



LIGA PRO EUROPA

540049 Târgu Mureș, România, Piața Trandafirilor nr. 5, Etaj III, CP 1-154
Tel: +40-(0)265-250.182, +40-(0)365-401823, +40-(0)745-507166 Fax: +40-(0)265-250.183
Email: office@proeuropa.ro

COUNTRY REPORT EARLY/FORCED MARRIAGES IN ROMANIA

1. Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There is no specific distinction in the Romanian researches between the early and forced marriages. If one can find sufficient data regarding the incidence of early marriages, as well as their consequences, there are no data or studies specifically focusing on the forced marriages. The researchers tend to include both early and forced marriages in the same category. Early marriages occur however in conditions of consensus, as well as in conditions of forced relations. For the team of this project, marriages under the legal age of the partners should be considered forced marriages, because the young persons, mainly the girls do not have the full exercise of the freedom of choice when entering an early marriage. Moreover, marriages that are consumed under the age of maturity fall under the Criminal Code as rape.

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

Taking into consideration all aspects, the present project identifies as early and forces marriages those under the minimum statutory age (18) and examines the legal, administrative and civil ways for combating the violations of the rights of children's and minors of age that are perpetuated by maintaining in Roma communities of the traditional practices and rituals related to forced marriages. The survey inventories attitudes of the Roma community towards this

practice, the legal and institutional responsibilities, projects and actions taken by the Romanian NGOs to combat forced marriages and to promote the protection of the human rights and the rights of the child.

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

1.2. The Roma community of Romania

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

However, there is a large consensus that the registered number of Roma persons does not cover the reality. The low rate of self-identification and registration in the 2002 Census is due to the difficulty to assume a Roma identity openly and in many cases it is due also to the lack of identity documents or residence permits.

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

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

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

1.3. Traditional Roma communities in Romania

There is no specific definition of the Roma traditional communities, but it is generally accepted in Romania that communities like the Caldarasi, Lingurari, Laieti, Ursari and Gabor are seen as traditional. It means that the individuals belonging to those groups, mainly women, have to obey to group rules, wearing traditional clothes, speaking the Romani mother tongue and practicing intra-group arranged early marriages according to the traditions.

A traditional Roma community is identified by the following characteristics:

- large family with several members;
- common household of different generations;
- reduced cultural needs (TV, radio, newspapers, books, theatre etc.)
- patriarchal decision-making
- women are generally working in the household;
- men assure the income and the leadership of the family;

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

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

¹ Census of population and dwellings 2002, Romanian National Institute of Statistics, March 18-27, 2002, vol. I Demographic structure.

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

2. The Romanian legislation governing marriage, family and child protection

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

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

2.1. The Constitution of Romania²

ARTICLE 6 – Right to identity
ARTICLE 16 – Equality of rights
ARTICLE 22 – Right to life, to physical and mental integrity
ARTICLE 26 – Personal and family privacy
ARTICLE 32 – Right to education
ARTICLE 34 – Right to protection of health
ARTICLE 48 – Family
ARTICLE 49 – Protection of children and young people
ARTICLE 57 – Exercise of rights and freedoms

2.2. The Family Code

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

ARTICLE 1 – Protection of marriage and family by the state
ARTICLE 2 – Family relationships
ARTICLE 3 – Marriages to be concluded before the civil status officer
ARTICLE 4 – The minimum age for marriage is 18 years.
ARTICLE 25 – Equality of rights and obligations between man and woman.
ARTICLE 101 – Duty of parents to care for the child

2.3. Romanian Criminal Code from April 16, 1997 with subsequent amendments.

ARTICLE 197 – Rape
ARTICLE 198 – Sexual intercourse with a minor
ARTICLE 199 – Enticement
ARTICLE 201 – Acts of sexual perversity
ARTICLE 202 – Sexual corruption
ARTICLE 203¹ – Sexual harassment
ARTICLE 306 – Child maltreatment

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

ARTICLE 2 - (2) The best interest of child (...).

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

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

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

ARTICLE 5 - (2) The parents' main responsibility is to raise and ensure the proper development of the child (...)

ARTICLE 6 – Observing and guaranteeing the rights of the child (...) principles:

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

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

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

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

ARTICLE 32 – The child has the right to be brought up in an environment which would allow the child's physical, mental, spiritual, moral and social development (...)

ARTICLE 44 - (1) The child has the right to a living standard (...).

ARTICLE 47 - (1) The child has the right to receive an education (...)

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

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

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

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

Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination

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

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

Emergency ordinance no. 96/2003 on maternity protection at workplaces

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

With regard to related legislation to marriage, family and child protection, this is concerning also issues such as:

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

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

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

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

The most surprising is that despite warnings from the European Commission following the case of the marriage at 13 years of Ana Maria Cioabă, Romanian relevant institutions did not adopt the necessary specific programs and strategies devoted to approach the forced marriages from the perspective of the human rights. Forced and early marriages continued to emerge and to occupy the front page of the newspapers.

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

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

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

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

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

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

Responding to a questionnaire by the survey team, the Authority has formulated very clearly the essence of the harmful practice of the forced marriages. It is that "forced and early marriages imply the violation of children's rights as they are stated in the Romanian Law 272/2004 regarding the protection and the promotion of the children's rights. According to the opinion of the Authority, practicing early and forced marriages means to violate the right of the child to enjoy life conditions that are guaranteeing his or her physical, mental, spiritual moral and social development, and, prevents the children from expressing their own opinions on facts influencing their life.

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

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

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

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

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

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

3.2.The National Agency for Roma (ANR)

The National Agency for Roma is a governmental structure of representation of Roma at the national level. The institution functions as part of the central public administration, subordinated to the Government and coordinated by General Secretariat of the Government. The National Agency for Roma has the responsibility to implement, coordinate, monitor and evaluate the measures included in the Strategy of the Romanian Government for the improvement of the situation of Roma nr. 430/2000. The Agency coordinates 41 bureaus for Roma, integrated in the Prefect's Offices of the Romanian county capitals.

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

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

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

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

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

For the time being this is the one of the most successful direct initiative of the Agency regarding specifically the issue of public policies to combat forced marriages. Although the Agency's approach of the forced marriages is interdisciplinary,

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

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

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

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

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

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

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

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

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

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

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

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

The General Directorate for Education in the Languages of National Minorities is implementing currently the program "All go to kindergarten - all go to school". The objective of the program is to prevent the early drop-out in 420 disadvantaged communities, with high percentage of the Roma population, mainly in rural areas or small cities. The objective is to increase the school attendance percentage for Roma children. Activities are organized in the form of summer kindergartens, school after school, parents' school. The initiative aims to include 8400 children at risk of abandoning school, dissemination of information and advice for parents, mainly from Roma community, training courses for 420 representatives of the disadvantaged communities. The program is implemented in partnership with the local public administrations, parents' associations and NGOs.

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

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

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

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

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

3.4. The Ministry of Public Health

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

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

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

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

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

3.5. Ministry of Administration and Interior

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

The perpetrators are arrested on the accusation of rape or intercourse with minors of age, but frequently these actions of the police result in prosecution cases with short condemnation. The imprisonment as such do not take place, alternative punishment is favored.

The Ministry does not conduct statistics on the number of arrests related with early marriages.

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

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

The number of distributed questionnaires is 123 (41 counties x 3 institutions), and the readiness to respond of the institutions varied. The most transparent and open institutions proved to be the General Departments for Social Care and Child Protection (33 completed questionnaires, 80,49%), the county school inspectorates (21 completed questionnaires, 51,22%), and the prefectures being less responsive (20 completed questionnaires, 48,78%).

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

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

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

From the 41 counties of Romania (100%) – without Bucharest municipality, 33 completed questionnaires have been returned (80,49%), 8 counties (19,51%) did not answered the request (Iași, Brașov, Vrancea, Gorj, Olt, Teleorman, Ilfov and Călărași).

Public Policies of the GDSCChP regarding the issue of forced/early marriages:

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

- issuing of the marriage authorization for minors between 16-18 years;
- „there are no expressly defined public policies regarding early/forced marriages, only activities in related fields with effects on the issue:
 - o health and well-being of the child;
 - o special protection of the child temporarily or permanently deprived of his/her parental protection;
 - o protecting the child against exploitation, abduction and trafficking;
 - o protection of the child against abuse or neglect”;
- „there is not an objective or a priority need regarding the issue of early/forced marriages at the level of County Strategy for the protection and promotion of children rights for 2009-2010”;
- during the assessment of the application of the 16 years minor for disposal to marry the institutions – according to art. 4 Family Code – examine the following:
 - o the existence of coercion of any kind on the minor applicant;
 - o level of awareness on the responsibilities incumbent on minors when married, the roles within the family;
 - o information and advice (if the case) regarding hormonal, physical, emotional changes occurring when a child is born;
 - o information and advice on further school studies of the minor applicant (if the case);”
- counselling on issues such as: what is marriage, couple relationship, rights and duties of spouses, necessary income sources, money management, conflict management in order to prevent domestic violence, parental responsibilities, family planning;
- action plans for improvement of situation of the Roma community: community development, communication and civic participation, protection and promotion of children's rights, preventing discrimination of Roma in social services; access to healthcare and education for Roma persons; awareness raising campaigns in order to prevent abuse, neglect or abandonment of children; debates on early/forced marriages;
- Buzău county: starting from 2005 partnerships were set up between local authorities having tasks in monitoring risk situations and the police forces in order to stop the early engagements of minors and pregnancy at young ages; in 2008 the police forces compiled 30 criminal records (finalized with penal fines or convictions with suspended sentences); close monitoring of Râmnicelu commune with a major Roma community practising early marriage of children at very young ages;

In conclusion: there are no national public policies and/or programs to prevent early/forced marriages, the major part of the developed activities consists of evaluation of the applicants to issue/refuse the issuing of authorization to marriage and counselling and informing the minor applicants and their families. The small number of targeted activities were in those communities where the early/forced marriages were very well presented and covered in the mass media (for ex. Râmnicelu, Buzău and Brateiu, Sibiu county).

Preventive actions and measures of the county institutions:

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

- periodical preventive activities consisting of distributing informational leaflets on the legal consequences of early/forced marriages;
- partnerships with local public institutions, Roma and non-Roma nongovernmental organisations;

- individual and group counselling meetings and debates with local Roma leaders on the protection and promotion of children rights;
- informational activities in Roma communities in order to harmonize the specific cultural and moral values with the legislative aspects of protection of children's rights (access to education, preventing poverty and labour exploitation);
- psychological evaluation of young minor girls who applied for the authorization to marriage; counselling on issues such as: conflict management, domestic violence, family planning, communication;
- mediatization, informing and public awareness raising on children's rights;
- parental education, individual and family counselling;

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

In the view of the county departments the early marriage is considered the marriage concluded between 16-18 years. Due to the fact that according to the Romanian legislation the legal age for marriage is 18 – with authorization and parental consent at 16 – a special attention is given only to those specific cases that were extensively presented by the press and not generally to the phenomena of „marrying” the children at very young ages still used in the traditional Roma communities. It is considered by these institutions as being a criminal offence that should be dealt with by the office.

Approaching the issue of early/forced marriages: prevention or punishment?

The major part of institutions (78,79%) considers that the issue of early/forced marriages should be approached by prevention and 18,18% of them consider that both prevention and punishment should be used depending on every specific situation.

Prevention methods:

- professional intervention of local authorities (school, church, Mayor's Office, doctors, Police) in offering advices regarding the legal, social, health and emotional aspects of early marriages for every category of persons (parents, children, grandparents, teachers, etc.) and in supporting the families;
- close monitoring at local level and involvement of the local community in finding appropriate solutions for each case;
- counselling and protection of the minor child involved in concubinage;
- educational activities; parental education (Parents' school); extracurricular activities involving multidisciplinary teams (school mediators, schoolmasters, doctors, representatives of the GDSCChP, psychologist, social assistants, lawyers);
- awareness raising campaigns on the effects and consequences of early marriages;
- programs run by NGOs;
- promoting models of successful Roma women in different domains: education, family, career as reference for the local community;
- round tables, debates, seminars with the participation of Roma leaders, representatives of churches, psychologists, doctors in order to debate how to respect traditions regarding marriage and the rights of children giving them a chance for education and social inclusion;
- exact records of girls older than 12 years;
- planning familial activities in schools;
- monitoring school performance of children from the secondary school;
- existence of counsellors, social assistants, psychologists in every school;
- compulsory education up to min. 10th grade;

Punishment:

- introduction in the legislation of punishments for the parents who for various reasons are forcing their children to marry at a very young age;
- punishment of violation of the existing mandatory legislation (Criminal Code, Family Code, Law no. 272/2004, etc.);
- punishment of infringements if the child's rights to grow by his/her parents, right to education, health, freedom of expression, private life;
- punishment of the major partner and of the parents or legal guardians of the minor child;

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

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

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

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

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

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

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

Reasons of refusal of issuing the authorization:

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

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

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

At the GDSCChP there is no exhausting evidence on pregnant minors under 18 years but the cases reported directly to these institutions. An other evidence is being held by the County Healthcare Departments and/or by the local social assistance and protection services at the local authorities.

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

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

Who should perform actions to prevent early/forced marriages?

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

According to the opinions expressed:

- the local community should develop and run activities in order to prevent early/forced marriages, being the body that best knows the issues related to ethnicity, tradition, religion, level of education, and material situation of its members;
- the marriage is based on the consent of both parties, so a marriage cannot be forced. The young Roma children are living together in concubinage forced by their parents.
- the obligation should be included in the mandate of the guardianship authority within the mayors' offices;
- the obligation should be imposed to the County Healthcare Department through the health mediators, due to the fact that this issue is one of healthcare also, and it is very frequent in the Roma communities;

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

According to them:

- on the ground of their long term experiences GDSCChP should run prevention activities;
- county institutions should cooperate with other bodies in order to promote the rights of children to education, development and in order to realize activities to reduce and eliminate the causes which can lead to early marriages;
- the prevention activities would be more effective if they are realised in partnership with social care institutions, educational bodies, nongovernmental organisations, local social care and protection services, social assistants, psychologists, lawyers, teachers, medical staff;

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

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

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

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

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

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

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

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

4.2.The County School Inspectorates (CSI)

The County School Inspectorates are specialised bodies at county level of the Ministry of Education, Research, Youth and Sports acting for the implementation of the educational objectives provided by the Law of Education in the field of pre-university education.

During the research questionnaires were sent to all the institutions. Only (51,22%) of them have responded to the request. Those local bodies who did not answer the PEL’s request are from the counties: Botoșani, Suceava, Neamț, Iași, Bacău, Vrancea, Buzău, Brăila, Ialomița, Ilfov, Prahova, Teleorman, Vâlcea, Mehedinți, Caraș-Severin, Alba, Mureș, Sălaj and Arad (48,78%).

The questionnaires included 12 questions related to:

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

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

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

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

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

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

- introduction of Romani language studies where it has been asked;
- monitoring of school structures with drop-out cases;

- changing of teachers' behavior in their relationship with the students towards tolerance, understanding, etc.;
- mentoring meetings with parents and visits in the community;
- involvement of the students in different projects where they can benefit of different services (scholarships, hot meals, extracurricular activities, school supplies, etc.);
- committees for the prevention of school failure and drop-out in the schools (Hunedoara county);
- school mediators;
- extra education plans (school after school);
- establishing and functioning of day-care centres;
- activities in partnership with the local police forces for the reintegration of students who committed criminal acts, had serious behavioral deviations, high rate of absenteeism, etc.;
- support for students in risk situation / with behavioral deviations to their reintegration in the class;
- continuous professional training for educators, teachers, etc.;
- reserved places for Roma in highschoools;
- organising contest of the Romani language at every level (local, county, national);
- county strategies regarding Roma situation improvement;

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

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

Project of NGOs:

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

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

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

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

4.2.The County Offices for Roma Issues (CORI)

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

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

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

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

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

Project:

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

Conclusions:

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

5. NGO Projects, Programs, Studies, Researches on Forced marriages

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

Among the most relevant contributions of the civil society, the project team has retained the following:

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

The report registers the result of the research realized in 11 counties of Romania and reveals the low degree of education and the survival of the traditional model of early marriages and early birth giving.

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

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

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

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

The innovative dimension of this report consist in the attempt to clarify the distinction between the different types of marriages involving minors of age: arranged marriages, forced marriages and early marriages. Each type of marriage is described through case studies and interviews. The report's conclusions stress on the need for common action of the Roma community and the state authorities to support Roma children to enjoy all their legal rights and to target parents through advocacy campaign in order to make them aware of the need to give priority to the highest interest of their children.

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

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

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

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

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

Interviews of our project team in the same community in 2010 in the frame of the current project are in the respective chapter of the survey.

“Early pregnancy and early marriage in the case of the Roma girls” by Laura and Mihai Surdu

This Report has been released on behalf of the Educatia 2000+ Center, Bucharest in 2005 and registers cases of early marriages in traditional Roma communities. The project concludes with recommendations for public policies.

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

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

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

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

6. The attitudes of the religious denominations regarding early marriages

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

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

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

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

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

But, interviews have revealed that in many cases it is up to the pastor of the church, if he agrees to bless and marry girls and boys under the statutory age for marriage. In some Roma communities conflicts have even occurred between the believers and the priest, if he refused to marry the couple of minors before they turned the age of 16 for girls and 18 for boys.

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

7.1. Short description of the interviews

The questions of the interviews were aimed to help the project team to correctly assess how traditional Roma persons perceive the early marriage issue, how the marriages are performed, what is the age of the children promised to each other, who makes the decisions related to early marriages and on what grounds, and what is the age of the children

getting married. Specific questions were directed to clarify if the marriage takes place effectively on the wedding night, with a sexual intercourse.

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

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

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

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

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

- In the Turkish Muslim Roma community 9 interviews were carried out. All of the respondents were men aged between 29 and 53.
In the Kaldarashi community 6 interviews were carried out, three of them being women age 16, 29 and 79 and three men age undeclared, the other's being 28 and 31.
- In the Bear Leader's group, 3 interviews were carried out, all of the respondents being men, aged of 36, 38 and 68.
- In the Rudari community we had 1 woman respondent, aged of 35
- In the Fiddler's (Lăutari) community we had 1 women respondent aged of 44

In the Region of Muntenia 10 interviews were carried out, 5 in the Galati County and 5 in Buzau

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

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

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

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

- In the Kaldarashi community respondents were 2 men age 27 and 56, and 5 women age between 28 and 53
- In the Gabor community respondents were 6 women age between 15 and 58 and 2 men aged being 28 and 59
- Three in the Craftsmen community 2 women, age 38 and 17 and 1 man age 23

7.2. Early/Forced marriage patterns in the interviewed communities

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

7.2.1. Early/Forced marriages in the Kaldarashi community

Interviews which were carried out in the Kaldarashi community from the region of Transylvania (County Sibiu) show a high degree of unanimity of the respondents, on the basic criteria of choosing the partners. The rituals, values, power relations are clearly defined and known by all the members of the community, no matter their age, gender or position in the family.

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

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

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

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

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

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

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

The boy's parents will pay for the wedding, but the girl's dowry is also very important. On the wedding night the consummation of the marriage will take place. The bride will move to their parent's in law who will teach and help her to be a good wife. If it is found out, on the wedding night, that the girl was not a virgin, than damages must be paid to the parents of the boy for the shame brought on their son (this usually contains of the sum that the boy's parents has spent for he wedding). The shame suffered by the girl's parents is deep, they will be punished and ridiculed in the community. In their opinion the time from the engagement until the wedding is the period when the two have the chance to spend more time together and get to know each other better. If after the wedding the young couple cannot live together they have the opportunity to divorce.

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

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

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

In the opinion of the members of this community the abolishment of the early marriages can be gained throughout time, prevention and counselling, target group being the elders of the community. Penal punishment as instrument of education is totally rejected.

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

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

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

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

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

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

Respect for the women evolutes with the age. The girl obeys practically to everyone in the family, including the younger male brothers. The young bride has almost the same subordinated role as a girl, except in front of her children.

Moreover, the bride has to take over and to respect all the customs of the husband's family. When the woman becomes mother in law, she advances to a higher respect and influence position in the family, sometimes superior to her husband's status.

Respondents have all stressed the importance of the family. They are proud of the fact that Kaldarashi do not abandon their children, which are "precious", "little Gods", cherished as a symbol of purity. Members of the group who marry outside the community are to be banned for life.

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

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

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

7.2.2. Early/Forced marriages in the Gabor community

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

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

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

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

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

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

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

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

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

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

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

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

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

The early marriages results mainly the school drop out of the girls, some do not even attend any classes, while the boys are allowed to graduate five or even eight.

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

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

7.2.4. Early/Forced marriages in the Bear Leaders' community

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

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

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

The answers reveal that in this community the girls have more freedom, for example they are let to go to school and even graduate high school, but even after finishing more classes they are bound to stay home, take care of the children and run the household and do not have a chance to work.

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

7.2.5. Early/Forced marriages in other Roma communities

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

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

The degree of school drop out in these communities is not related to early marriages, but more to poverty, due to the fact that the income of these families come from seasonal work.

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

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

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

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

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

The person who decides in the family is the father with the approval of the elders. The young bride or the mother has no decision making power within the family, her only role being running the household, rising the children and obeying her husband. Early marriage unions are a practice for keeping the group closed and compact. Promising the children to each other at an early age (between 2 and 8) than marrying them at the ages of 12 -15 is important not only for the cohesion of the group, but also for wealthy families keeping the wealth in the community.

The main troubles related to early marriages in traditional Roma groups are, the school drop out, mainly, for the girls (many of them not even attending school) and early pregnancies. The age when these girls have their first child is between 12 and 14. The children are never abandoned and so, not factor for child trafficking. But the questions remains about the internal "trafficking" of the children, related to the old rituals of "soling" them and imposing on them a destiny out of their own control.

The interviews made in wealthy communities lead us to conclude that these individuals consider this tradition as a positive one and believe that this is a way for them to keep their children, mainly girls, away from harmful experiences. It is believed that if they have the chance to go to school, they might have harmful experiences that might lead them to loose their identity as a Roma.

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

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

8. General Conclusions

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

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

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

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

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

The Roma associations and the human rights group have already produce extensive studies, researches and have provided for recommendations for public policies, but the state institutions are inertial in implementing those propositions and recommendations.

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

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

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

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

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

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

Smaranda ENACHE, Judit Andrea KACSO, Katalin SZIKSZAI