreaming gender-based culture; (e) Envisaging a structured collection of data to better steer relevant policies; (f) Enhancing forms of assistance and support for women, victims of violence, and their children; (g) Broadly enhancing the level of protection by an effective collaboration with Police Forces. Within the Plan the issue of the child, early and force marriages is referred to as one of the relevant forms of violation of women's human rights, together with MGF and trafficking. In the biennium, 2010-2011, 18.6 million Euros were allocated for the implementation of this Plan, and further 1.5 million Euros, for the year 2012<sup>2</sup>.

Another form of serious violence against women and children refers to *trafficking in human beings (THB)*, the modern-day slavery. Victims, especially women and children, are regularly deprived of their identity and dignity and forced into subjection that means also the case to be forced to marry another person without their consent. The Italian model, which is still internationally considered as a best practice in this field, was built upon the principle that an effective response to trafficking in human beings should be based on an integrated and multi-agency approach focused on the promotion and protection of human rights. Since trafficking in human beings is an extremely complex and constantly changing phenomenon, legal systems, policies and actions should be also supported by appropriate tools to monitor human trafficking and evaluate the effectiveness of the actions taken: an in-depth and up-to-date examination is fundamental in order to effectively respond to THB. This is the main task of the Department for Equal Opportunities at the Italian Presidency of the Council of Ministers that is therefore responsible for: the monitoring and analysis of trafficking in human beings; the examination of the results of all projects funded pursuant to Art.18 of Legislative Decree No.

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<sup>2</sup> The NAP has provided for the establishment of a high-level inter-ministerial Task Force on gender-based violence (from June 2013 onwards), aimed at coordinating governmental action for the prevention and repression of such a plague. The development of coordinated actions at all levels to implement the NAP contents has aimed at improving the role of private stakeholders in order to ensure the prevention and repression of violence against women: a National Audit was organized on 22 May 2013, during which the then Minister for Equal Opportunities met with relevant civil society representatives of a national and local relevance (CSOs), and the fourth annual week against violence was launched by the Ministry of Education and the Ministry for Equal Opportunities, on the basis of the cooperation initiated in July 2009. Through this week, financed by the Department for Equal Opportunities, the aim is to fight against all forms of discrimination by organizing awareness-raising campaigns, information and training courses on prevention of violence and fight against all forms of intolerance, especially those grounded on racial, religious and gender-based intolerance, besides dealing with all forms and root-causes of violence, or on sexual orientation and gender identity.

286/1998 and Art. 13 of Act No. 228/2003, respectively<sup>3</sup>; the development of a computerized data collection system facilitating the understanding and analysis of the phenomenon while respecting the possible sensitive data confidentiality guarantees following the activation of the *National Anti-Trafficking Toll-Free Helpline* (800-290-290), which can be called 24h/24, anonymously, and free of charge; the carrying out of surveys and research on trafficking in human beings, both at the national and international level.

- The above Department is supported by the Inter-ministerial Commission for the Support to Victims of Trafficking, Violence and Exploitation, which is chaired by the same Department and is composed of representatives of the Italian Ministries of the Interior, Justice, Labour and Social Policies, as well as of the Department for Family Policies, the State-Regional Conference and ANCI (the National Association of Italian Municipalities).

Another form of violence partially interrelated with the issue under consideration is the *fight against FGM*. Such a plague affects many immigrant women who have been arriving in Italy over the last years and could be tackled with by Act No.7/2006, which envisages the implementation of the following activities: promotion and coordination activities (Art. 2) to be carried out by the Department for Equal Opportunities; raising-awareness campaigns (Art. 3); training and information for those pregnant women who have been victim of FGM; ad hoc training for teachers and care providers working in social/communities centres; monitoring of relevant cases. In this regard, a 2 million allocation per year has been envisaged since 2005; the setting up of a toll free number/helpline at Ministry of Interior (Art. 5) with a budget of 500,000 Euros, per year; the harshening of relevant penalties (Art. 6) by introducing ad hoc provisions under Arts. 583 bis and ter of the penal code, respectively; programs of international cooperation (Art. 7). By Act No. 7/2006 the Department for Equal Opportunities has been entrusted to coordinating all relevant activities. To this end, an ad hoc Commission for the prevention and the fight against FGM has been created since 2009.

The above Plan also reports indications provided for by CSOs, operating both nationwide and locally. The content of this Plan, shared with regional Authorities, under “The Agreement on how to share resources, purposes, modalities, including implementation ones, and monitoring of the relevant interventions system”, has been approved by the State-Region Conference, on 6 December 2012. A 3 million Euros allocation has been envisaged for Regional Authorities in order to implement prevention programs, in the following fields: (a) Elaboration of innovative intervention models, by

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<sup>3</sup> In compliance with the abovementioned national laws, the Italian system envisages two different types of assistance and protection programmes for victims of trafficking in human beings, namely. Besides *long-term programmes* (the so-called “Art. 18 Projects”) - which are provided for by Art. 18 of Legislative Decree No. 286/1998 establishing the possibility of granting a special residence permit for social protection grounds to the victims of human trafficking, violence and exploitation who want to escape the conditioning of criminal organizations, *short-term programmes* (the so-called “Art. 13 Projects”) are provided for by Art. 13 of Act No. 228/2003 (“Provisions against Trafficking in Human Beings”) also establishing the creation of a special fund for the implementation of actions aimed at identifying and providing first-aid to EU and non-EU citizens, both adults and children, who are victims of reduction to slavery and trafficking in human beings (offences provided for respectively by art. 600 and art. 601 of the Italian Criminal Code, as amended by the abovementioned law). Art. 13 Projects provide presumed or already identified victims of human trafficking with assistance for a minimum duration of three months which, when applicable, can be extended for a further three months. Victims assisted by public bodies or associations are entitled to receive adequate board and lodging, as well as health and legal assistance. Short-term programmes are co-funded by the State (namely the Department for Equal Opportunities providing 80 per cent of the total allocated funds) and Regions and/or local authorities (20 per cent) on an annual basis, and projects can be submitted and/or managed by Regions, local authorities and/or accredited non-profit organizations (which need to be enrolled in the Register established by Art. 52 of Decree of the President of the Republic No. 394/1999). Data and statistics can be provided by the Department for Equal Opportunities with regard to victims or presumed victims of human trafficking who participate in the assistance and social protection projects promoted and co-funded by the Department itself. **These people, both adults and children, can be victim of both sexual and labour exploitation or other forms of exploitation such as begging and the illegal economy.** The national database on trafficking in human beings collecting data on victims who have been assisted through the implementation of the projects is fully in place and enables the Department for Equal Opportunities to monitor the number of assisted victims at the national level, as well as the protection services provided to victims and the new human trafficking flows. The structure of the indicators and data, which are disaggregated by gender, age, nationality, type of exploitation, etc. makes it possible to understand the trend of human trafficking over time.

which to implement nationwide, a systemic action aimed at the social integration of women and children, victims or potentially exposed to FGM; (b) Ad hoc training courses, also with the aim to facilitate contact between relevant Institutions and African communities; (c) Awareness-raising and information activities. Within this framework, specific attention has been paid to the second area of intervention, namely information, education and training for relevant public and private care providers, also to equip them with the best knowledge, in light of international and regional indications. Following the approval of the above Agreement, twelve Italian Regions have already submitted relevant projects to combat FGM.

Also the Ministry of Health contributed in countering FGM by introducing on its website ([www.salute.gov.it](http://www.salute.gov.it)), under the section devoted to “Women’s health”, a specific database with the aim of providing an overview of all relevant services supplied, at the regional level, to those women and girls, victims of FGM, who live in Italy — this database is being updated.

Several measures have been implemented in recent times to be eventually associated with the fight against child, early and/or forced marriage - as promoted by some relevant competent Ministries whose experiences insist on the opportunity to improve the exchange of information and the adoption of common procedures and the training of specialized personnel who enter into contact with women and girls as victims.

- As a way of example, the Italian Ministry of Justice launched in the biennium 2011-2013, the following activities: 1. the possibility of signing MoUs at the local level, with CSOs, to improve the exchange of information between magistrates, law enforcement officials, health-care providers and other relevant stakeholders when dealing with cases of gender-based violence; 2. the possibility of defining modalities to collect relevant quantitative and qualitative data on all forms of discrimination against women and girls, to better steer local and national actions; 3. confidence-building measures in the judicial sector to adequately protect victims of violence especially when rendering testimony against offenders; 4. training and awareness-raising initiatives at the local level, considering that the fight against impunity goes through action-oriented measures, including police training, free legal aid, and effective protection for the victims and the witnesses.

- Under the 2011 MoU between the Department for Equal Opportunities and the Ministry of Interior, the issues of domestic violence, stalking and discriminatory acts have been included through the formula “Stalking and crimes against the so-called vulnerable groups (women, children, the elderly)”; in 2012, by providing for monitoring and tackling discriminatory acts against minority groups; in 2013, by focussing on the issue of violence against women and children from the juridical, psychological and operational standpoints.

- Another relevant project was recently concluded by the Ministry of Health and Candelaria Donne Immigrate Onlus and refers to the “Health and security of the newborn: a guide for immigrant families” by which it was arranged the publication and broadest dissemination of a pamphlet on child-maternity health care, entitled “girls and boys: children of the world”. It was made in 10 different languages, to reflect the languages spoken by the largest immigrant communities living in Italy.

- Finally, at the international cooperation level, mention should be made of the sectoral Guidelines by the Directorate General for Development Cooperation at the Ministry of Foreign Affairs, with the contribution of relevant public and private stakeholders, on gender equality and women’s empowerment and children’s rights, respectively. Among the main initiatives of the Italian Development Cooperation the following could be interrelated with the issue under examination: “acquire data relating to cases of maltreatment, and the sexual abuse and exploitation of children, to gain a better understanding of the various elements and dimensions of the phenomenon and the complex risk factors, and for the purpose of monitoring in the field; implement prevention policies, including through networks of institutions with responsibility for child protection, with two priority goals: One is to support the most vulnerable households and/or those experiencing difficulties, including by improving the services and instruments available to prevent and overcome intra-family

disputes and other situations of vulnerability. And the other is to link up services provided by schools and other institutions in contact with the population in order to strengthen monitoring activity. The aim here is to promptly identify cases of risk and/or of actual violation. The focus should be on situations of disadvantage, marginalisation and deviance. The national and international media should also be involved so that they can collaborate in promoting and disseminating an ethos that rejects all forms of violence against children”.

Additional information from the practical experience emerged from the First Reception Centres for Minors in Rome will be soon provided, too.

### REPLY RECEIVED FROM THE NETHERLANDS on 1-10 July 2013

Find below an English translation of the summary of the report of the Dutch Police Academy on multi problem families with a Roma background:



BZ108814.docx

Below several papers (in the Dutch language) about the subject of **early marriages**:

1. Legal framework on forced marriage and leaving behind.



juridisch kader straf  
en civiel aangepast 2

2. Final report exploration group strengthening approach forced marriage and leaving behind.



eindrapportage-verk  
ennersgroep-versterk

3. Letter to the Second Chamber approach forced marriage and leaving behind.



kamerbrief-aanpak-h  
uwelijksdwang-en-acl

4. Statement in response about criminal approach of forced marriage.



Memorie van  
antwoord Strafrechte

Below several papers (in the Dutch language) regarding the **Dutch criminal policy on human trafficking**:

1. Article 273f out of the Dutch Penal Code, regarding human trafficking



artikel 273 f wetboek  
van strafrecht.pdf



2. Indication about human trafficking of the College of Prosecutors-General to the heads of regional prosecution offices



aanwijzingmensenh  
ndel.pdf

3. Memorandum to Parliament with regard to the implementation of international regulations to combat smuggling and trafficking of human beings.



memorie van  
toelichting mensensm

4. Circular as indication to the Dutch Immigration Office about people asking for a temporary stay in the Netherlands on humanitarian grounds.



vreemdelingencirculai  
re.pdf

5. Circular as indication to the Dutch Immigration Office about people asking for a not-temporary stay in the Netherlands on humanitarian grounds.



vreemdelingencirculai  
re-b9.pdf

As mentioned by the staff of the Ministry of Security and Justice, the Dutch Government follows the following international regulations:

1. The EU guideline (2011/36/EU) regarding prevention and combating human trafficking;
2. The Treaty of the Council of Europe on combating human trafficking (2005);
3. The Palermo Protocol.
4. The recommended principles and guidelines of the UN on human rights and human trafficking.

As additional information, a court sentenced a grandfather to 8 months of prison because he abused his granddaughter several years (between her 7th and 10th year of age) by forcing her to lift shops. That this grandfather was a Roma played no role in the court hearing and almost not in the news.

#### REPLY RECEIVED FROM NORWAY on 22 October 2013

Please find enclosed the Government's *Action plan against forced marriage, female genital mutilation and severe restrictions on young people's freedom (2013–2016)*, see page 13 on religious or other marriages not in acceptance with Norwegian Law.



Handlingsplan\_2013\_  
ENG\_endelig.pdf

Bufdir (the Norwegian Directorate for Children, Youth and Family Affairs) will conduct a mapping regarding marriages which are invalid under Norwegian law, such as religious marriages or marriages

that are not valid under Norwegian or foreign law but where the young people in practical terms are considered married by themselves, their families and the community.

The Government has recently launched a strategy to combat violence and sexual abuse of children and adolescents, and the topic of sexual abuse among the minority population and in religious communities is mentioned in the strategy. It includes a reference to child marriage and mentions also that WHO highlights girls with Roma background as a special vulnerable group in this matter.

Child marriage and forced marriage is prohibited in Norwegian law, such as the Norwegian Children Act and the Norwegian Marriage Act, see also the General Civil Penal Code of 2005, section 222 regarding forced marriage: <http://www.ub.uio.no/ujur/ulovdata/lov-19020522-010-eng.pdf>.

Through the Government's efforts to combat forced marriage there has been developed information material for newly arrived immigrants on the topics of forced marriage and domestic violence. This example shows educational materials used in Norwegian language training programs <http://www.vox.no/vold>, for more information in English see also: <http://www.vox.no/no/globalmeny/English/>.

#### REPLY RECEIVED FROM POLAND on 18 May 2015

- **Information on the inclusion of forced and/or early marriages in criminal law and on any relevant case-law.**

According to the information of General Prosecutor's Office there are three related articles of Polish penal code in that context:

- **Article 189a.**

*§ 1. Whoever commits the crime of human trafficking, shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.*

*§ 2. Whoever commits an act of preparation for the crime specified in § 1, shall be subject to the penalty of the deprivation of liberty for a term between 3 months and 5 years.*

According to police data the number of instituted legal proceedings under this article in 2014 was 28 and asserted crimes was 64;

- **Article 200.**

*§ 1. Whoever submits a minor under the age of 15 to sexual intercourse or commits any other sexual act thereon or causes a minor under the age of 15 to submit themselves to or to perform such acts shall be subject to the penalty of deprivation of liberty for a term of between 2 and 12 years.*

*§ 2. The same penalty shall be imposed on a person who, in order to satisfy their sexual needs, shows a sexual act to a minor under 15 years of age.*

According to police data the number of instituted legal proceedings under this article in 2014 was 2 156 and asserted crimes was 1 104;

- **Article 211 and 211a.**

*211. Whoever, contrary to the will of the person appointed to take care of or supervise, abducts or detains a minor person under 15 years of age or a person who is helpless by reason of his mental or physical condition shall be subject to the penalty of deprivation of liberty for up to 3 years.*

*211a. Whoever in violation of the provisions of this law arranges for profit the adoption of children shall be subject to the penalty of the deprivation of liberty for a term of between 3 months to 5 years.*

According to police data the number of instituted legal proceedings under this article in 2014 was 204 and asserted crimes was 59.

- **Information as whether forced and/or early marriages of under-age Roma is an issue in the country and whether there are any studies, surveys providing data on this topic.**

There is no data on ethnicity (as perpetrators or as victims) so the scale of that phenomenon within the Roma community is impossible to estimate.

The common conviction is that the age of Roma in Poland entering into marriages is slowly rising. Marriages of 12 years old girls are quite rare now and the phenomenon is widely (but not univocally) criticized by Roma themselves. The problem still exists though, currently pertaining to c.a. 15 year old girls. According to the Fundamental Rights Agency's survey *Discrimination against and living conditions of Roma women in 11 EU Member States* (2014) in all surveyed states around 2% of Roma girls aged 10 to 15 are reported as "traditionally married" or "cohabiting" with a partner and about 24% of 16 and 17 year old Roma are legally or traditionally married or "cohabiting". It is difficult to judge whether these figures describe the situation in Poland. The visibly lower number of married, divorced and widowed Roma (if compared to other groups) depicted in the National Census results seems to suggest that traditional Roma marriage is still a vivid institution as Roma in Poland belong to very traditional groups.

Occasionally cases of early Roma marriages come into light coincidentally, for example because of health problems or problematic pregnancies. This was the case of a 12 year old Roma girl of Kowary "traditionally" married to her 24 year old cousin (2006). A similar case from Opole involved a 21 year old man and a 16 year old girl. This time the girl was caught on petty theft and the subsequent inquiries led to disclosing the existence of traditional marriage. Such cases are widely considered to be serious violations of basic human rights. Both involved men were prosecuted. In 2007 the District Court of Kedzierzyn-Kozle tried a 23 year old Roma man for marrying a 14 year old girl. The man was found guilty and a suspended sentence was pronounced. The prosecuted and sentenced men were defended publicly by some Roma leaders accusing justice system of violating Roma traditions and Roma rights.

Problem of abusing of Roma women rights is especially visible in the context of sexual exploitation and it touches only migrant Roma women. Poland is not a receiving country in the terms of human trafficking so there are only a few recognized small groups of migrant Roma (i.e. in Wroclaw). But according to information of Polish branch of *La strada* organization vast majority of Bulgarian prostitutes working along the roads these are Roma origin women<sup>4</sup>, probably they are not members of typical Roma migrants communities, which are very few in Poland.

There are Police researches states that the sphere of sexual exploitation in Poland is monopolized by Roma origin citizens of Bulgaria from Warna, Dobrich, Stara and Nova Zagora, and victims – recruited from those villages - are often Roma women and girls without any education, deriving from very low economic status families, often "sell" by their families. Among typical investigation's problems in that case one has to do with specific hermetic group, using the Bulgarian local Roma dialect and sometimes with emotional dependency between the victim and the perpetrator.

According to that report the market of forced begging is monopolized by Roma origin citizens of Romania, mainly from Sibiu and Brasov that are also places where victims are recruited from<sup>5</sup>. Foreign victims of human trafficking in Poland these are mostly citizens of Romania, Bulgaria and Hungary, what can suggest that part of them are Roma origin. The number of legal proceedings concerning begging in statistics is low and stable. It touches mainly citizens of Romania, Moldova and Ukraine and perpetrators are Roma origin organized gangs. Victims are mostly women and children, sometimes people with disabilities. There are cases of injuries of victims in order to gain additional profits from begging.

#### **4. Information on whether Roma mediators, where they exist, are involved in prevention against trafficking, and whether they address the issue of forced and/or early marriages.**

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<sup>4</sup> Information from shadow report of *La strada* NGO prepared as an additional material for CEDAW UN in 2014.

<sup>5</sup> Tomasz Piechocki, *Handel ludzmi w Polsce* [in] *Zapobieganie handlowi ludzmi w Polsce*. Materiały do raportu za lata 2009-2011, Ministry of Internal Affairs, p. 76

The problem of early marriages was never reported officially although from informal commentaries and talks one must know that phenomenon occurs. In Poland since 2001 works the group of c.a. 100 Roma school assistants of Roma origin. Roma school assistants do not play the role of mediator in such cases but one of their objectives at work is encouraging the Roma parents to continue their children education on upper level. As the discussion on this subject seems to become more and more important in agendas of various international organisations Polish side decide to put that problem into the agenda of newly composed Roma Team, acting within the framework of Joint Commission of Government and National and Ethnic Minorities. At the same time the network of 16 plenipotentiaries of Voivod on National and Ethnic minorities was asked in 2015 to raise the problem of early/forced marriages during the meetings with Roma school assistants in order to get a picture of this phenomenon in local Roma communities and get some information.

As the Polish Roma do not have any relations with migrant it is hard to involve the migrant Roma into activities led by Roma school assistants at present.

#### **REPLY RECEIVED FROM SPAIN on 3 July 2013**

At the last meeting of the Ad hoc Committee of Experts on Roma Issues (CAHROM) of the Council of Europe, that took place last May, members agreed on keeping as an item of the agenda for the next meeting the issue of early and/or forced marriage and its relation to human trafficking. Members were asked to provide relevant information on the situation and national legislation before the end of June 2013, particularly on the inclusion of early and/or forced marriage in the criminal law, relevant case law in the field, law enforcement and whether the mediators of the Roma community are involved in the prevention of human trafficking and early and/or forced marriages.

The General Directorate of Services for Family and Childhood, as a member of the CAHROM, in compliance with the functions entrusted to it in relation to Roma issues, has issued the following:

The General Directorate, apart from its own sources of information, having among its competencies the promotion of policies on children and on Roma population, has gathered information from various institutions as well as organisations of the Roma associative movement.

The most relevant data related to the issue is the following:

In relation to early marriages, Spanish legislation, in Article 46 of the Civil Code, states that non-emancipated minors (emancipation is possible from age 16) and persons tied by a bond of marriage cannot marry.

According to Article 48 of the Civil Code, the First Instance Judge might waive, for good cause and at the request of either party, the impediments regarding the third grade between collaterals and the age, from the age 14.

Furthermore, Article 314 states, among the cases leading to emancipation, the marriage of the minor.

The United Nations Committee on the Rights of the Child has expressed concern at the fact that, under exceptional circumstances, a judge might authorise the marriage of a 14 year old person, hence it recommended Spain to review its legislation to increase the minimum age for marriage under exceptional circumstances and with the permission of a judge to 16.

At present, both the Ministry of Health, Social Services and Equality and the Ministry of Justice are in the process of updating existing legislation for Child Protection, with the aim to amend certain articles

of the Civil Code, establishing, on general basis, the minimum age for marriage at 16 (if the children are emancipated) or alternatively at 18.

In relation to the Roma population it can be stated that, although marriage takes place at an earlier age compared to the society in general, the trend has noticeably changed in recent years, towards dating and marrying at a later age among Roma youth. The decision to postpone marriage is clearly linked to families that have experienced improvement in the process of social inclusion, particularly in education, as well as in access to employment. This delay in the age of marriage is often accompanied by a fewer number of children per household.

According to information collected from associations consulted for the elaboration of this report, in a context of greater exclusion, the age of marriage within Roma communities is earlier and the number of children is higher. Due to the current economic and social situation, we are experiencing a return to engagements and weddings among teenagers due, among other things, to the resistance attitude of the Roma community to the “*apayamiento*” (i.e. being enrolled in secondary school, prepare professionally for careers that are not traditional among Roma). Likewise, it has also been detected as causes, the lack of job expectations which leads to less interest in academic training, and a greater appreciation of traditional lifestyles, as well as the acquired habits on practices of dependency on the Administration aid, which generate a kind of “sub-culture of dependency”.

To address this situation, there is an effort to enhance continuity and academic success through different programmes conducted by the organisations of the Roma associative movement, supported in many cases on the work of Roma mediators, legitimised Roma interlocutors.

In some families, the marriage of their daughters is linked to their educational situation, being the dating/marriage a cause or consequence of their permanence in the stage of secondary education, either because they drop out of school to mate or because once they drop out (due to lack of motivation, etc.) they get married.

Within the Roma population it must be taken into account the specific situation of Roma women from Eastern Europe, “Romni”, who, despite having heterogeneous situations that do not allow in many cases to generalise, share common features that allow to state some marked socio-cultural characteristics: they are first-generation immigrants and maintain a very close identity with their countries of origin (mainly Romania and Bulgaria), they have not experienced major changes in their roles, which are highly influenced by the predominance of males’ decisions, having a scale of authority that depends on gender and age. To this should be added the social rejection that Roma suffer in Spain, the language barriers, prejudices, etc.

One of the socio-cultural characteristics of Roma/Romni women from Eastern Europe is the early age of marriage (exceptionally at the age of 12 or 13, although not very common). Age of marriage is being postponed and it is common that parents try to delay it beyond the age of 15. However, single woman is still seen as a burden to her family, almost as a disgrace. This weight on woman has a consequence that she grows up and is educated in total submission to marriage. Another characteristic of Roma people coming from Eastern Europe is the dowry, although it is a practice that tends to disuse. It is closely linked to groups in a situation of extreme social exclusion.

It is important, as reflected in the sources consulted on the subject, especially from non-governmental Organisations of the Roma associative movement, to work on linking the age of marriage of Roma youth to having an own personal, social and professional life plan that allows their emancipation and autonomy. Many of the Roma organisations perform educational activities in educational centres and high schools, workshops with young Roma women and home visits to families in order to raise awareness on early marriages.

As for the so-called forced marriages and its relation to human trafficking, we note that in our legislation this concept does not exist (forced marriage), although references can be found in our Civil

Code (Book I, Title IV, Chapter II, Art. 45 and Chapter VI, Art. 73) which state that “*there is no marriage without marital consent*”, noting that “*it is null or void, whatever the form of its celebration: 1<sup>st</sup>- the marriage without marital consent*” and “*5<sup>th</sup>- the one contracted under coercion or grave fear*”.

In criminal law there is no specific regulation on the matter, hence it may be placed in the general regulation of the crime of coercion. It should be noted that the Draft Organic Law amending the Criminal Law that was sent to the Council of State, explicitly criminalises forced marriage, as an aggravated form of the crime of coercion, when someone is forced to get married, and it also punishes those who use coercion to compel others to leave or not to return to Spain in order to force him/her to marry.

In Spain, there is no evidence of the existence of forced marriages, neither about their relation to human trafficking. Again, in the case of the Roma population that is coming from Eastern Europe, it might be possible that a situation similar to human trafficking could take place, if considering as human trafficking an agreed marriage of very young Roma women, sometimes without considering their will, and very related to a reproductive issue or even an economic dowry among families.

The concept of trafficking as sexual exploitation, forced labour, and illegal trade of people, are not widespread, though there might be some specific cases.

According to a report by Professor Boldova presented to the General Directorate of Services for Family and Childhood on Child Trafficking, in the case of illegal or forced marriages, it would be equivalent to a case of people’s exploitation, constituting a practice similar to slavery, therefore it should be considered as criminalised according to Article 177 bis. 1 a) *Human trafficking* of Spanish Civil Code. Likewise, the resolution of the Human Rights Commission 1997/1919, on women and girls trafficking, includes, among the purposes of this trafficking, forced marriages. On the other hand, the problem for considering this form of exploitation as trafficking is that it usually involves the delivery of one person for forced marriage, and not a plurality of potential victims, hence no organisation intended to that purpose, but only the parents or guardians of the young person.

**REPLY RECEIVED FROM “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”  
on 29 October 2013**

Amendments to the Criminal Code were adopted in the month of September of 2009. These amendments referred to Articles 418–a, 418–b and 418–d which sanction the responsibility of official persons for committing acts related to trafficking in persons by imprisonment of at least eight years, or imprisonment of ten years if the victim is a minor.

**In the period from September 2009 to 1 June 2013**, at the level of the Ministry of the Interior, a total of 15 “trafficking in persons” and “trafficking in minors” offences were detected, in relation to which 56 perpetrators were reported. Victims of the aforementioned crimes were 18 females, 13 of which were minors. Four of the victims were Albanian citizens; one was a Bulgarian citizen and one a Bosnian citizen. Observed by years, one offence has been detected since 1 September 2013, three offences were detected in the year of 2010, seven offences were detected in the year of 2011, and four offences were detected in the year of 2012, whilst no offences of this type were detected in the first five months of the year of 2013.

**From September to December of 2009**, one crime of “trafficking in minors” was detected in relation to which three perpetrators were reported; the perpetrators, taking advantage of the poor financial and social status of the 17-year-old victim, subjected the victim to labor exploitation.

In the **year of 2010**, three offences of “trafficking in minors” were detected in relation to which 12 perpetrators were reported; five 17-year-old Macedonian female citizens were identified as the victims, who, due to their poor economic condition, found themselves in the position to be deceived and sexually abused.

In the **year of 2011**, two offences of “trafficking in persons” were detected, in relation to which six perpetrators were reported; furthermore, five offences of “trafficking in minors” were detected, in relation to which 28 perpetrators were reported. Eight female persons were identified as the victims (one Albanian and one Bulgarian citizen), six of which were minors. Most of these were cases of trafficking for sexual exploitation; a case of trafficking for labor exploitation and one for unwed life were also registered.

In the **year of 2012**, three offences of “trafficking in persons” were detected, in relation to which six perpetrators were reported; in addition, one offence of “trafficking in minors” was detected, in relation to which one perpetrator was reported. Foreign citizens (specifically, three Albanian citizens and one Bosnian female citizen, one of which is a minor) were identified as the victims, who were subjected to sexual and labor exploitation.

In the period from **January to May of this year**, no cases of trafficking in persons were detected.

In the **year of 2010**, the **Standard Operating Procedures for Treatment of Victims of Trafficking in Persons** were revised; the procedures, **which were prepared via the National Commission for Combating Trafficking in Persons and Illegal Migration and which refer to both domestic and foreign victims of trafficking in persons**, were adopted by the Government of the Republic of Macedonia as a documents for treatment which is binding for all governmental bodies and non-governmental organizations involved in the fight against trafficking in persons.

In **January of 2011**, the Center for Persons – Victims of Trafficking in Persons was established (Law on Social Protection – June 2009).

During the aforementioned period, the working group composed of representatives of the Government, including representatives of the Unit for Trafficking in Persons and Smuggling of Migrants, as well as non-governmental organizations that are members of the National Commission for Combating Trafficking in Persons, prepared the following strategic documents: the Strategy and National Action Plan for Combating Trafficking in Persons and Illegal Migration 2009–2012, and the Strategy and National Action Plan for Combating Trafficking in Persons and Illegal Migration 2013–2016.

**As regards the part of the recommendation concerning the training for enforcement agents, the migration unit and the border police, with the aim of increasing the efforts to completely combat trafficking in persons and prostitution**, in the period from the year of 2009 to 1 June 2013, training events and other forms of professional development were conducted; these were attended by 1,355 participants, employees of the Department for Border Affairs and Migrations, as well as employees of the Unit for Trafficking in Persons and Smuggling of Migrants (that is, about 50 participants in total).

**In the year of 2009**, the training for “Combating trafficking in persons and smuggling of migrants” and the “Training for detecting false documents at border crossings” were continuously conducted, which were received by **487 members of the border police**.

**In addition, employees of the Unit for Trafficking in Persons and Smuggling of Migrants attended training events for** “Links between organized crime and smuggling of migrants”; “Standard operating procedures for treatment of victims of trafficking in persons”; as well as seminars on “Skill for conducting investigative interviews with suspects, witnesses and victims of crime”, “Trafficking in persons – smuggling of migrants”, – Skopje Twinning Project, “Money laundering”

within the project “Support to the countries of South East Europe for strengthening the capacities of the police aimed at reducing trafficking in persons and illegal migration”. Furthermore, they also actively participated in professional development events that took place abroad, namely, the workshop on the topic of “Combating trafficking in persons in the Western Balkans” which was held in Tirana and organized by the European Commission, as well as the “Training for trainers” – Turkish International Academy against Drugs and Organized Crime (TADOC), Ankara, organized by the United Nations Office on Drugs and Crime (UNODC).

**In the year of 2010, employees of the Department for Border Affairs and Migrations** underwent training on the following topics: “Profiling in trafficking in persons and smuggling of migrants”, “Advanced training for combating trafficking in persons/Legislation framework and application”, “Advanced training for combating trafficking in persons/Trafficking in children”, “Advanced training for combating trafficking in persons/Training for trainers”, “Advanced training for combating trafficking in persons/Criminal investigations”, “Advanced training for combating trafficking in persons/Labor exploitation and illegal migration”, “Advanced training for combating trafficking in persons/ Standard operating procedures for treatment of victims of trafficking in persons”; specifically, a total of **178 employees of the Department for Border Affairs and Migrations** received training.

**Eleven employees of the Unit for Trafficking in Persons and Smuggling of Migrants underwent the following training:** “Combating organized crime with focus on trafficking in persons”, “Trafficking in minors”, “Trafficking in children”, “Abuse of minors, child pornography and child prostitution via the Internet network”, “Techniques for conducting interviews with suspects, witnesses and victims of crime”, “Technical assistance for strengthening the capacities of relevant parties involved in the fight against organized crime, with focus on trafficking in persons”, “Trafficking in persons for labor exploitation purposes”, “Preparation of bylaws for the Center for Persons – Victims of Trafficking in Persons”, “Analysis of ‘Mirage’ – the working group for trafficking in persons and smuggling of migrants”, “International legal aid, specific forms of judicial cooperation in the European Union, extraditions, minimum standards for the rights of suspects and defendants, and the status of victims in the criminal procedure”.

**In the year of 2011, the employees of the Department for Border Affairs and Migrations** continued to undergo training on the topics of “Combating trafficking in persons and smuggling of migrants”, as well as “Training for profiling in trafficking in persons”, “Dealing with illegal passers”, “Training for using the database of foreigners, asylum seekers, migrations and visas”, and a workshop on the topics of “Freedom of movement for persons – preventing illegal migration/Practical actions in compliance with the Schengen rulebook”; to be precise, a total of **444 employees** received training.

**The employees of the Unit for Trafficking in Persons and Smuggling of Migrants** underwent the following training: “Trafficking in persons, smuggling of migrants and labor exploitation”, “Networks for illegal migration – criminal routes”, as well as workshops on “Transnational cooperation in the fight against trafficking in persons in South East Europe (TRIM II) – labor exploitation”.

**In the year of 2012, employees of the Department for Border Affairs and Migrations continued to undergo training in** “Combating trafficking in persons and smuggling of migrants”, “Protection of refugees in mixed migrations”, as well as a workshop on the topic of “Mixed migrations and legal protection of refugees”; to be specific, a total of **127 employees** received training.

**Eleven employees of the Unit for Trafficking in Persons and Smuggling of Migrants** received the following training: “Trafficking in persons and smuggling of migrants”, “Online child pornography and crime against children”, “Trafficking in persons – labor exploitation”, and the “Fourth workshop on establishing a joint investigation team for trafficking in persons, in relation to the Police Cooperation Convention for South East Europe”.



**By 1 June 2013, the employees of the Department for Border Affairs and Migrations** received training on the topic of “Combating trafficking in persons and smuggling of migrants” and “Protection of refugees in the mixed migration flows”; a total of **119 members of the border and migration service** attended the training.

During this period, **ten employees** of the **Unit for Trafficking in Persons and Smuggling of Migrants** attended training events on the topic of “Trafficking in persons – labor exploitation”, “Advanced training in the new Law on Criminal Procedure”, as well as seminars on the topic of “Leadership skills” and workshops on the topic of “Combating seasonal sexual exploitation” and “Combating trafficking in persons for labor exploitation purposes”.

**REPLY RECEIVED FROM THE UNITED KINGDOM on 30 October 2013**

Here are the links to the UK Forced Marriage Unit:

<https://www.gov.uk/forced-marriage>

Force Marriage Unit - Statistics January to December 2012:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/141823/Stats\\_2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/141823/Stats_2012.pdf)

## Part II. Information collected on the topic

### INFORMATION COLLECTED FROM BELGIUM

See below a judgment (in French) from Belgium concerning forced marriage. The parents were convicted for trafficking of human beings committed towards their child (transfer of control of the daughter + purpose of sexual exploitation) and as accomplices for the rape of the girl obliged to have sexual relations with her "husband".



TC Verviers 30  
janvier 2014 Demajli -

### INFORMATION COLLECTED FROM FRANCE

Article published by Le Point (7 August 2014)

#### ***Enlevée, une adolescente rom échappe de peu à un mariage forcé***

07/08/2014 - *LePoint.fr / France*

*Situé à Aulnay-sous-Bois, près du boulevard André-Citroën, le campement rom où elle a été séquestrée accueille près de 420 personnes.*

*Les mariages forcés, ce n'est pas du passé. Trois personnes ont été interpellées mercredi dans un camp rom de Seine-Saint-Denis pour avoir enlevé et séquestré durant une semaine une adolescente de 12 ans pour un mariage forcé, a-t-on appris de sources concordantes. Selon les premiers éléments de l'enquête, la jeune fille, également rom, aurait été enlevée par des hommes en voiture le 29 juillet, à Bobigny, a raconté une source proche de l'enquête. Ce n'est que mercredi vers 15 h 30, soit plus d'une semaine après les faits, que la mère de l'adolescente a porté plainte. Dans ses déclarations, elle a expliqué que l'adolescente avait été enlevée "sous ses yeux", "pour être mariée de force en Espagne".*

#### ***La jeune fille "n'était pas blessée"***

*Renseignés par des témoins sur son probable lieu de détention, des policiers se sont rendus mercredi en fin d'après-midi dans un campement rom d'Aulnay-sous-Bois (Seine-Saint-Denis) pour "procéder à des vérifications". Lors de leur passage dans le camp, "ils ont retrouvé l'adolescente", et l'ont "pris en charge", a raconté la source proche de l'enquête, qui précise que la jeune fille "n'était pas blessée".*

*Lors de cette opération de police, trois personnes ont été interpellées. Selon les premiers éléments de l'enquête, il s'agirait de complices, l'auteur principal des faits, qui devait se marier à la jeune fille, ayant pris la fuite. Le campement rom concerné, situé près du boulevard André-Citroën, non loin de l'ancienne usine PSA d'Aulnay-sous-Bois, accueille près de 420 personnes. Il est visé par plusieurs procédures d'expulsion. Selon le Conseil de l'Europe et plusieurs associations, les Roms sont entre 15 000 et 20 000 à vivre en France depuis une vingtaine d'années.*

## INFORMATION COLLECTED FROM THE NETHERLANDS

Article published by AFP on 23 March 2012

### **Pays-Bas : le gouvernement veut lutter contre les mariages forcés**

23/03/2012 - 15:07 AFP

LA HAYE, 23 mars 2012 (AFP) - Le gouvernement néerlandais a adopté vendredi une proposition de loi visant à lutter contre les mariages forcés, prévoyant notamment l'interdiction du mariage pour les mineurs, a annoncé le Premier ministre néerlandais Mark Rutte.

"La proposition de loi prévoit qu'il sera impossible pour les mineurs (moins de 18 ans, ndlr) de se marier aux Pays-Bas", a déclaré le Premier ministre lors d'une conférence de presse à l'issue du conseil des ministres.

"Chaque mariage forcé est un mariage de trop et je veux l'empêcher aux Pays-Bas", a-t-il ajouté, affirmant ne pas être en mesure de donner de chiffre sur le nombre de mariages forcés dans le pays : "il y en a de trop, et surtout au sein de la population allochtone", notamment d'origine marocaine ou turque.

Le mariage de mineurs est "actuellement" permis dans certains cas sous réserve de l'autorisation d'un juge, a expliqué à l'AFP un porte-parole du ministère néerlandais de la Justice, ce qui ne sera plus le cas une fois la proposition de loi appliquée.

Celle-ci devra être soumise au Conseil d'Etat, qui se prononcera sur sa constitutionnalité, puis au parlement néerlandais, avant d'être mise en oeuvre, a poursuivi le porte-parole, qui s'attend à ce qu'elle soit appliquée en 2013.

Les mariages entre cousins et cousines seront interdits, a en outre ajouté M. Rutte, sauf si les mariés signent une déclaration sur l'honneur assurant que leur union n'est pas forcée.

Le gouvernement souhaite également "limiter" les possibilités de reconnaissance aux Pays-Bas de mariages polygames conclus à l'étranger, a souligné le Premier ministre.

La proposition de loi prévoit en effet que, dans le cadre d'un rassemblement familial aux Pays-Bas, un permis de séjour ne peut être demandé que pour un(e) seul(e) conjoint(e).

## INFORMATION COLLECTED FROM ROMANIA

### **Romania Gypsy King bans 'Child Marriages'**

27/03/2014 - Community 'king' says he and clan elders have agreed that the tradition of Roma marrying under the age of 16 must go - and those defying the ruling will face exclusion.

Dorin Cioaba, the self-proclaimed King of the Gypsies in Romania, says he is ready to take on the controversial tradition of marriages in the low teens.

The 43-year-old graduate in law has said that Roma should not get married until they are at least 16. "We are facing a new, modern world. It is time for all of us to change, so we have decided that Roma marriages should not involve people under 16, which still happens," he said.

"Our children must first to go to school, and then marry," Cioaba said on Tuesday, announcing a decision of the Stabor (as it is called in Romani language), a court of the community in Romania. The Stabor, which Cioaba heads, comprises elder leaders, called bulibasa, of different Roma families. The unofficial courthouse is located in Sibiu, in southern Transylvania, a town that is home to a large community of Roma.

"Those who do not comply with the decision risk exclusion from our community as well as legal penalties," Cioaba added.

Source: <http://www.turkishweekly.net/news/164965/romania-gypsy-king-bans-39-child-marriages-39.html>

#### INFORMATION COLLECTED FROM SERBIA

The proportion of women aged between 20 and 49 who were married before the age of 15 or 18 is low in the general population. This practice is more common in rural areas and among the less educated.

Almost 17 percent of women aged 20-49 in Roma settlements were married before the age of 15 and 54 percent of them married before age 18.

Source: MICS4 in Serbia, Key highlights, March 2012

#### INFORMATION COLLECTED FROM TURKEY

Link to YouTube video of Turkish Roma women's protest against early marriages (10 May 2012)  
<http://www.youtube.com/watch?v=fLeCpJD0a9U>

#### INFORMATION COLLECTED FROM THE UNITED KINGDOM

Article published by the Independent (1 September 2014) about attempts to arrange underage marriages in the Roma community in the UK. Please note that, despite the confusing terminology, they appear to be talking about Roma migrants, rather than English (Romany) Gypsies.

Source: [www.independent.co.uk/news/uk/home-news/deposit-for-a-bride-in-britain--3500-some-romany-gypsies-still-arrange-marriage-for-their-young-teenagers-9701793.html](http://www.independent.co.uk/news/uk/home-news/deposit-for-a-bride-in-britain--3500-some-romany-gypsies-still-arrange-marriage-for-their-young-teenagers-9701793.html)

Article published by the Cosmopolitan International (5 August 2014)

**Britain urged to back new European treaty to protect victims of forced marriage, domestic violence and stalking**

05/08/2014 - Cosmopolitan / international

Questions raised over why we haven't already ratified the 'Istanbul Convention'. **Britain is being heavily urged to ratify the Council of Europe's new convention, which seeks to enforce much harsher measures to ensure the safety of female victims of forced marriage, sexual harassment, domestic violence and stalking.**

The new treaty, otherwise known as the Istanbul Convention because it was opened for signatures in the Turkish capital three years ago, has been signed in agreement by the UK government, but they have as of yet failed to take the necessary steps to ratify it – or implement it in our British law.

Global women's rights advocate for the campaign group Human Rights Watch, Gauri van Gulik, has suggested that our government's failure to do this so far indicates "that there's not enough political will to push it through."

But despite this, ministers of the government do claim to back the notion of preventing female suffering across the continent, especially having hosted the Global Summit to End Sexual Violence in Conflict recently. But Gulik claims that the dedication and enthusiasm witnessed at the summit hasn't been followed through elsewhere in the government. "We haven't seen the same kind of fervour as we've seen with [William] Hague at the summit," she said.

So far, 14 European states have implemented the treaty into their national law since it came into force on August 1st, including Italy, Turkey and Serbia. But the Secretary General of the Council of Europe, Thorbjørn Jagland, urges others to follow suit. "All need to act now to improve the lives of the many women and girls who are subjected to violence, simply because of their gender," he warns. So what would the convention change? Among many stipulations for consenting states would be the assurance of access to services facilitating recovery from violence for victims, which would include psychological counselling, legal advice, and assistance with finances, education, training and employment.

Governments will also have to regularly run awareness-raising campaigns, take steps to include gender-equality issues on teaching syllabuses, work closely with NGOs, and involve the media in eradicating gender stereotypes and promoting mutual respect.

And Nils Muiznieks, Council of Europe Commissioner for Human Rights, reminds us of the necessity of the convention. "Violence against women remains one of the most widespread human rights violations which take place every day in Europe," he says.

With an average of 12 women a day being killed in gender-related violence across Europe, according to statistics from the Council of Europe, there is certainly no denying the urgency required.

By Catriona Harvey-Jenner