

15 May 2018

CAHROM (2017)33

**STUDY VISIT TO THE UK FORCED MARRIAGE UNIT
ORGANISED AS A FOLLOW-UP TO PREVIOUS COUNCIL OF EUROPE AND
NATIONAL ACTIVITIES ON CHILD AND/OR FORCED MARRIAGE
WITHIN ROMA AND TRAVELLER COMMUNITIES**

London, United Kingdom, 7-8 December 2017

**FINAL VERSION OF THE REPORT
FOR DISCUSSION AT THE 15th CAHROM PLENARY MEETING
(ATHENS, GREECE, 22-25 MAY 2018)**



Image: Poster of the 2nd International Roma Women's Conference held in Athens, Greece in February 2010

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I. INTRODUCTION TO THE STUDY VISIT

The Study visit to the UK Forced Marriage Unit (FMU) was organised as a follow-up to the thematic visit by the Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM) on Child/Early and Forced Marriages within Roma Communities in the context of the Promotion of Gender Equality held in Bucharest, Romania on 27-29 April 2015.

As a reminder, the proposal for setting-up a CAHROM thematic group on addressing and combating early and/or forced marriages within Roma communities was put forward by Romania (as a requesting country) during the 7th CAHROM plenary meeting in May 2014. Italy, the Republic of Moldova, the Netherlands and Poland had expressed immediate interest to be partner countries. The United Kingdom confirmed its interest to be a partner country at the 8th CAHROM meeting in Sarajevo (28-31 October 2014) when this thematic group was reconfirmed and scheduled for April 2015. The CAHROM endorsed the thematic report at its 11th meeting in 2016 (see document [CAHROM\(2015\)8](#)¹).

As indicated in the thematic report, the Dutch and Italian experts of the CAHROM thematic group had expressed the wish to visit the Forced Marriage Unit in London so as to get more familiar with the British approach in dealing with forced marriages and the work of the Forced Marriage Unit. Among the proposed follow-up, a study visit to London had been proposed.

The Study visit was also a follow-up to the international “Seminar on Forms of Violence against Roma and Traveller Women and Girls” (including child and forced marriage) which took place in Strasbourg in December 2016. The proposal of a study visit to the UK had been further discussed at the Seminar following a presentation of the British approach.

In November 2017, Ms Sophie Lott, Specialist Case Worker and Designated Safeguarding Officer at the Forced Marriage Unit invited the Council of Europe, and experts from the countries having participated in the CAHROM thematic visit, as well as from any other interested countries to take part in a study visit at the FMU in London, on 7-8 December 2017.

France, Greece, Italy, and Poland designated experts for this follow-up study visit. This included a representative from the Ministry of Justice of Italy, the Adviser for Education and Children’s rights of France’s Inter-ministerial delegation for lodging and access to lodging (DIHAL), representatives from equality bodies from Greece and Poland, two Roma women having conducted research on this topic from France and Italy, a policeman from Poland, and the Italian JUSTROM national coordinator.

Unfortunately Albania, Bulgaria, the Netherlands and Romania were not in a position to provide experts for the selected dates.

The CAHROM Gender Equality Rapporteur (from Finland) and the Chair of GRETA (from Ireland) joined the group. The Secretariat of both GREVIO and the Parliamentary Assembly of the Council of Europe (PACE)² were invited to designate an expert but no one could attend due to parallel commitments.

The travel and subsistence costs of the delegation were covered by a voluntary contribution from the Government of Finland to the Council of Europe Roma and Travellers Team budget.

The present report is makes partial reference to the report of the CAHROM thematic visit which remains a valuable source of information on the topic of child and/or forced marriage within Roma communities in countries covered by the report (Italy, the Republic of Moldova, the Netherlands, Poland, Romania and the United Kingdom, (see document [CAHROM\(2015\)8](#)).

In Appendix 1, you will find relevant extracts from the 2017 UNDP/World Bank Fact sheets “Roma at a glance”³ concerning early marriage incidence for marginalised Roma women in Albania, Bosnia and Herzegovina, Kosovo*⁴, Montenegro, Serbia and “the former Yugoslav Republic of Macedonia”.

¹ Available on CAHROM website <https://www.coe.int/en/web/portal/cahrom>.

² Ms Béatrice FRESKO-ROLFO (Monaco, EPP/CD) is preparing a PACE report on Forced marriage in Europe.

³ <http://www.eurasia.undp.org/content/rbec/en/home/library/roma/regional-roma-survey-2017-country-fact-sheets.html>

II. DIFFERENCE BETWEEN EARLY/CHILD AND FORCED MARRIAGES

2.1 Child marriage (early marriage)

Resolution 1468(2005) of the Parliamentary Assembly of the Council of Europe on forced marriages and child marriages defines child marriage as “*the union of two persons at least one of whom is under 18 years of age*”⁵. In this Resolution, the Parliamentary Assembly of the Council of Europe shows its deep concern about the violations of human rights and the rights of the child which are constituted by forced marriages and child marriages and **draws attention on the fact that, under the cloak of respect for culture and traditions, there are authorities which tolerate forced marriages and child marriages, although they violate the fundamental rights of those involved.**

In most of the reports, notably those from the **United Nations Population Fund (UNFPA)**, which are covering child marriage in several South East European countries⁶, it is defined as the “*union of two persons, officially or unofficially, at least one of whom is under eighteen years of age*”.

“Early marriage” is commonly used in place of “child marriage”, for example in UNICEF documents⁷.

- *In the opinion of the experts of the CAHROM thematic group, the appropriate term to designate this practice is “child marriage” instead of “early marriage”; the first expression reflects accurately the gravity of the facts, i.e. a child is the victim of this practice.*

Although the **minimum legal age for marriage** varies across Europe (usually between 16 and 18), the **UN Committee on the Elimination of Discrimination against Women (CEDAW)** and the **UN Committee on the Rights of the Child (CRC)** recommend that governments set the minimum legal age for marriage to 18⁸. According to this standard, the results that follow consider all marriages between people below the age of 18 as early marriages.

2.2 Forced marriage

Resolution 1468(2005) of the Parliamentary Assembly of the Council of Europe on Forced marriages and child marriages defines forced marriage as “*the union of two persons at least one of whom has not given their full and free consent to the marriage. Since it infringes the fundamental human rights of the individual, forced marriage can in no way be justified*”.⁹

Forced marriage can therefore be defined by the lack of consent – either as decided by an adult woman or by virtue of her being under the age of the legal consent (usually 18 but may vary pending national legislation) in the decision to enter a marriage with a particular spouse. Several parameters can however vary from a country to another such as the age of legal consent, age of sexual consent, matrimonial age...

- *The CAHROM group of experts considers that the key parameter to define forced marriage is the lack of free consent of the person. Not every child marriage is a forced marriage, unless a third party (usually an adult) is involved. When two young people get “married” or decide to be in an official or unofficial union, it does not have to be considered as a forced marriage or union.*

Participants took note that **in the United Kingdom, child marriage is *de facto* considered to be forced marriage** as a child cannot make an informed decision about committing to marriage.

⁴ “All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.”

⁵ Council of Europe Parliamentary Assembly Resolution (2005)1468 on Forced marriages and child marriages, available at <http://www.refworld.org/docid/43f5d5184.html>.

⁶ See for instance UNFPA report “Child marriage in Kosovo - Overview” from November 2012 at <http://eeca.unfpa.org/sites/default/files/pub-pdf/unfpa%20kosovo%20overview.pdf>.

⁷ The state of the World’s children 2006, page on early marriage: <http://www.unicef.org/sowc06/profiles/marriage.php>.

⁸ “Protecting the girl child: Using the law to end child, early and forced marriage and related human rights violations”, Equality Now, January 2014, http://www.equalitynow.org/sites/default/files/Protecting_the_Girl_Child.pdf.

⁹ See PACE Resolution 1468(2005) at <http://www.refworld.org/docid/43f5d5184.html>.

III. COUNCIL OF EUROPE CONVENTIONS

3.1 The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (known as the Istanbul Convention) covers the issue of Child/Forced marriages

- a. **violence against women** is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;
- b. **domestic violence** shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;
- c. **gender** shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;
- d. **gender-based violence against women** shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately.

It includes articles on making Child/Forced marriage illegal and punishable by law.

- **Article 32 – Civil consequences of forced marriages.**
Parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim.
- **Article 37 – Forced marriage.**
Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.

The status of signature / ratification / entry into force of the (envisaged) participating countries:

Country	Signature	Ratification	Entry into force
Albania	19/12/2011	04/02/2013	01/08/2014
Bulgaria	21/04/2016		
Finland	11/05/2011	17/04/2015	01/08/2015
France	11/05/2011	04/07/2014	01/11/2014
Greece	11/05/2011		
Ireland	05/11/2015		
Italy	27/09/2012	10/09/2013	01/08/2014
The Netherlands	14/11/2012	18/11/2015	01/03/2016
Poland	18/12/2012	27/04/2015	01/08/2015
Romania	27/06/2014	23/05/2016	01/09/2016
United Kingdom	08/06/2012		

3.2 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, known as the Lanzarote Convention (it does not explicitly cover child / forced marriage but interpretation of some articles could be extended to cover it)

Article 18 – Sexual abuse

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised:
 - a. engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
 - b. engaging in sexual activities with a child where:
 - use is made of coercion, force or threats; or
 - abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

The status of signature / ratification / entry into force of the (envisaged) participating countries:

Country	Signature	Ratification	Entry into force
Albania	17/12/2008	14/04/2009	01/07/2010
Bulgaria	25/10/2007	15/12/2011	01/04/2012
Finland	25/10/2007	09/06/2011	01/10/2011
France	25/10/2007	27/09/2010	01/01/2011
Greece	25/10/2007	10/03/2009	01/07/2010
Ireland	25/10/2007		
Italy	07/11/2007	03/01/2013	01/05/2013
The Netherlands	25/10/2007	01/03/2010	01/07/2010
Poland	25/10/2007	20/02/2015	01/06/2015
Romania	25/10/2007	17/05/2011	01/09/2011
United Kingdom	05/05/2008		

3.3 Council of Europe Convention on Action against Trafficking in Human Beings, also known as the Warsaw Convention (it does not explicitly cover child / forced marriage but interpretation of some articles could be extended to cover it)

a. "Trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of **abduction**, of fraud, of **deception**, of the **abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person**, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of **sexual exploitation**, forced labour or services, **slavery or practices similar to slavery**, servitude or the removal of organs;

b. The consent of a victim of "trafficking in human beings" to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

c. **The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;**

d. "Child" shall mean any person under eighteen years of age;

e. "Victim" shall mean any natural person who is subject to trafficking in human beings as defined in this article.

The status of signature / ratification / entry into force of the (envisaged) participating countries in the Study visit:

Country	Signature	Ratification	Entry into force
Albania	22/12/2005	06/02/2007	01/02/2008
Bulgaria	22/11/2006	17/04/2007	01/02/2008
Finland	29/08/2006	30/05/2012	01/09/2012
France	22/05/2006	09/01/2008	01/05/2008
Greece	17/11/2005	11/04/2014	01/08/2014
Ireland	13/04/2007	13/07/2010	01/11/2010
Italy	08/06/2005	29/11/2010	01/03/2011
The Netherlands	17/11/2005	22/04/2010	01/08/2010
Poland	16/05/2005	17/11/2008	01/03/2009
Romania	16/05/2005	21/08/2006	01/02/2008
United Kingdom	23/03/2007	17/12/2008	01/04/2009

IV. PRESENTATION BY THE UNITED KINGDOM HOME OFFICE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT AND THE FOREIGN AND COMMONWEALTH OFFICE FORCED MARRIAGE UNIT AND OTHER SPEAKERS FROM THE UK¹⁰

Introduction to the UK context

In her introduction Ms Julia Wilcox from the Department for Communities and Local Government outlined that the perception the wider society has towards Gypsies and Travellers is still very negative. They view them as aggressive, disrespectful of the law and criminals.

The UK uses Gypsies/Roma/Travellers in its documents. The first group is the Romani Gypsies who arrived in the UK five centuries ago and want to be called “Gypsies” in the UK context or sometimes “Roma/Gypsies”. Another group is the Travellers who are of Celtic descent constitute a second group. A third group is made of newly arrived Roma from the Balkans or Central Eastern Europe (more often designated as “Roma”).

They are a self-described ethnicity so if they do not declare themselves as such, they are not included in the statistics. Officially there is no definition of national minorities; categories a) and b) above are considered as British citizens. However, for planning purposes, self-described ethnicity is taken into account.

It appears that in Traveller communities, domestic violence and marriage between first cousins is common. When a woman wants to leave the community, the men physically keep them from leaving. Someone from the community is needed to speak about issues to the community.

UK policy and legal frameworks

The **2007 Forced Marriage (Civil Protection) Act** brought into being the use of **Forced Marriage Protection Orders (FMPO)**. FMPOs are civil court orders with legally binding requirements to protect a person at risk. They have been used to both restrict the actions of those presenting a risk of forced marriage to another, to prevent marriages from occurring and can also be used to ensure someone is safely returned to the United Kingdom from overseas. They can be used pre-and post-marriage. Police, social services and any 3rd party given permission by court can obtain and use this tool to assist those at risk. FMPOs conditions include:

- Protect victims from being taken overseas/or being them back;
- Stop them for being forced into marriage whether religious or otherwise;
- Stop them being hurt/harmed or threatened;
- Stop them being harassed.

FMPOs are critical in cases where victim is in a country that FMU cannot assist in; freedom of movement is restricted or where the FMU has no contact address. Failure to comply resulted in a “contempt of court” and was punishable by up to 2 years in prison.

Following a detailed consultation, **on 8 June 2012, the UK Prime Minister announced that the Government would make forcing someone to marry a criminal offence.**

The 2014 Anti-Social Behaviour, Crime and Policing Bill:

- criminalises of the act of forcing someone to marry against their will,
- criminalises the act of luring of a person to a territory of a state for the purpose of forcing them to enter into marriage without consent,
- criminalises the act of using deception with the intention of causing a person to leave the UK with the intention of forcing that person to marry,

¹⁰ Presentations by Mr Neil DAY, Forced Marriage Unit, on learning disability cases in the UK – supporting the most vulnerable, by Mr Jason DOONDEEA, Forced Marriage Unit, on immigration and forced marriage – how to support those already forced into marriage, and by Ms Aissa GAYE, Home Office, on how forced marriage fits into the wider remit on VAWG strategy have not been summarized in the present report due to lack of support documentation.

- if a person lacks the capacity to consent, the offence is also capable of being committed by any conduct carried out for the purpose of causing the victim to marry, whether or not it amounts to violence, threats or any other form of coercion,
- criminalises the breach of a Forced Marriage Protection Order (FMPO).

The Foreign and Commonwealth Office and Home Office have set up a **specific website on forced marriage**¹¹: This website provides:

- a definition of “forced marriage”,
- [Information for people directly affected by forced marriage](#),
- Brief information about the Forced Marriage Unit (FMU) - a joint Foreign and Commonwealth Office and Home Office unit set up in January 2005 to lead on the Government’s forced marriage policy, outreach and casework, and FMU contacts,
- Legislation on forced marriage, in particular [The Anti-social Behaviour, Crime and Policing Act 2014](#) which makes forced marriage a criminal offence to force someone to marry,
- Statistics on Forced Marriage collected by the FMU. The Forced Marriage Unit statistics for 2017 highlights that the number of cases handled with children aged 15 and under was at 15.6% and 16-17 year olds was 14.1%¹². By comparison, see previous years’ statistics:
 - o [Statistics on forced marriage for 2015](#) ; [Statistics on forced marriage for 2014](#)
 - o [Statistics on forced marriage for 2013](#) ; [Statistics on forced marriage for 2012](#)
- Guidance for professionals
 - o [Multi-Agency Statutory Guidance for dealing with forced marriage](#) 2014
 - o [Multi-Agency practice guidelines: Handling cases of forced marriage](#) 2014
 - o [2010 Review of implementation of statutory guidance](#) across public agencies in England and Wales
 - o [Guidance for Members of Parliament and constituency offices](#)
 - o [Guidance for Registrars](#)
- eLearning training for professionals,
- Information about an Outreach programme run by the FMU across the UK to raise awareness of forced marriage and about the 2015/16 FMU Domestic Programme Fund,
- Publications and other resources
 - o [What is a forced marriage?](#) (leaflet)
 - o [Forced Marriage Protection Orders](#) / [Forced Marriage Protection Orders](#) (leaflets)
 - o [Marriage: it’s your choice:](#) (cards)
 - o Forced Marriage poster [English](#) available in 9 other languages (but not in Romani)
 - o [Forced Marriage: A Survivors Handbook](#) (handbook)
 - o Campaign videos (see the website).

The **Forced Marriage Unit (FMU)**, established in 2005¹³, is now the Government’s main delivery arm for developing effective Government policy; awareness-raising; and domestic and consular casework. The FMU provides direct assistance to victims, as well as undertakes a full programme of outreach activity to practitioners and communities to ensure that people working with victims are fully informed of how to approach such cases. Overseas the FMU provides consular assistance to victims prior to or after marriage to secure their return to the United Kingdom. The Forced Marriage Unit (FMU) provides support at every stage by:

- **helping to protect children** – the FMU helps those working in education and safeguarding children know how to spot the earliest signs a child may be at risk and know what action to take – this has included revised statutory guidance for professionals and multi-agency guidelines for handling forced marriage. The FMU is also working with NGOs like Freedom Charity to raise awareness in schools through the use of the Freedom mobile phone ap, the accredited lesson plans of forced marriage and a free copy of the “*But it’s not fair*” Aneeta Prem book to all libraries, police forces and schools that request them for every pupil (a fictional story written for children aged between 11-16 on how to help a friend at risk);

¹¹ <https://www.gov.uk/guidance/forced-marriage>.

¹² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705621/2017_FM_U_statistics_FINAL.PDF

¹³ <https://www.gov.uk/forced-marriage>.

- **assisting young people at risk of being taken abroad and forced into marriage** – in 2012, the FMU ran a major summer awareness campaign highlighting the right to choose and the help that is available. In 2014 the FMU had an awareness campaign before school holidays all through social media – reflecting the need to use avenues and formats which children and teens would use themselves. The FMU also worked with National Society for the Prevention of Children Cruelty (NSPCC) to create a short animation aimed at 13-17 year olds explaining the change in Law and the difference between arranged and forced marriage. In addition to this, the FMU also undertakes approximately 120 outreach events annually, including in schools and colleges;
- **raising awareness across all communities** – the FMU has rolled out a nation-wide engagement programme focused on prevention and education, delivered through regional road shows and debates – this has been in conjunction with Karma Nirvana a leading NGO whose national helpline specifically supports those at risk of Honour-Based-Violence (HBV) and/or forced marriage;
- **ensuring that victims receive the right support in a joined up way** – the FMU has developed and expanded its current training for frontline professionals ensuring all the relevant agencies are included - the CPS, the police, the judiciary, health agencies, social services, and Independent Domestic and Sexual Violence Advisors – ensuring that every local authority nominates a Single Point of Contact;
- **assisting those who have already become victims overseas** – the FMU continues to fund a comprehensive package of support for those who are repatriated, inclusive of funding NGO Southall Black Sisters to provide one to one care and support for victims repatriated – this includes, housing, counselling, legal protection, engaging again with education and employment and helping them to access benefits they are entitled to.

For example, the FMU issues special permits to allow victims of trafficking to stay in the country. They can also write a letter to ensure benefits are not suspended if the victim is taken overseas against her will.

In addition, the FMU collects **statistics**¹⁴ from calls to its **National Helpline**¹⁵. Through its national helpline and email address the FMU reassures, assists, provides options and remains victim focused. It works with police, social workers, teachers, welfare officers, health professionals and many others in United Kingdom to protect people at risk. It provides support, guidance, information and contacts and arranges safe accommodation in the United Kingdom.

When the victim has been taken overseas, the FMU provides the following support:

- Signposting to BHC/Embassies,
- Arrange safe accommodation overseas,
- Assistance with their return to the UK, providing local knowledge linked to exit visas,
- Close work with police and staff at airports addressing preventative measures and safety/support whilst victims are in the airport and then managing risks for victims upon their return,
- Awareness of local laws in order to provide advice on any travel limitations,
- Organise repatriation - and rescues in extreme cases,
- Accompanying victims to the airport – especially in the case of minors,
- Organise emergency flights/ travel documents with safe pick-up and transport from airport.

The FMU also provides after-care for repatriated victims. An aftercare project is being delivered by the NGO **Southall Black Sisters** which provides emotional and practical support for victims that have been repatriated to the United Kingdom. Without support, victims can experience pressure to return home. This project aims to bridge the gap that victims experience in support and practical advice and enable them to develop a plan for the future. Funding for repatriation run for up to six months.

The FMU has partly funded a useful free app developed by Freedom Charity for both potential victims and those concerned for others. Some of the features of this free app are:

- GPS Tracking,
- Advice for professionals – spotting the signs,
- Advice and checklist for friends and friends of victims,
- Links to nearest police station and hospitals,

¹⁴ See those statistics under sub-chapter 3.6.

¹⁵ +44 (0)207008 0151 from 9am-5pm Mon-Fri and GRC out of hours.

- Information also on sexual abuse and FGM,
- Direct dial to Police, NSPCC, Freedom charity and the FMU helpline at the Foreign Office,
- Does not look like Forced Marriage App,
- Free to download on iPhones and Blackberries.

The FMU has published *inter alia* the following:

- Booklet "What is a forced marriage",
- Survivors' Handbook;
- Statutory Guidance;
- Guidance for Registrars;
- Guidance for MPs and Councillors.

The **Multi-Agency Practice Guidelines**¹⁶ provides a list of **warning signs** (that are not exclusive to forced marriage though):

- Anyone, male or female, adult or minor, when facing a threat of forced marriage may become anxious, depressed and emotionally withdrawn with low self-esteem,
- there may also be more overt (but less common) signs in cases involving females; for example cut or shaved hair (as form of punishment), being taken to the doctors to be examined to ensure she is a virgin or presenting to hospital/doctors with symptoms associated with poisoning.

This is a positive evolution as professionals are trained to spot warning signs.

In her presentation, **Ms Sophie LOTT, Specialist Case Worker and Designated Safeguarding Officer, Forced Marriage Unit**, described the work and resources of the FMU as explained above but also highlighted the following points:

- the UK counts between 5 and 10 Roma cases per year,
- According to UK law, a marriage conducted without the valid consent of one or both parties and where duress is a factor is considered to be a forced marriage,
- The Mental Capacity Act, no coercion or consent needed as lack of mental capacity,
- There are different types of pressures used to force a girl/woman into marriage: physical, psychological/emotional, financial (dowries) or sexual,
- When one feels they can't say no it's forced. An arranged can become a forced marriage,
- Forced marriage is perpetuated because of so-called perceived cultural or religions ideals but abuse is never part of any culture,
- Marriage for citizenship can sometimes be forced,
- Forced marriages are often to protect family reputations and honour. Clans marry not individuals,
- Honour based violence: the perpetrators are manifold, the whole community, family or clan,
- The role of police is safeguarding not arresting,
- The role of local authorities is important and they need adequate trained,
- Clear guidelines and statutory guidance are essential,
- Measures of the long-term impact of forced marriages should be made,
- Early interventions needed to raise awareness,
- Community engagement instead of administrative interventions. Groups will feel less targeted,
- Forced marriages could also happen because a career is needed to mind a learning or physically disabled person. Are learning or physical disabilities in Roma communities stigmatised? Does it make it look better if they are married? Will the spouse take care of the disabled person?

Remarks and recommendations

There are not many reported cases of child/forced marriages in the Roma community living in the UK and actions need to be developed to deal with this community. Their real social needs have to be defined in order to tailor the support to the community.

There is a need to equip the girls to make adult decisions.

A major problem is that the financial burden of poverty and exclusion lies on the State, and in the long-run it is unsustainable.

¹⁶ A full list of warning indicators can be found on page 13 of the [Multi-Agency Practice Guidelines](#).

The Council of Europe representative also recommended the UK Forced Marriage Unit to make a comparative analysis between the situation in England, Wales, Scotland and Northern Ireland since the Scottish and Northern Irish legislative and policy frameworks are slightly different from the ones in England and Wales.

Presentation by Ms Meena PATEL, Southall Black Sisters on end-to-end support for victims, funded by the UK Forced Marriage Unit to assist in returning repatriation cases

Southall Black Sisters provide one to one care and support for victims which includes, housing, counselling, legal protection, engaging again with education and employment and helping them to access benefits to which they are entitled as well statutory services like social services and the police. They receive about 3500 cases a year. They function on a holistic multi-agency approach.

Services offered include:

Repatriation,
Individual counselling and group therapy,
Shelters (a shelter for victims of forced marriages was recently opened near Bologna, Italy),
Access to justice for women abandoned in other countries,
Forced Marriage Guidance.

Many points were raised during the discussions among which:

- It is frequent that women want to stop the forced marriage but not criminalise their parents or family. They are worried about the repercussions for their family and do not want to dishonour them,
- Abuse starts from early childhood. Girls are formatted to think that they will be married off at a young age,
- There is a need for prevention and risk assessment,
- Housing is a major issue compounded by the fact that there are not enough shelters. Ideally women should not stay longer than 6 months,
- Forced marriages also affect men, specifically men with disabilities to shift caring over to the spouse and gay men to “cure the disease” of homosexuality. The Finnish participant mentioned that Finland has a programme to assist men,
- Like in some South-Asian communities, there is the same notion of shame and dishonour in Roma communities,
- The Forced Marriage Bill, if it passes through Parliament, will provide a stronger legal framework,
- The men’s mindset should be changed through education,
- Safeguarding other siblings is very important.

Southall Black Sisters pulled out of the FMU due to a difference of ideology. They don’t believe that mediation can be part of the process in cases of domestic violence whereas the FMU believes that mediation should be tried first.

Presentation by Ms Sara BROWNE from IKWRO (the Iranian and Kurdish Women’s Rights Organisation) highlighting the UK Force Marriage perspective with reflections from their annual report.



IKWRO Council of
Europe presentation.p

During her presentation Ms Browne provided the group with some valuable information. The criminalisation of forced marriage in the UK in 2014 closed legal loopholes permitting child marriages. This protection has increased by 53% the number of women going to the police to report cases. From 2010 to 2016, 24 774 cases were recorded by police. However, many cases don’t go to prosecution due to a lack of training of law enforcement officers on how to treat them. Moreover, there is cultural aspect to this issue and the police can be wary about getting involved as they may be accused of racism. A campaign was carried out to change mentalities.

She suggests that women are the key to ending the cycle and has made the following recommendations:

- Expanding knowledge about honour based violence as it is often misdiagnosed and the context not understood,
- Training professionals and awareness raising through, for example, school conferences, campaigning,
- Making the law known to perpetrators and victims,
- The role of schools is inestimable and a huge opportunity to reach the proper audience,
- Taking a holistic approach. Schools, health sector, social services, police, judiciary all need to have clear instructions,
- Funding NGOs in urban and rural areas,
- Overseeing police work,
- Ending parental consent as consent can mean coercion,
- Addressing judicial consent as the context is wider,
- Criminalising coercive control,
- Ending grey areas of the law concerning child's consent to marry once they reach 16. There must be full and informed consent,
- Using a rights-based approach,
- Providing appropriate and comprehensive support to women who file complaints,
- Making education compulsory until 18,
- Need for a Law on underage childbirth, to whom does the child get registered? Who has parental authority?

She informed us that a Government bill on forced marriages is scheduled to come out in May 2018. She also mentioned the lack of data due to the code of silence. The available data only represents a fraction of the real magnitude of honour based violence and forced marriage as it is based on complaints to the police and that not all cases are reported. There is a report about findings on how police should change the procedures.

Funding is another serious issue for the work of NGOs. The authorities rely on them to shoulder them with the work but funding suffers constant cuts not to mention the potential implications of BREXIT. Ms Browne is concerned that the sharing of learning could be curtailed and that EU citizens seeking refuge in the UK will face challenges.

To conclude, Ms Browne spoke about the IKWRO True honour Awards 2018 and recalled that the end objective of IKWRO is to ensure free and informed choices by women and girls and enable them to live a life free of violence. He invited participants to nominate possible candidates, A Roma Finnish designer involved with PLAN was suggested by Ms Henna Huttu, Finnish CAHROM member and Gender Equality Rapporteur.

Presentation by Ms Esther MORRIS, Specialist Police Officer, Bedfordshire Constabulary about the role of police in cases of forced marriages, using examples of Roma cases. Their response, both in terms of how the civil interventions have worked and the change in the law

There are Police units dealing exclusively with forced marriages and Honour Based Violence (HBV);
 The role of police officers is to safeguard anyone from abuse;
 18% of Bedfordshire Police workforce is from ethnic minorities;
 The College of Police trains new recruits and serving police officers on Forced Marriage (FM) and Honour Based Violence (HBV) but in reality not all the officers are aware of the procedures to follow;
 Judges and all new and serving court staff are trained as well;
 There are specialised judges for cases of FM and HBV;
 The police will take the vulnerable victims away from the perpetrators;
 The police hold talks in schools and colleges with staff and students and at hospitals with midwives;
 The Bedfordshire Police has a Perpetrator programme for women. If the woman has no criminal record, she will go on the programme for a first offence. This programme covers women who force other women or girls into marriage.

Training law enforcement officers is essential as there is often a lack of understanding of the cultural context. A video entitled "**Banaz, a love story**" tells the true story of girl who didn't get help from the police as a result of that lack of understanding.

Ms Morris gave the example of a case of assault by a Roma mother on her 11 year old daughter a few years ago. At that time nothing was uncovered but when the girl was 14 she was beaten again by her mother. It turned out that the mother herself was married at the age of 14 which underlines the issue of perpetuation. The girl was afraid she would be sent back to Romania by her father to marry so a forced marriage protection order was issued to protect her.

She also emphasised the point that positive links need be established between the police and the Roma communities in order to have increased mutual trust.

Presentation by Ms Tracy HALL, Police legal expert, on Forced Marriage Protection Orders – How civil interventions work in the UK vs. Criminalisation.

Forced marriage protection orders (FMPO) cost money so they are not always issued;

Good relations between police and court;

Police officers can give the evidence to the judge to get the court order if the social services don't. The FMPO includes an all ports alert which allows for an oversight to ensure the child stays in the country. (e.g. passport can be seized from the victims and the parents);

Careful investigation is carried out before court orders are annulled;

Assistance to stay in the community is offered so there is no need to necessarily leave;

The police encounter cases where girls are blackmailed. They are told that if they refuse the marriage their younger sister will be taken instead. This is why the FMCO also works to prevent FM for siblings.

By having specialised officers a bond is built between the police and the community;

The point is not to arrest people but to help and assist them;

To protect the identity of victims of forced marriages, they benefit from a lifetime law of anonymity;

Civil injunctions or court orders to ban media to publish articles which could be damaging to the victims can be issued.

Presentation by Ms Polly HARRAR, The [Sharan Project](#), that focuses on empowerment of women following forced marriage and experiences of domestic violence in a cultural context

Sharan is a leading UK charity supporting women who have been or are at risk of being disowned by their families and communities due to harmful practices to include, but not limited to forced marriage, domestic violence, honour abuse and other forms of cultural conflict. Sharan provides support and advice to women, particularly from South Asian backgrounds, who are unable to remain within their family environment.

Consequences of Forced Marriage:

Being forced into a marriage is often the beginning of a victim suffering:

- Repeated violence and physical abuse within the marriage
- Repeated sexual abuse and rape within the marriage
- Abuse of children of the marriage
- Social isolation
- Forced withdrawal from education or employment
- Psychological consequences, such as anxiety and depression. PTSD
- Self-harm or suicide
- Financial and material abuse (Dowry)

Multi-agency training:

Training delivered to Police Forces, Home Office, LGBT Networks, Crown Prosecution Services, Social Workers, Healthcare Professionals, University & School Staff, Community Groups, etc.

Remarks and conclusions:

In the UK¹⁷, the minimum age of consent is 18, however, we do have a 'loophole' to allow persons aged 16 to marry with the consent of their parents¹⁸ – this can lend itself to many of the discussions around trafficking.

¹⁷ It refers here to the legislation in England, Wales and Northern Ireland which have a minimum age of 18, and with parental consent, this is reduced to 16; however, in Scotland the minimum age remains 16. For regulations concerning marriages and civil partnerships in various parts of the UK, see <https://www.gov.uk/marriages-civil-partnerships>. For Marriage Law in Scotland, see <http://www.gov.scot/Publications/2012/12/9433/272402>.

It should be highlighted that in some cultures a religious ceremony e.g. Nikah, can take place with a child at any age, in some known cases, from birth, to ensure the marriage is 'validated' at a later date, e.g. once age of consent has been achieved. The impact on children in the UK who experience this is complex and often leads to a premature acceptance of marriage throughout their childhood. This crosses many cultures and communities.

There is definitely a need to close the gap of early/child marriages (not registered) that remain a hidden practice in the UK, Europe and globally.

V. DEVELOPMENTS SINCE 2015 AND COMMENTS FROM PARTICIPATING COUNTRIES

FINLAND

There are about 10,000 Roma (Kaale) in Finland and the country is currently drafting a Romani political programme. It also published in 2013, a Survey on domestic violence and early or forced marriages.

However, there are no targeted measures as they are rather mainstreamed services, knowledge-based, functions and processes.

A holistic approach needs to be developed to ensure the full protection of human rights of Roma including in the field of sexual and reproductive health.

Many and various issues plague the Roma communities and they must be addressed by using adapted tools in a manner in which the community can relate. The most effective way is for people who know and understand the communities to go on the field and meet them.

Such issues include gay Roma men who cannot leave the community and who are forced to marry women and have children to "cure" their "illness". This point includes both the issues of forced marriage and homophobia which are still very taboo.

However, understanding the Roma point of view for child/forced marriages is essential to convince them that it is not necessary. They believe that marriage affords security to young Roma women and men and that it is society at large that deems that marrying between 15 and 17 is too early.

The notion of child/forced marriage does not exist. There is no normative law regulating it. Rather, there is a tradition of shotgun weddings whereby young men "grab" the girls at important community "get-togethers" and the couple elopes. There is no tradition of dating or big weddings and no dowries are given. Indeed, parents don't have to accept the elopement and can take their daughter back. (while in Poland among the Polish Roma there is no way for a girl to return home even if there is no consent from the parents as in traditional communities elopement is *de facto* equal to marriage).

There is a strong taboo around sex and moral rules make it difficult to discuss the issue. There is a strong social control over the girls and their sexuality and when a girl becomes sexually active she must start wearing a traditional dress. It is a form of branding.

Recently a story broke out about an older man kidnapping a mildly handicapped girl, he confined and neglected her, took her identity papers and forced sex and pregnancies on her. The Roma community was completely against it.

Generally, Roma girls marry to gain their freedom, not to have sexual relations. They marry early as older unmarried women are stigmatised. If the women suffer from domestic violence they keep silent and will do their utmost to stay inside the community. Leaving the community or divorce is an option of last resort when staying becomes a matter of life and death.

¹⁸ <https://www.girlsnotbrides.org/british-legal-loophole-continues-sanction-child-marriage/>

This fear of leaving the community or divorcing is explained by the fact that the men get custody of the children because it is widely believed that they own them. Furthermore, as the Roma women often marry into communities which are remote from their own, they don't have much mobility. There is a form of social control as they would lose their social support network if they left their husband's community. Furthermore, it is considered that a Roma woman without a family is nothing.

Remarks / recommendations

- Tailoring services and using qualified Roma men to work with Roma men on this sensitive issue.
- Carrying out telephone interviews to reach the women.
- Creating shelters and having Roma women volunteer with the helplines for Roma women.
- Carrying out an impact assessment on the legislation on allowances as it transpires that the well-intended higher allowances for single mothers actually make them more vulnerable and can become an issue to access housing. Financial exploitation is a form of violence and women need to gain control of their finances.
- Finally, Finland is welcoming more and more refugees from Afghanistan and the Middle East and could draw on the UK model to help prevent possible cases of forced marriage.

FRANCE



Early and forced marriage within Roma

In her 2017 research on forced marriages in various Roma and Traveller communities in France, Diana Kirilova explained that Roma did not want to be told what to do and that, although a Romni herself, it was sometimes very difficult to openly speak with the girls.

Her research was carried out among various groups of Roma and Travellers in France in an attempt to understand what marriage means to these groups. Its focus was early or forced marriage, and how such marriages took place in these communities. What is the purpose and experience of early or forced marriages in these communities? How are these marriages perceived by the families?

In reality, based on what the families were saying, it emerged that they did not consider marriage at the ages of 13, 14 or 15 to be early or forced marriages. The community places much importance on marriage and the girl's virginity; the spouse should be chosen from the same Roma group, and divorce is highly unusual and unwelcome. Differences in the communities lie in the way the marriage proposal is made, the preparation and organisation of the dowry, and the age at which young people marry.

In France, civil marriage is allowed as of the age of 18. Some Roma parents wrongly think that the law says 16.

Marriage is viewed as the union of two clans as opposed to two people. We are talking in fact about unions and not officially registered marriages. These unions provide a social status which is central to the functioning of Roma communities. Roma do not recognise the official status of civil marriages. Lastly, girls marry very young because virginity is highly-valued.

Like in many other European countries, there is a lack of official and evidence-based information about Child/Forced marriages or domestic violence as Roma see it as a family issue and complaints are rarely filed. This is why from the criminal law standpoint the issue is not considered by the Police. The detection of Child/Forced marriages is indirectly related with schooling as it is often through school presence or lack thereof that alarm bells sound. Unfortunately, it is difficult to detect school absenteeism with migrant populations as a result of evictions and frequent relocations.

A working group on early marriage and consequences on children will be established but in order for it to function effectively it needs to include all relevant stakeholders such as administrative, regional and local authorities, judiciary and police services, medical and health sector, children's services, social services and NGOs among others.

The working group on the accompaniment of people evicted from settlements has recently made its findings available and following its meeting, three thematic groups were launched: training of professionals (noting a difference between social workers working in settlements and those who do not enter settlements); child protection; relations between children and parents.

Remarks / recommendations

- The right questions need to be posed in order to devise a relevant strategy on Roma forced/child marriages:
- What is the goal we are aiming for? What do we want to achieve?
- Where do we draw the line between traditions and human rights?
- A balance is needed between the legal framework and an intercultural approach (Customs vs. Republican laws).
- The legal framework of living in France needs to be clarified.
- Making regulations evolve to manage new situations and training social workers accordingly.
- Customising the approach to the communities.
- Developing contraceptive and sexual education together with the communities.
- Developing parentality programmes to prevent Child/Forced marriages through the schools
- Developing programmes to reach the people living in settlements.
- Ensuring the child protection legal framework affords equal treatment to all children no matter where they live or come from (no stigmatisation) and report unusual situations,
- Enhancing collaboration between social services in France and the country of origin.
- Using education to open minds and present alternatives to marriage to have "security".
- Raising awareness that Child/Forced marriage perpetuates poverty to the next generation as they don't have the tools necessary to live a financially stable life.
- Combining policies for effectiveness.
- Raising awareness of the majority population as to why a separate provision for Roma, Travellers and Gypsies is needed to gain support for inclusion strategies.

Ms Béatrice DUPOUX, Adviser for Education and Children's rights, Interministerial delegation for lodging and access to lodging (DIHAL) of homeless or poorly lodged people, "Illegal settlements / resorption of slums " Unit at the Ministry of the Cohesion of territories, presented the situation in France. As France did not participate in the thematic visit on child/early and forced marriages within Roma communities in the context of the promotion of gender equality in 2015, full information is included in this report.

A. The general legal framework on forced marriages

According to the Article 16 of the Universal Declaration of Human Rights, forced marriage is a violation of fundamental human rights, including freedom and physical integrity. Everyone has the right to choose her husband or his wife. Marriage is prohibited without the mutual, free and voluntary consent of each of the future spouses.

What does the French law say concerning forced marriage?

- With regard to minors, article 144 of the Civil Code states that "marriage cannot be contracted until eighteen years of age". However, there are some exceptions "for serious reasons" (article 145 and article 148) where the authorization of the Prosecutor of the Republic is required, as well as the consent of the minor and his/her parents or legal representatives, who must all together be present. Annulment of marriage exists in the case of the absence of consent (absolute nullity) or defect of consent (relative invalidity) [Art. 14612, art. 1805, art. 1815, art. 18411]. The Prosecutor of the Republic or a juvenile court judge can help the minors.
- Article 146 of the Civil Code specifies that "there is no marriage where there is no consent" and that such consent shall be free. In order to ensure the freedom of consent, the law requires the appearance of the spouses in person before the civil officer. No one can marry by proxy (Article 146-1 "The marriage of a French person even contracted abroad requires his/her presence").

- Article 181 of the Civil Code specifies that if one of the two spouses has been coerced, the so-called "forced" marriage may be annulled. The wife must prove the existence of moral or physical compulsion. The application for annulment must be made within the period of 5 years from the date of marriage. For minors, the cancellation of marriage is automatic.
- Article 202-1 of the Civil Code specifies that "Whatever the personal law is, marriage requires the consent of the spouses".
- Articles 222-8, 222-10, 222-12 and 222-13 of the Criminal Code create aggravating circumstances where violence is exercised "against a person in order to compel him / her to enter into a marriage or to enter into a union or by reason of his refusal to contract this marriage or union ". The legal concept of "violence" has broad acceptance: article 222-14-3 (a) states that "violence under the provisions of this section shall be repressed irrespective of their nature, including in the case of psychological violence. «Crimes such as violence, murder, torture or acts of barbarism and abduction are more heavily punished" when they are committed against a person because of his / her refusal to enter into a marriage or to conclude a union.
- Forced marriage is often accompanied and/or followed by violence within the couple and by forced sexual intercourse. The status of spouses is an aggravating circumstance of many crimes and offences.
- In the eyes of the French law, rape is an aggravated crime when it is committed within the couple or against a minor of fifteen years. The penalty laid down in the Criminal Code for rape is 20 years in jail, when committed by the husband or concubine of the victim, or the partner linked to the victim by a civil solidarity pact (article 222-24)
 - If the female victim is a minor under the age of 15, the law considers that she cannot give consent for sexual intercourse, and the perpetrator will be prosecuted for rape.
 - If the female victim is a minor of 15 years and over, or a major, it will be necessary to establish duress, violence, threat or surprise of the perpetrator to condemn him for rape or sexual assault.
- Article 515-13 of the Civil Code says that for victims of forced marriage, "an order of protection may be issued urgently by the judge to the major person threatened with forced marriage" (under the conditions laid down in article 515-10)
- Since 2013, article 222-14-4 of the Penal Code states that "the fact, in order to compel a person to enter into a marriage or to conclude a union abroad, to use fraudulent maneuvers in order to determine him/her to leave the territory of the Republic shall be punished by three years of imprisonment and a 45 000 € fine.

What to do and who to contact if someone is aware of a threat or a forced marriage situation?

For minors:

- The Prosecutor of the Republic or the juvenile court judge in the regional court of first instance of the place of residence, He/She may pronounce a prohibition to leave the French territory.
- The social and medico-social services, including the "mother and child welfare services" (PMI, "services de protection maternelle et infantile"), set up by the sub-regions (département).

For majors:

- The family court may issue an emergency order of protection to the person endangered by a forced marriage, with a temporary ban on leaving the territory of the endangered person. For foreign women benefiting from a protection order, a residence permit is issued or renewed as of right. Women victims of domestic violence are exempt from payment of the tax on the issuance or renewal of the residence permit

- When abroad, the French consular authorities will take appropriate measures to ensure, with their consent, the return to French territory of persons of French nationality or who habitually reside on French territory (including those held abroad against their will for more than three consecutive years), if such persons have been victims abroad of voluntary violence or sexual assaults committed in connection with a forced marriage or because of their refusal to submit to a forced marriage.

In any case:

- Dial 3919, the free Call-centre number against violence towards women. This number is dedicated to women victims of violence, to their personal circle, to the professionals concerned. It is a national and anonymous listening number accessible from a fixed station and a mobile phone in the mainland and in the overseas departments. The number is open from Monday to Friday from 9 am to 10 pm, Saturdays, Sundays and public holidays from 9am to 6pm. It makes it possible to ensure a first level of listening and information, and, according to the requests, makes an orientation to the national telephone numbers, local support and support devices according to the thematic concerned. The 3919 is not an emergency call number.
- The 119 “Allo, enfance en danger”: this national number is dedicated to the prevention and protection of children in danger or at risk. It is accessible 24 hours a day, 7 days a week and free of charge.
- If you need to talk to someone or a professional you trust (doctor, social worker, lawyer), or to contact an association specialized in the fight against rape and violence against women that will accompany you, you can use the call-free number or visit the website



- One should report the facts to the police or the “gendarmerie”. One will be the subject of special attention from the police services or gendarmerie units which have put in place mechanisms for reception and assistance to the victims (social interveners, psychologists...)

The action carried out by the DIHAL as part of its mission to support the resorption of slums

As part of its mission of monitoring the implementation of the interministerial circular of August 26, 2012 on anticipation and accompaniment of the operations of slums and illegal settlements evacuation, and more recently the circular of January 25th, 2018 on resorption of slums, the DIHAL was seized by a variety of partners of the need to find answers and ways to act on the issue of early (even forced) marriages.

In addition, specialized structures on the issue of violence against women confirm that early (and forced) couple layouts require special attention. Statistically, the risk of children abuse is higher, as well as domestic violence (especially if the age difference is important between men and women); Besides, the assignment to household chores by the mother-in-law or the husband can be considered, sometimes, as a form of slavery.

As an answer to the importance to encompass all the issues related to settlements, by clearly naming things and avoiding the possible pitfalls of stigmatization, culturalist approach and negative exploitation of the question, the DIHAL has held a first meeting with a wide variety of professionals who were invited to react to the presentation of two studies:

- One carried out under the direction of the project manager of "illegal settlements" for the Ile de France area.
- The other reflecting the work supported by the Council of Europe on the promotion of the gender equality within Roma communities (seminar of December 2016 on violence against women and children with particular attention regarding the fight against forced and early marriages and pregnancy, humans trafficking and domestic violence)

The synthesis of this first share of information and questions has highlighted 3 themes : issues related to the framework of child protection, issues related to prevention among young people and their parents, issues related to the training of professionals who have to deal with situations of early marriage. The debate was taken forward on the basis of volunteering participation through thematic working groups.

The objectives were the following:

- To outline the problem
- To identify the difficulties raised by the practice of early marriage in order to act in accordance with the laws of the Republic (including the framework of child protection).
- To identify regulatory amendments that would require an evolution.
- To propose measures and tools for better mobilization of the framework for child protection.
- To propose measures and tools facilitating the accompaniment of individuals by social workers.

True to its approach to fight against great precariousness and poverty, and against situations intrusive to human dignity, the DIHAL has ensured that knowledge and experience from professionals such as representatives of the people concerned can be shared.

The following elements faithfully restore the workshops and as such do not engage the DIHAL. This is not, in any case, a scientific study or a comprehensive overview of the French situation.

Elements of understanding and analysis

The treatment of the issue of early marriages has no ethnic or Roma focused approach and as it doesn't want to stigmatize any particular community. However, the knowledge of certain customs and lifestyles, provides elements of understanding and must prevent hasty and excessive judgments and categorization in the social treatment of situations. Presumably, the precarious living situation, as well as the strong marginalization suffered by the group in the countries of origin and in France may strengthen these practices.

❖ What are we talking about?

A form of customary marriage or union between minors or between a minor and an adult, without any administrative act which institutionalizes the couple in the eyes of the family, the group, the community, but which remains unofficial regarding the French law. This practice of early cohabitation is considered as non-marginal¹⁹ by social workers who accompany people in the settlements.

¹⁹ It should first be clarified that the following elements have been collected from persons with knowledge of the occupants of the slums and/or expertise in their accompaniment towards insertion. However, it was not possible to obtain reliable quantitative data on the subject.

Symbolically, the pairing off is closely linked to the loss of virginity for young girls (it can be the immediate consequence, or the cause).

It is accompanied by financial commitments between the families, which binds more strongly the two people and the two entire families.

Young couples most often occur around 15-16 years of age but may happen as early as 12 or 13 years of age (mostly for girls).

Quite frequently it brings together very young girls to much older adults, sometimes men of about 30 to 35 years of age.

The union:

- is sometimes organized by parents of young children in France or in the country of origin; as a result, it may not be consented / agreed.
- is desired by young people, and consummated, so that it is irrevocable in the eyes of families; they can run away, sometimes for a very symbolic duration of a few hours, and generally for no more than 2 or 3 days.
- May be the result of a strategy of avoidance by a young man or girl of another union desired by the parents, but that they don't want.

❖ **What are the direct consequences for young women and young men?**

The young woman has to leave her family to join her husband's; this may mean moving to another slum, or returning to the country of origin. In the family in-law, the young woman is devoted to housework, usually under the authority of her mother-in-law.

"Newlyweds" take the adult status and are required to fulfill financial autonomy, sometimes through dangerous and/or illegal activities.

School drop-out is almost systematic and immediate, for young men (required to make a living), and young girls (probably in order to avoid contacts with other young men). Social accompaniment does not prevent the phenomenon, even when it proposes a less stringent framework regarding the school common law duties.

A first pregnancy occurs very quickly and it is not uncommon for a young woman to be mother of several children while she is 20. The fear of infertility is important and hopefully leads women to go to hospital spontaneously.

❖ **Sociological and cultural analysis to help understanding**

The code of honour provides that the head of the family gives his daughter in marriage.

The sexual act seals the marriage. It is a mature and responsible act, with a strong commitment of both people. The loss of virginity out of the bonds of marriage is a dishonour.

The geographic origin of the families as well as the groups they belong to set the functioning of the community. The average age of the early marriage thus varies from one region to another.

There are customary courts, the so-called "kris", which rule conflicts and negotiate arrangements between families when problems happen in the unions. The Romanian Court recognizes their decisions.

Parental guidance during adolescence is non-existent or very poor so young people have to discover what it means to be an adult when stepping into the status.

❖ **To which regulatory framework should we refer?**

The legislative framework for the protection of the child

It is given by the law of March 14th, 2016 which aims to take better account of children's needs and to improve national and local child protection public policies governance. Article 1 recalls the main fundamentals: "Child protection aims to ensure that the basic needs of children are taken into account, to support their physical, emotional, intellectual and social development and to preserve their health, safety, morality and upbringing, in the respect of their rights. "It includes preventive actions in favour of the child and his parents, the organization of the identification and treatment of situations of danger or risk of danger to the children, as well as the administrative and judicial decisions taken for his protection. (...) The modalities for the implementation of these decisions must be tailored to each situation and objective by imperative visits to the child's living places, in his presence, and based on the resources of the family and the environment of the child. They involve taking into account the difficulties that parents may face in the exercise of their educational responsibilities and the implementation of appropriate support actions by ensuring, when appropriate, partial or total child care. In all cases, the child is associated with the decisions that affect him according to his degree of maturity. "These interventions can also be geared towards adults under the age of twenty and one who are experiencing difficulties that could seriously endanger their balance." The aim of child protection is also to prevent the difficulties that minors may encounter when they are temporarily or permanently denied family care.

The decree of October 28th, 2016 related to the units in charge of gathering and evaluating disturbing information concerning minors. It specifies how the evaluation should be carried out: by a multidisciplinary team of identified and trained professionals. Its objectives are to improve the quality of the assessment of the situations and to allow professionals to have shared references. It seeks harmonization of practices and an equal treatment of situations by providing a national framework at all key stages / steps. The assessment has to cover the other minors present in the home. It is carried out within a period of maximum three months between the receipt of the worrying information (period which may be reduced depending on the situation). The composition of the multidisciplinary team is determined by the situation of the minor and the difficulties he encounters. This team can resort to experts or specialized services when the evaluation concerns a specific problem.

The other legal frameworks

Since unions are not sealed by any administrative or official approach, the articles of the Civil Code relating to marriage are not functional and do not allow the use of a notification of the law.

The central question is the one of consent and situations need to be analyzed in the light of this principle. However, when you are very young, the ability to consent is problematic, as is the loss of freedom to come and go for the girl who integrates her family in-law. Legally, the age of consent is set at 15 years. There is currently a debate on the lowering of this age that may lead to a legislative change.

For young couples, the possibility of being accompanied implies clarification on the issue of parental responsibility. In the case of early union and departure of the girl from the family home, a request for delegation of parental authority must be carried out by the family of the girl to the judge for Family Affairs, the latter being able to issue a delegation total or partial. Failing this, it seems possible to rely on a signed attestation from both parents provided by the Romanian authorities.

Concerning health services, a minor is attached to the health card ("carte vitale") of one or both parents. It is not possible to attach the young woman to her partner.

Temporary or permanent housing for a couple of minors (or couples in which one at least of the people is under 18) is not possible.

❖ **The challenges the accompaniment teams have to face with the practice of early unions:**

If the framework of reference is the one of child protection, and if it remains an essential tool of identification and analysis, the feedback of difficulties in its application by social professionals and educators is a reality; they may feel isolated and helpless to deal with certain practices and situations.

Several elements can explain these difficulties:

- a strong distrust to any official body by people who live in settlements. It is strengthened by an excessive fear of separations between mother and child and of child abduction.
- the fact that the girl is under the authority of the mother-in-law makes it difficult to individualize accompaniment in which the girl should be able to express directly and freely her choices.
- the observation that the units in charge of gathering and evaluating disturbing information not always treat them, or do not follow the usual criteria that lead to a follow-up by the services of child social assistance (ASE). Hence, situations that should not be are ignored, by unawareness and misconceptions of the populations concerned; strong prejudices give rise to schematic and erroneous interpretations in the name of "cultural custom".
- the complexity of the situations, due to the tension between the aspirations of young people and the pressure exercised by the group, can lead to a form of isolation, and young people hesitate to apply for protection in the case of unwillingly to be married, having difficulties to live with the in-laws, be pressured to give birth, be dispossessed of maternity, wishing to abort, suffering marital rape, facing homosexuality, etc.).
- The mobility of populations, due to repeated evictions or chosen way of life (pendular migration, change of region in France).

❖ **Recommendations**

In terms of prevention

1. Develop sexuality and contraceptive education programmes:

- They should take into account the fact that the young people are very discreet, shy, and sensitive with respect to these issues; therefore, they should avoid anatomical and physiological approaches and prefer an emotional and sensitive approach. The materials and programs should help to lead a dialogue on relationship in the couple, and help the representations to evolve and to be more friendly and respectful.
- These actions must be disseminated in the context of schooling.
- The entrance to the secondary school (11 – 12 years-old) seems to be the best time to act

2. Develop parenthood programs by relying on existing networks and structures working on parentality (CAF Family benefits Fund).

3 Strengthen the attendance and participation of Mother and Child protection services on the settlements to prevent late hospital consultations in particular.

In terms of gathering and evaluation of “disturbing information”

1. Formalize clear and objective indicators for the child protection generalist teams:

- unions in which the girl is under 15 and the young man under 18.
- disappearance of the girl or of the two young people for over 2 or 3 days.
- lack of official document specifying who are the legal representatives of the minors.
- pregnancies.

However, the modes of regulation in communities are very strong; as such, they provide a comforting framework for young people who are never alone; Hence, to determine the level of risk, the indicators used by the child protection should be modulated and should take into account the quality of the relationship between the young persons and the community. **The protection of children must be mobilized in case of rupture with the community.**

2. Speed up the treatment of the “disturbing information”:

Their follow-up may be delegated to authorized and trained associations.

It is also important that their treatment should not be performed by the team in charge of accompaniment, so that the latter preserves the trustful relationship established with the family.

3. Establish a multidisciplinary social assessment to allow the evaluation of the follow-up to a disturbing information

4. Use the disturbing information as a tool for dialogue and support

If the situation is not deemed serious, the information is interesting and can be used, despite the limitations it may have when it is led by professionals unfamiliar to the populations, because it offers a period of 3 to 6 months to improve the situation and make it compliant with the legal framework (strong signal in the eyes of the family and the camp), to open a time of negotiation (on the follow-up of schooling particularly), and to give the girl the opportunity to become aware of the legal framework that protects her.

In terms of accompaniment

1. Importance of systematically implementing a follow-up to the pregnancy (health and psychological support)

The hospital is an appropriate structure to build trust and confidence. Depending on the seriousness of the situation, the team can activate a “disturbing information” procedure. However the balance is subtle to maintain the bond of trust because the disturbing information may be perceived as criminal.

2. Importance of psychological support for young parents

They are committed to their roles but the weight of their responsibilities can render them very fragile, and sometimes conflicts with loyalty to parents; cases of depressions can be observed.

3. Importance of keeping a link with the girl starting her life as a couple and moving in with her in-laws, including when this leads her to leave the insertion program (sometimes she will resume contact with the services several years after her marriage).

4. Usefulness of strengthening the accompaniment based on social and family intervention technicians funded by the CAF (family allowances services) or the Councils:

They can bring a very concrete and very effective help (access to nurseries, school attendance), as well as the services of specialized prevention of the Councils.

5. Importance of developing closer cross-border collaboration and work with the community of origin:

Indeed, when the community feels the mobilization of social actors, the girl (or the family) may move and return to the country of origin. If the social monitoring is effective in that country too, unacceptable situations can be taken into account.

In terms of professional training (lines, priorities, modalities, focuses).

The main thread should be recalled, in initial or lifelong training, that on the territory, all children should get the same protection.

1. A subtle balance has to be found between:

- an intercultural approach (which must enable professionals to adapt the usual modalities of intervention that often do not cater to the specificity of the populations and ways of living)

And

- a “culturalist” approach which might generate new representations and misleading answers which artificial. The historical, anthropological, socio economic context, as well as codes and beliefs, must be known.

2. Focus on training professionals who do not work (or only occasionally) work with people living in slums because of the weight of pre-conceived notions about these populations (child protection and care services, family allowances services, etc.)

3 Implement training at all levels and across the territory: mentoring of inspectors, operators, actors in the field like social workers, etc.

The training should focus on diagnosis, evaluation, transmission of information, quality of reports; this last step is essential to make a decision on care measures.

Inter-professional training (educators, social workers, schools, health professionals) and multi-disciplinarity of stakeholders (researchers, social workers, juvenile judges) should be preferred to enrich the prism for understanding and analysis. At the scale of a territory, involve child protection service, Youth Judicial Protection Service, educators and all actors concerned for an effective follow-up of the situation.

GREECE

Greek Legislation and policy framework concerning Early Marriages

As Greece did not participate in the CAHROM thematic visit on child/early and forced marriages within Roma communities in the context of the promotion of gender equality in 2015, full information about the situation in Greece is included in this report.

The Greek Constitution is above the national laws. Its Article 28 states that the generally recognized rules of international law, as well as international conventions from the time they are sanctioned by statute, become operative according to their respective conditions. This shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law.

Legal frameworkInternational and European conventions**Children**

Law 2101/1992 ratifies the International convention on the Rights of the Child

So Greece, as its Constitution commands, ought to guarantee the children’s rights against early marriages as well, applying protective measures and promoting effective policies.

More specifically **Paragraph 1** of **Article 2**, emphasizes that respect and protection of the value of the human being constitute the primary obligations of the State. More specifically the article requires the state to guarantee children’s rights, for each child which is under the state’s jurisdiction, without any discrimination based on race, colour, gender, language, religion, political or other beliefs of the child, or of his/her parents, or

of his/her legal representatives, or on national, nationalist, social origin, or on financial status, inability, birth or on other status.

Thus, this article constitutes a foundation against the practice of early marriages and at the same time as a constitutional provision, it abides by the conventions.

Law 3625/2007 incorporates the Optional Protocol for the Protection of the Rights of the Child. It focuses on child trafficking, child prostitution and the selling of children's organs. It also provides for the prohibition of corporal violence against children

Constitution

Article 7, p.2, and **article 16**, p. 2: provide restrictions and punishments prohibiting any kind of torture, maltreatment, humiliation or other offence undermining their human dignity, development of private economic initiative at the expense of freedom, they also impose a negative obligation of respect of human dignity by the state and the positive protection against its violation by others.”

Article 21 p 1: refers to underage adolescents, below the age of 18

Article 25, p. 1: provides the rights of man as an individual and as a member of the society are guaranteed by the State

The above articles are the base for the prohibition of early marriages. A considerable proportion of girls are victims of the violation of their rights in relation to decisions regarding their lives, body and personality. They are resigned to their fate by traditions and customs, subject to adults' agreements. Furthermore, early marriage constitutes forced marriage decided by the girls' family and in general those who participate in this agreement do not ask for the girls' approval.

(Often early marriage - which is in many cases a form of forced marriage -undermines human dignity and degrades the girls. It renders them objects in order to serve conservative customs and convictions. In other cases, they serve other purposes except those of custom, such as a response to poverty. More precisely, they are “used” by their parents so as to find a way out of poverty. Families earn money by “selling” them to grooms who pay considerable amounts of money and parents both secure their survival and are relieved from the burden of another family member.

That is why this practice serving all those purposes is forbidden from the Greek Constitution which orders the prevention of such violations and the protection of human dignity.

Taking all the above into consideration, we observe that the Greek Constitution, although lacking a specific prohibition, provides fertile ground for the establishment of specific policies and legislative measures against the phenomenon of early marriages, as it deems among the other protective provisions, of adolescents under the age of 18. So it is up to the State to enforce this legislation.

Family Law

In Greece, issues related to marriage are regulated by the **Greek Civil Code** and more specifically by the **Family Law**. According to the **Chapter 2** of the **Family Law 1329/1983**.

Article 12 : includes articles 1351,1352 of the Civil Code

Article 14 annihilation of a marriage : includes 1378, 1350, 1351, 1352, 1354, 1356, 1357, 1360,1374, 1375 of the Civil Code

Civil Code

Article 1350 Conditions for the Marriage: both persons who are to marry have to be over the age of 18, otherwise they have to receive permission from the court that requires the existence of a serious reason, The act of marriage constitutes a contract of civil law and it consists of two essential elements: the first one is the consent of the spouses for the conclusion of the marriage and the second one is the ceremony.

Articles 1351 and 128: Minors under the age of 10 are completely incapable and cannot marry in any way whatsoever while the Civil Code permits the marriage between 10 and 18 with the foregoing exceptions.

Article 131 section 1: In case there is any suspicion that one of the intending spouses is not aware of his/her acts, the marriage is deemed invalid.

Article 1367, p. 3, provides that the procedure of religious wedding is defined by the rules of the doctrine or religion if these rules are not contrary to the Greek public order and they are recognized in Greece. It is a fact that the jurisdiction of the Mufti is unquestionable according to article 1367 of the Greek Civil Code. That means that the Greek Civil Code recognizes and legalizes the jurisdiction of Mufti relating to issues among Greek Muslims of his region Muftis" region includes only the area of Western Thrace where the Sharia law is applied. On 9 January 2018, Greece passed a law to limit Sharia law following a complaint at the European court of Human Rights. Members of the Muslim community will now be able to seek recourse in Greek courts in divorce, child custody and inheritance matters rather than take their case to Islamic jurists.

Penal Code

Article 121: a person between the ages of 8 and 18 years is considered a minor

Article 324 Abduction of Underage Children: refers to the kidnapping of minors and according to it anyone who takes away a child from his parents or anyone entitled to take care of him/her, or anyone who supports the voluntary running away of a minor from his parents, is punished with imprisonment

Articles 327 Involuntary Abduction: refers to female victims, anyone who with the intention of marriage kidnaps or illegally detains a woman without her consent or a woman incapable of resisting for any reason, is punished, in case of a contracted marriage

Article 328 Voluntarily Abduction refers to the voluntary abduction of an unmarried and minor woman. Anyone who kidnaps or detains, with the purpose of marriage, a minor and unmarried woman with her consent, but without the approval of the people who are her guardians or who have the legal right to take care of her, is punished with imprisonment, even if he intended to marry the woman. If the marriage has taken place, the prosecution starts only after its annulment.

Article 339 Seduction of Underage Children includes penalties regarding the seduction of underage children. According to this specific article:

Whoever realizes any lewd act with a person younger than the age of 15 years old, or misleads that person into such an act, is punished under Article 351.

Article 351 as follows:

- A) If the victim is under 12 years of age, with imprisonment of at least 10 years.
- B) If the victim is between 12 and 14 years of age, with imprisonment up to 10 years and;
- C) If the victim is between 14 and 15 years of age, with at least 2 years imprisonment.

Lewd acts among children under 15 years old are not punished, unless the difference between their ages is more than 3 years, so only reformatory or therapeutic measures are imposed.

If the offender and the victim commit marriage, penal prosecution is not applied and if it is applied it does not continue, but it is declared as inadmissible. The penal prosecution is applied or continues after the cancellation of the marriage.

Anyone who incites or misleads a person under 15 years o age, to attend any lewd act, even if not involved or participating in it, is punished with imprisonment of at least 2 years.

Policy Framework in Greece

Special Secretariat for the Social Inclusion of Roma

Law 4430/2016

The Law 4430/2016 **art. 42** is the founding law of the **Special Secretariat for the Social Inclusion of Roma**. The Special Secretariat for the Social Inclusion of Roma is under the authority of the Minister of Labour, Social Security and Social Solidarity, responsible for Social Solidarity issues and it is the National Contact Point for promotion of the National Strategy for the Roma as hereby being transferred from the National Centre for Social Solidarity (EKKA). From the entry into force of the present, any competencies of other services are repealed, and as provided by the present Law are attributed to the Special Secretariat for the Social Inclusion of Roma

Its main tasks are:

- a. The configuration of guidelines for each policy area related to the social inclusion of Roma and proposing policies to the Minister of Labour, Social Security and Social Solidarity, responsible for Social Solidarity issues.
- b. The close cooperation with other competent Ministries, relevant bodies at national, regional and local level and with private entities for the design and implementation of interventions regarding Roma issues and for the coordination and interdisciplinary monitoring of policies for Roma, such as access to education, employment, health care and housing.
- c. The establishment and development of a GIS system for the documentation, monitoring and evaluation of policies and the parallel mapping of the characteristics of the Roma population living in camps and settlements cut off from the wider urban and social fabric.
- d. The provision of guidance and technical support to stakeholders for the design and evaluation of interventions regarding Roma issues and the conduction of workshops and events for this purpose.
- e. The carrying out of field surveys and studies regarding the living conditions of the aforementioned vulnerable social group and the problems associated with housing, education, health and work.
- f. The collection of any information or element required for shaping a national policy for the aforementioned vulnerable social group from any public or private body dealing with Roma issues.

Article 48

Board of Experts

1. A Board of Experts is established by the Minister of Labour, Social Security and Social Solidarity, competent for Social Solidarity issues, and consists of: a) the Special Secretary for the Social Integration of Roma, as Chairman, b) the representatives – Focal Points of the other competent Ministries, c) the Ombudsman, d) a representative of the Union of Municipalities of Greece (KEDE), e) a representative of the Greek Union of Regions (ENPE) and f) two persons designated by the Roma communities, because of their special knowledge and experience in social inclusion. Secretarial support for the Board shall be provided by employees of the Ministry of Labour, Social Security and Social Solidarity, as defined in the ministerial decision of the above paragraph. The mandate of the Board of Experts is set to four years.

2. The Board of Experts has as its main task: a) to provide scientific data and support through research, analysis and data collection and b) to draft recommendations intended to analyze the Roma issues.

Priorities

The empowerment of Roma women through education and acquisition of occupational skills

General Secretariat for Gender Equality (GSGE)

The GSGE of the Ministry of Interior has developed the “**National Action Plan on Gender Equality 2016-2020**” (NAPGE) in order to combat discrimination against women and girls. The NAPGE has 6 strategic objectives:

1. Social inclusion and equal treatment of women facing multiple discrimination

Included actions such as

- Encouraging Roma women victims of gender violence to report incidents and perpetrators,
- Roma Teens Sensitization Seminars for Developing Skills for Equal and Healthy Love Relationships,
- Synergies with the Ministry of Education about Gender Based Violence (GBV),
- Educational campaigns in Roma communities on the effects of early / forced marriages on the lives of girls and boys,
- Strengthen awareness-raising activities in education to encourage girls and boys to resist early / forced marriages,
- Training of cultural mediators to inform parents about the prohibition of early / forced marriages based on current legislation.

2. Combating violence against women.

3. Labour market, work-family reconciliation

4. Education, training, media, culture, sports

5. Health

6. Equal participation of women in decision-making positions

The NAPGE includes a variety of horizontal interventions in public policy and vertical specialized policies aimed at women and men in areas where inequalities are identified.

Roma women, as citizens of the Greek state, benefit from all above horizontal and vertical policies of the strategic objectives of NAPGE.

As concerns violence against women, a specialized vertical policy, a network of 62 structures has been gradually put in operation since 2011. More analytically, a bilingual (Greek and English) **SOS helpline 15900** and email-address sos15900@isotita.gr, have been operating since March 2011. They provide advice, support and counselling to women victims of gender based violence, 24/7, 365 days a year. It is a low-cost, nationwide, confidential helpline. Moreover, **(40) forty Counselling Centres** nationwide provide bilingual (Greek and English) psychological and social support, legal counselling and counselling in labour issues and, when necessary, legal aid in cooperation with local Bar Associations, to women victims of gender-based violence. Additionally, there are **twenty one (21) shelters for Abused Women** and they provide bilingual (Greek and English) services of shelter, psychological and social support.

As to horizontal actions, in synergy with the Special Secretariat for the Social Inclusion of Roma, the GSGE has proposed the incorporation of the following actions to the imminent Action Plan of the Special Secretariat for the Social Inclusion of Roma:

- The conduct of 3 pilot social anthropological researches in the Regions of Attica, Thessaly and Eastern Macedonia-Thrace
- Informational seminars to health professionals, educators, teachers, members of local Roma unions, civil servants in Administration Regions in 6 Regions with the largest Roma communities
- Mapping Roma women unions/ associations
- The development of a training tool

- Training the consultants of Roma centers, so as to empower Roma women
- Evaluation of the Program "Roma and Vulnerable Support Centers" from a gender perspective

NGOs

The non-governmental organisation KEAN, *Cell of Alternative Youth Activities* has implemented the early marriage prevention network project in Greece. The project is co-funded by the Rights, Equality and Citizenship Programme of the European Union. The other partners are from Bulgaria, Belgium, Spain and Slovenia.

From 23 to 27 October 2017, trainers from KEAN visited the "1st High School (Gymnasium) of AnoLiosia", from 25 to 30 September 2017 the students of the First and Second Grade of the "3rd Junior High School (Gymnasium) of Aspropyrgos", from 15 to 24 March 2017 the students of the "1st High School (Gymnasium) of Zefyri". They implemented a series of experimental workshops for the prevention of early marriages, which were addressed to the students of the First Grade of the Junior High School.

In total, 179 students participated actively in the workshops which were conducted by the trainers of KEAN - a sociologist and an educator, inside the school facilities, within the framework of the project.

During the workshops, the students had the opportunity to learn to recognize all forms of violence, to use non-violent communication, to resolve gender -based conflicts in non-violent ways and to identify unacceptable behaviour and distinguish equal from unequal relations.

Through activities and games, children developed team working skills, improved and increased their critical thinking skills and unfolded their creativity and at the same time they understood the consequences and limitations inherent to early marriages and were given significant knowledge and skills to protect them from being involved in early marriages.

Deliverables in brief

- A toolkit
- An analysis Report
- 3 experiential workshops for the prevention of early marriages, Ano Liosia, Aspropyrgos, Zefiri

Conclusions / Remarks:

- In Greece underage marriage is not recognised so **mapping is not possible**,
- On 9 January, a law passed to limit Shariah law. Members of the Muslim community will now be able to seek recourse in Greek courts in divorce, child custody and inheritance matters rather than take their case to Islamic jurists. This law will give women and girls better protection of their rights,
- Abduction of underage children including voluntary ones exist,
- There is a lack of data on cases of forced marriages of Roma women as they are seldom reported,
- The Code of silence remains strong so awareness-raising activities reaching out to Roma children on the topic of violence and early marriage is essential to progressively change mentalities,
- It is sometimes challenging to reach the Roma women, as experienced by the Administration, as Roma men often take over the discussions. It is therefore difficult for the women to talk honestly and openly. Administrations should also reach out to the young Roma women.

IRELAND (GRETA)

The Chair of GRETA, Ms Siobhán Mullally, reiterated the fact that child/forced marriages were sometimes linked to human trafficking and that work with GRETA should be strengthened in this respect as Roma are also victims of human trafficking.

She insisted that no cultural generalisations should to be made.

ITALY

Firstly, marriages can be celebrated only between two persons of age; if one of the two persons contracting into marriage has not come of age, the marriage is invalid; in exceptional cases and following the authorization from the Civil Tribunal and a hearing with the Public Prosecutor's Office and the parents, the marriage of a person who has not yet come of age, can be given based on an admissible reason, provided that this person has reached the age of 16.

Article 84 of the Italian Civil Code provides for a complex procedure to authorize the marriage of a person over the age of 16 and under the age of 18. Therefore from a legal point of view it is never allowed to celebrate a marriage in which one of the two contractors is less than 16 but Italy does not yet have a law that refers to the problem of forced marriages.

Marriages celebrated by ministers of religious cults other than Catholic (Orthodox, Muslim, Jewish, or other recognized religions) are subject to some basic rules laid down in the Civil Code. A civil ceremony must take place before the religious ceremony in order to ensure the legality of the marriage. It is usually performed by the mayor or civil registrar at the local town hall in front of two witnesses. This means that any marriages celebrated on Italian territory within religious communities (Roma or others) are never considered as valid marriages within the Italian legal system.

It follows that any religious celebration in which one of the two spouses is less than 16 years old is unlawful and involves the existence of offenses committed by adults by "selling" their child.

The crimes alleged in the case of a forced marriage of a child under the age of 16 years are as follows: private violence, family abuse, and sexual violence. In Italy, anyone who commits sexual acts with a person who at the time has not reached the age of 14, irrespective of the consent of the victim, is considered guilty of sexual violence under article 609 of the criminal code. In other words, when faced with a minor of 14 years, it is always considered that the adult is guilty of the crime of sexual violence. Therefore a person who, under the cloak of religion, marries a child on Italian soil is not recognized as a husband, but, in addition, is prosecuted for the offense of sexual violence under article 609. The parents of the child sold as a bride can also be prosecuted.

However, other connected crimes can also be hypothesised, such as domestic violence, ill-treatment in the family, and kidnapping - article 605 of the Criminal Code (if it proved that the minor has been deprived of her freedom of movement to force her to live in a certain context). Under-reporting is a matter of concern coupled with the difficulty to detect cases. Therefore a lack of data on these specific crimes is to be reported.

As noted by many, when families emigrate from other countries, they tend to reproduce their habits and customs in the host soil, including lifestyle habits that conflict with fundamental human rights; with the second generation born in Italy, arranged marriages can occur (in which the woman, even though she is older, is forced to marry the boyfriend imposed by her parents, but somehow she accepts the situation), as well as forced marriages, in which the woman, older or younger, is forced to marry the person who is imposed by her parents, behind threats of various kinds. In this regard, the experience of the FMU is very useful in the development of policies.

Forced marriages between adults can be registered with the civil status registers, but they can be annulled if it is proven that the consent was violently removed (Article 122 of the Civil Code). In this case, the crimes of private violence and ill-treatment in the family can also be hypothesised. However, it is difficult for a woman to be able, on her own, to report such a serious matter, partly because the event occurs within a closed community that does not allow women to act freely.

Italy has ratified the Istanbul Convention and Article 32 and 37 are fully implemented. Parliament is currently studying the bill to criminalise child/forced marriage and include the offence in the Criminal Code. The sentences will include imprisonment of 3 to 7 years if the violence or abuse of authority is perpetrated by the parents or adoptive parents. The local referent or law enforcement authorities will review the situation on the ground and coordinate the information and action with the Ministry of Justice. At the moment crimes of forced

marriages fall under the remit of other crimes such as reduction into slavery, human trafficking or violence against women.

On 13th October 2016 the Senate of the Italian Republic approved the 1-000637 motion with which the Government pledged to take all appropriate steps for the full implementation of the UN Human Rights Council resolution "Child, early and forced marriages ", as well as to evaluate, in a synergic exchange with the Parliament, the opportunity to envisage, as a new criminal offense, forced marriage and the illegal conduct and actions connected to it, in order to protect victims and particularly vulnerable subjects. Three bills have been presented to Parliament since 2013:

- 1) Bill AS 638 which aims at criminalising forced marriage, with a prison term from one to five years, specifically for the crime of arson in response to an offense to the family's honour, traditions or religion, or murder committed by the former spouse or partner;
- 2) Bill AS 2441 which aims at criminalising coercion to marriage or civil unions: there is a prison sentence of three to eight years for anyone who uses violence or threats or relies on religious precepts to exploit a situation of vulnerability, forcing others to contract marriage or civil union, even in a foreign country;
- 3) Bill AS 2683, which aims at introducing article 609 of the Criminal Code, which condemns, with a prison sentence from three to seven years, anyone who uses violence or threats or through the abuse of authority or abuse of domestic relationship compels a minor to contract a personal obligation, with or without third parties, even in a foreign country, from which derives one or more typical obligations of marriage. Furthermore, article 609 of the Criminal Code provides for a prison sentence between five and ten years, offences committed by the parent(s), including the adoptive parent(s), or the partner, relatives up to the fourth degree, the guardian or anyone who has a domestic relationship with the child; the sentence is imprisonment from seven to twelve years if the victim is less than 10 years old. The loss of parental responsibility is also envisaged. Plea bargaining for the crime of forced marriage is excluded and a permanent Observatory for the prevention and detection of forced marriages would be established; the Observatory would be coordinated by the Ministry of Justice have an integrated action plan for monitoring the prevention and detection of forced marriages also by assisting and offering social and educational rehabilitation to victims. Finally, the services responsible for issuing residence permits in each province and metropolitan city, will appoint one or more police officers as contact point(s) for cases of forced marriages, in order to facilitate relations with representatives of local authorities and non-profit organizations operating in the sector.

In terms of progress at the national level, specific mention should be made of: Italy's ratification of the Council of Europe Conventions on: preventing and combating violence against women and domestic violence (Act 77/2013); and the Protection of Children against Sexual Exploitation and Sexual Abuse (Act 172/2012), respectively.

Internationally, Italy is also actively engaged in the international campaigns for the eradication of FGM and CEFM, as recalled on the occasion of last consideration before UN CEDAW Committee (May-July 2017). More specifically,

- Since UN HRC29, Italy co-facilitated Resolution (A/HRC/RES/29/8) on "Strengthening efforts to prevent and eliminate child, early and forced marriage", adopted without a vote and co-sponsored by approx. 85 UNMS.
- This area has been also considered within the framework of the National Action Plan on Women, Peace and Security, in accordance with UNSCR 1325(2000).
- The Italian Development Cooperation supports through annual voluntary contributions, the activities of UNWOMEN, UNFPA (continues to be one of the major donors of the Joint UNFPA/UNICEF programme "Female Genital Mutilation/Cutting: Accelerating Change") and relevant **development cooperation** initiatives have been also carried out in various priority countries.

Conclusions / remarks

If adopted by Parliament, it would seem that Bill AS 2683 would be the most effective because it also provides for the establishment of the Observatory in addition to criminalising forced marriage and the aggravating circumstances described above.

In Italy there are two moments of relevance with regard to birth registration: the declaration of birth, which is made at the Hospital. It is automatic for each and every new baby-born provided the birth is made in hospitals; the second moment is then followed by the “recognition”²⁰, which in the case of parents under the age of 16, requires the intervention of a guardian to become valid.

As many Roma marriages are not declared, it is very difficult to uncover child/forced marriages as a complaint must be filed or an arrest made within the family unit (forced begging, stealing etc.) to establish that the couple is in a union. Under-reporting remains a matter of serious concern as the code of silence prevails. Under these circumstances it is difficult to prosecute the perpetrators.

On a positive note, through daily experience, one can report increasing awareness of the rights and possibility for a better life for women and girls – education, awareness and, more specifically, human rights education is key and must be part of a continuous process. Young Roma women are less likely to accept violence and the use of social media is an effective and far-reaching tool for emancipation.

Data shows that for both Roma and migrants, an additional deterring factor is the difficulty of keeping constant relations with physicians and hospitals due to their reduced knowledge of the Italian language and the tendency to resort to emergency medical assistance, only.

- Facilitating access to health-care and relevant support services in a sustainable way would allow for the detection of cases of forced marriages. Furthermore, access to the same practitioners and a regular relation with medical staff and medical services would establish a relationship of trust and the data collected could serve to obtain baseline information.
- Introducing measures to escort women to health centres without the presence of the men is essential.
- Closing loopholes making Roma legally invisible like when they are sedentary.
- Creating Youth clubs for Roma and non-Roma to reach out to both communities and establish a bond, mutual trust, openness and camaraderie between the younger generations.
- Include Child/Forced marriage in National strategy for Roma inclusion.

In conclusion, there is no universal solution to the issues. Despite the good/best practices put in place at juvenile Courts in Italy, the issues at stake remain how to facilitate the identification of cases of child/forced marriages; and how to ensure an integrated multi-agency approach in line with the Istanbul Convention and the principles contained, *inter alia*, in the Joint CEDAW-CRC General Recommendation No. 31/2014²¹ (see also CEDAW GR No.29).

If adopted by Parliament, it would seem that Bill AS 2683 would be the most effective because it also provides for the establishment of the Observatory in addition to criminalising forced marriage and the aggravating circumstances described above.

POLAND

Ms Wiesława Kostrzewa-Zorbas, Counsellor in the Chancellery of the Prime Minister updated the participants about the latest developments. In her work in the Department of the Civic Society she deals with ethnic and national minorities and the Action Plan for Equal treatment. She recalled the fact that the Roma Genocide Remembrance Day was first adopted in Poland.

Poland has ratified the Istanbul Convention, and the notion of forced marriage is included in its criminal code. Polish law is already in compliance with the provision.

²⁰ See (in Italian) about recognition at: <http://www.paolazamperini.it/dichiarazioe-di-nascita-riconoscimento-ed-iscrizione-allasl/>

²¹ Para. 24: *The payment of dowries and bride prices, which varies among practising communities, may increase the vulnerability of women and girls to violence and to other harmful practices. The husband or his family members may engage in acts of physical or psychological violence, including murder, burning and acid attacks, for failure to fulfil expectations regarding the payment of a dowry or its size. In some cases, families will agree to the temporary “marriage” of their daughter in exchange for financial gains, also referred to as a contractual marriage, which is a form of trafficking in human beings. States parties to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography have explicit obligations with regard to child and/or forced marriages that include dowry payments or bride prices because they could constitute a sale of children....*

In the context of Roma child and forced marriages phenomenon, among policy measures, the Family 500+ Programme introduced in 2016 should be mentioned. The Family 500+ Programme consists of a monthly payment of PLN 500 (€115) for every second and subsequent child until the child reaches the age of 18. The benefit is also extended to the first child in families with monthly income below PLN 800 (€200) per capita, or below PLN 1200 (€274) if there is a disabled child in the family. The implementation of the programme results in visible decrease of relative poverty, in Roma communities among others. On the other hand, it may also cause increase of early birth giving in Roma communities and additional pressure on Roma girls in this regard.

Otherwise, there are no new developments as concerns legislation and policy frameworks on child/early or forced marriages but the Polish police is interested in learning from the UK police's experience and methods on detecting and dealing with reported and non-reported cases of child/forced marriage in a coordinated, multi-agency manner. Mr Pawel Karnas, Police plenipotentiary on human rights, liaison officer and educator took part in the study visit as he is responsible for police training as regards minorities and anti-discrimination.

Police experience on the ground highlights several important issues hampering the identification of forced marriages and thus the prosecution of the perpetrators. Among these issues is the lack of complaints filed and girls lying about their age. Most cases are accidentally stumbled upon and the data collected is more anecdotal than evidence-based. Public institutions are obliged to report suspicions of child/forced marriages but again there is no systematic way of identifying them.

Often times, it is difficult to differentiate marriages of convenience from forced marriages. Furthermore, the legislative framework framing their scope of intervention needs to be clarified. Clear procedures on how to deal with and prevent cases of child/forced marriages need to be established.

Generally speaking, not many discrimination complaints are received from the Roma community.

The whole system of the Polish law offers a wide range of instruments to ensure in practice full respect for the principle of equal treatment. In case of violation of this principle, the Polish law guarantees adequate compensation both for moral and pecuniary damage. The Polish equal treatment legislation is composed of various legal acts which have been drafted in line with the EU anti-discrimination directives. As a matter of principle, Roma, both men and women, can benefit from the Polish legal instruments on equal footing with other Polish citizens.

For complete information on Poland, please refer to document [CAHROM\(2015\)8](#) Thematic report on child/early and forced marriages within Roma communities in the context of promotion of gender equality.

Remarks / Recommendations / Conclusions

- Working with Roma men is crucial to address the topic and the empowerment of Roma women seems to be a remedy for many forms of discrimination and exploitation
- Training probation officers to detect and prevent child/forced marriages as the very young girls often come from dysfunctional families,
- Common sense to be used in judgments,
- Stricter application of legal provisions (including jail sentence) for marrying a girl under 15,
- Victims of child/forced marriages to be treated with dignity and respect,
- Finding a common ground and outlook on the subject to reach out to the Roma communities. People working with the Roma communities should understand their point of view and not be moralizing and patronizing,
- Field work is essential; workers need to meet the Roma community.

To conclude on a positive note, although the Roma communities in Poland are quite traditional, mentalities are slowly changing. The average age of marriage has increased to 16 and marriages with girls under 16 are not favourably perceived within the community even though perpetrators are not publicly denounced. Young Roma women are more aware of their rights and possibilities and a higher percentage of girls as compared to boys complete primary education.

VI. GENERAL CONCLUSIONS AND RECOMMENDATIONS²²

At the close of discussions several similar recommendations were made by the participants as some of the challenges are shared.

First of all, the answer for the question about the limit between tradition and culture and violation of right is fundamental. The traditional value - family – is crucial for Roma communities and perceiving those marriages as “early” is a non-Roma perspective. Therefore actions planned to protect victims of forced marriages must take into consideration that, although victims, they will still want to protect their families.

All the participants mentioned the lack of data and the inability to produce reliable mapping. This is the result of the small number of official complaints received and the difficulty in getting accurate and real numbers of cases of forced/child marriages. Nonetheless, unofficial information from the field shows the significant number of early pregnancies (Italy). An example of a systemic approach to this problem is Finland’s survey from 2013 on early marriages and domestic violence. Sources of data mainly come from education and healthcare services. The report on Roma inclusion in cities - [Mapping of the situation of Roma in cities in Europe](#)²³ – published by Eurocities concludes that there is need to find a way to collect data about the situation of Roma and use it to improve policy responses to the challenges Roma face, while at the same time protecting Roma against the risk of data misuse.

The darker side of that phenomenon is the link between forced marriages, human trafficking (HT) and domestic slavery, mentioned both by Italian and French experts. Furthermore, victims of forced/child marriages are vulnerable and powerless and by consequence often subject to domestic violence by their fathers, husbands and family in-law.

It was underlined that child marriages were often connected to poverty, but not necessarily. It is also connected to ensuring the girl is virgin as an important factor is the dowry, which can vary between €40,000 and €100,000 sometimes even more, that needs to be collected by the husband’s family and reimbursed by the bride’s family, in case of divorce or lack of virginity, which complicates matters. In Finland, in case of divorce, the children stay with the father as it is considered that he “owns” them. This is another hindering factor for Roma women who decide to leave their husband.

It was also mentioned by the British and Finnish experts that forced marriages can also sometimes take place as a result of a need for a carer to mind a learning or physically disabled person.

A tool to support Roma women is to provide them with access to medical treatment, which can, in parallel be a source of estimate of the scale of cases of early marriages / early pregnancies / early births. In some communities marriages are kept between close family members; this can have a negative impact on the health of the children because of inbreeding. Some communities try to find distant Roma communities for the marriages in order to mix the genetic pool but in such cases girls are left stranded, far away from their families.

Typically, the victims of early marriages are Roma girls, but they can also be boys or homosexuals, who are not accepted within the Roma communities.

Effective solutions are needed to encourage women to break the code of silence. Among the proposed recommendations are **early awareness-raising activities in primary school and youth clubs** for Roma (especially in Roma settlements) or integrated for Roma and non-Roma to change the mentalities. An important role to play here is **Roma mediation** or, actually, Roma mediators. But equally important, if not more, is the crucial **need for a multi-agency network to assist the women** after they have filed a complaint as often times there is no co-ordinated protection for them.

²² See also conclusions and recommendations from the CAHROM thematic report [CAHROM\(2015\)8](#).

²³ Mapping of the situation of Roma in cities in Europe, Eurocities, August 2017

Other recommendations included:

- Criminalising child/forced marriage as it is proven that it is an effective deterrent;
- Involving qualified Roma men in awareness-raising activities, namely to work with other Roma men, thereby tailoring the services to the recipients;
- Training probation officers to deal with and prevent cases of child/forced marriages as the very young girls often come from dysfunctional families;
- Using common sense in judgments so as not to “punish” the girls further. Respecting the dignity of victims;
- Using the healthcare sector to make an impact through awareness-raising and to obtain baseline information;
- Creating Roma women NGO, such as IKWRO (the Iranian and Kurdish Women’s Rights Organization).

The participants all agreed that the outlook from civil servants is different from that of the Roma and a common ground should be found when working on solutions. More humanity and sensitivity is needed and in that sense it is essential to meet the people at risk in order to have a better grasp of the situation on the ground. Strategies which are drafted solely based on desktop research cannot realistically include all the human aspects around the issue of child/forced marriage in Roma and Traveller communities.

There was also agreement on finding a balance between the legal framework and a cultural and intercultural approach. Human rights should always supersede customs and traditions when the latter disrespect these rights. As stated by Human Rights Watch in their report of 2013 - [The Trouble with Tradition “When values trample over rights”](#)²⁴, “*discriminatory elements of traditions and customs have impeded, rather than enhanced, people’s social, political, civil, cultural, and economic rights*”.

To conclude, there is no universal solution as no one solution fits all.

Practical tools used by the FMU

The authorities of the participating countries to the study visit could draw from the work of the FMU and envisage adapting the following tools to their own administrative and legal framework:

- Use of the health sector to detect signs of child/forced marriages,
- Spreading information through meetings, written material, online resources, phone apps,
- Mediation depending on the situation of the girl using Roma mediators or social workers,
- Helplines through community centres and Roma mediators,
- Coordinated multi-agency action once call has been recorded.

National Strategies for the Inclusion of Roma should specifically include the issue of child and/or forced marriages. Furthermore, as the issue of child/forced marriage is linked to gender equality, trafficking in human beings and violence against women and domestic violence, discussions could be envisaged with GRETA (Group of experts on Action against Trafficking in Human Beings) GREVIO (Group of experts for monitoring the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence) and the Gender Equality Commission about explicitly including it in their strategies.

Joint initiatives with other Council of Europe entities could also be envisaged for more impact.

²⁴ Human Rights Watch 2013 report - The Trouble with Tradition “When values trample over rights”²⁴, “*discriminatory elements of traditions and customs have impeded, rather than enhanced, people’s social, political, civil, cultural, and economic rights*”.

Commonalities and differences in the countries

The sharing of experiences also highlighted commonalities and differences between the countries present. Fundamentally, child marriage is common in Roma and Traveller communities. This practice stems from the fact that preserving the virginity of the girl is essential as it is a sign of respect for the groom's family and is a prosperity issue for the wedding itself given the existing dowry system. If it turns out that the girl is not a virgin, she is considered tainted goods and besides being shamed and dishonoured, her family will have to repay the dowry to the groom's family.

Roma and Traveller communities are difficult to access unless you are Roma yourself. And even then the community is weary and negotiations are sometimes necessary. The communities are closed to the outside world as a way to preserve themselves. The Roma men often oversee women's contacts with the outside so girls cannot speak openly. Reaching out to them can be challenging even for other Roma women.

The code of silence prevails due to varying factors: fear of reprisal, fear of being ousted from the community, lack of support from the outside, honour of the family.

The differences lie in the reasons behind the girls accepting early marriage. For example in Finland, the girls marry early for security whereas in Italy it would seem they marry so they can engage in sexual activity. Some communities are very traditional whereas others are more open.

APPENDICES

Appendix 1: 2017 UNDP / World Bank Fact sheets – “Roma at a glance”²⁵ (extracts)

Roma Data: Estimates are produced by the World Bank and United Nations Development Programme, based on the UNDP-WB-EC Regional Roma Surveys (2011 and 2017). The sampling frame for Roma settlements was based on information from the most recent population census available in the country, using the lowest administrative units with the equal or higher than national average proportion of Roma population on its total population. By following a similar procedure as the 2011 survey, the 2017 Regional Roma Survey allows for a level of comparability across time. At the first stage of sampling, a list of settlements from census data was used. In a second stage, external or outsider’s identification (local people, NGOs, and experts) was used to pinpoint areas where Roma households are located in a given municipality. In a third stage, the explicit willingness of the household’s head to participate in a survey on Roma population (internal or self-identification) was requested. The sample was purposefully not representative of all Roma in these countries, but rather focused on those communities where the Roma population’s share equals or is higher than the national share of Roma population, the “marginalised Roma”. The “non-Roma” refer to non-Roma population living in close vicinity to the marginalised Roma and are not representative of the total population in the country. The sample size for each country in each year is around 750 Roma households and 350 non-Roma households. All figures shown are based on unweighted survey data. Data for Kosovo* is only available for 2017.

ALBANIA: KEY INDICATORS, 2017

Early marriage incidence for marginalised Roma women is persistent and the highest in the Western Balkans region. Fifty percent of marginalised Roma women aged 20-49 years in Albania reported to have been married before they were 18 years old compared to 7 percent of neighbouring non-Roma women.

BOSNIA AND HERZEGOVINA: KEY INDICATORS, 2017

Early marriage incidence for marginalised Roma women is persistent. Twenty-seven percent of marginalised Roma women aged 20-49 years in Bosnia and Herzegovina reported to have been married before they were 18 years old compared to 11 percent of neighbouring non-Roma women.

KOSOVO²⁶: KEY INDICATORS

Early marriage incidence for marginalised Roma women is persistent and high. Thirty percent of marginalised Roma women aged 20-49 years in Kosovo reported to have been married before they were 18 years old compared to 9 percent of neighbouring non-Roma women.

MONTENEGRO KEY INDICATORS

Early marriage incidence for marginalised Roma women is persistent and among highest in Western Balkans region after Albania and Serbia. Forty-one percent of marginalised Roma women aged 20-49 years in Montenegro reported to have been married before they were 18 years old compared to 8 percent of neighbouring non-Roma women.

SERBIA KEY INDICATORS

Early marriage incidence for marginalised Roma women is persistent and the second-highest in the Western Balkans region after Albania. Forty-four percent of marginalised Roma women aged 20-49 years in Serbia reported to have been married before they were 18 years old compared to 9 percent of neighbouring non-Roma women.

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” KEY INDICATORS

Early marriage incidence for marginalised Roma women is persistent and high compared to non-Roma female counterparts. Thirty-three percent of marginalised Roma women aged 20-49 years in “the former Yugoslav Republic of Macedonia” reported to have been married before they were 18 years old compared to 10 percent of neighbouring non-Roma women.

²⁵ UNDP World Bank Country Fact sheets *Roma at a glance*

<http://www.eurasia.undp.org/content/rbec/en/home/library/roma/regional-roma-survey-2017-country-fact-sheets.html>

²⁶ "All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo."

Appendix 2: Agenda of the Study visit to the UK Forced Marriage Unit, London, 7-8 December 2017



FINAL Agenda for
study visit to the UK f

Appendix 3: List of participants of the Study visit to the UK Forced Marriage Unit, London, 7-8 December 2017



List of participants
Study visit to UK Forc