

**RACIAL DISCRIMINATION, DEPRIVATION,
SEGREGATION AND MARGINALISATION AS
A REINFORCEMENT OF THE PRACTICE OF
CHILD MARRIAGE**

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This research have been funded through the **European Roma Rights Centre Gender Equality Research Fellowship**, a unique program that provides financial and technical support for activists working at a local level to conduct research on Roma gender equality issues.

The content of this report is the sole responsibility of the author. The views expressed in the report do not necessarily represent the views of the European Roma Rights Centre.

Table of Contents

1 Acknowledgements	5
2 Introduction	7
3 Research Methodology and Description of the Research Locations	9
3.1 Background Information of the Locations: Banloc Village and Terni	10
3.1.1 Banloc	10
3.1.2 Locations in Italy	11
4 Legal and Policy Background	13
4.1 International Legal Standards for Marriage	13
4.2 National Legislation	14
5 Factual Situation in the Two Locations	17
5.1 Marital Practices	17
5.1.1 Age of Marriage	17
5.1.2 Consultation With Children About Their Marriage	18
5.1.3 Virginity Testing	19
5.1.4 Awareness About Legal Age of Marriage of Roma People	20
6 Consequences of Child Marriages in Banloc	23
6.1 Education	23
6.2 Employment	25
6.3 Reproductive Health	26
6.4 Domestic Violence	27
7 Criminal Liability for Child Marriage?	29
8 Conclusions	31
9 Recommendations	33
10 Annex 1	35

1 Acknowledgements

I would like to thank everybody who contributed to my education, especially my mum and sisters for their moral and financial support. My mum did not attend school, but she knew how to pass on her moral values and traditional education. She struggled to give me and my sisters the chance to have a different life than she had and she gave us rights in our family. My mum always told us that with education you can have a better life. I would like also to thank Ostalinda Maya Ovalle and the European Roma Rights Centre for giving me the opportunity to talk about the real situation of my people through this report.

2 Introduction

I am part of a segregated Romani community. My mother did not attend school and my father only attended four grades. When I went to school I only knew a few words of Romanian, which I learned from my older sisters who already attended school. School was a struggle for me because my classmates used to frequently to grab my hair and shout *tiganco*¹ at me. I wanted to show them that I could get good results. My place was in the last row in the class and I had a classmate there, a Romani boy, who only attended school for two years; when he finished the second grade, he stopped.

When I finished eight grades of school, I was supposed to marry, but for me school had become a priority. I had the support of my sisters and my mum, who had fought with my father and other men in my family for me to have the right to study and not to marry, against their will. Thanks to their fight I received a voice in my family, and I had the chance to choose between school and marriage. However, most Romani girls from traditional and segregated communities do not have their fundamental rights respected, their voices are not heard and they are pushed to be victims of child marriage, and suffer from its consequences for their entire lives.

While I finished my studies, my cousins and friends had to leave school and accept the fate of many Romani women. Several generations of ethnic Roma children have been victims of forced and early marriage in my community, under the pretext of culture and tradition, and because of the lack of implementation of the law outlawing it as a result of authorities' ignorance and disinterest. The consequences of discrimination and the practice of forced and child marriage have left their mark on the physical and mental health of many Romani women and children, as well as on the economic and social status of the entire community. The low social status and lack of agency of Romani women make it difficult to reach them and help them escape their fate.

Most Romani people in my community² live in deep poverty. Many families cannot find a way to survive. Sometimes adults have nothing to eat for days at a time, and when they find food in the rubbish, they try to divide it between their children. During the winter there is no source of income. Romani people cannot borrow money, as they often lack stable employment or other ways to repay a loan. Many of them ask for help from Romani who have immigrated to western European countries, but those families also face difficult economic situations. Some of the families receive social welfare; some families receive children's allowances from the state, while the others have no income. Some *gadje* (non-Romani persons) give food to Romani families to help them survive, and those families must work in the spring, in agriculture, in exchange for the food received.

Romani girls and women face multiple discriminations on the basis of gender and ethnicity as well as other factors such as social status and the social exclusion of women inside and outside the community. This leads to serious health and economic consequences for Romani girls and women who are victims of child marriage. Their fundamental rights are violated from authorities, their non-Romani neighbours, and even their own families often treat them as if they do not deserve human rights.

Being part of this community I have seen a great need to empower Romani girls and all Romani children so they understand their fundamental human rights and understand they have the opportunity to choose a different path than early marriage, such as studying.

1 *Tigan/co* is a pejorative name to Roma people in Romania by the majority population in Romania.

2 My community, location: Western part of Romania, Timis county, the village is named Banloc

I feel blessed. I had the opportunity to finish school and for this I feel a moral duty to Romani girls, children and women in my community. I want to help them to no longer be victims of child and forced marriage and no longer be excluded from society. I want to support them and help them exercise their rights; I want a better life for them, a normal life.

3 Research Methodology and Description of the Research Locations

I carried out the research for this study between June 2011 and February 2012, in seven stages: I carried out a legal and policy review looking at international standards and domestic legislation related to the legal age of marriage and child protection.

I conducted field research in two locations in Romani communities belonging to the Giambas group.³ I carried out 89 interviews in Banloc, Romania. The age of the people interviewed was between 12 and 67 years old. I conducted a further 16 interviews with migrant Roma in Terni and Fornole, Umbria region, Italy with⁴ children (18 and under) and adults were taken between June and July, with written consent given by the interviewees.

Table 1: Interviewees of Roma ethnicity

Location	Women	Girls (18 and under)	Men	Boys (18 and under)	Total
Locations in Italy	8	4	2	2	16
Banloc	36	30	11	11	88
Total	41	37	13	13	104

In addition, I conducted 25 interviews in Romania and Moldova with relevant stake-holders including:

- Four interviews with child protection specialists including a psychologist, lawyer and community spokesperson;
- Nine interviews with local authorities including a mayor, school director, family doctor, social worker;
- A professor of religion, a professor of the Romani language, a priest and a Roma Judge or *Krisinari*
- Seven interviews with NGO staff members;
- Three interviews with gender specialists, including a human rights adviser from UNDP Moldova and a gender specialist and program analyst from UN Women.

The total number of interviews carried out was 129.

Table 2: Interviewees with authorities and experts

Authorities and experts interviewed:	Numbers of Interviews
Child Protection Specialists	4
Local Authorities	9
Priest	1
<i>Roma Krisinari</i> ⁵	1
NGOs and Roma mediators	7

3 The Giambas Roma is a subgroup of Roma living in Romania, Macedonia and elsewhere. Giambas speak the Giambas dialect of Romani, and their traditional work is horse-breeding and horse-trading.

4 The field research was based on qualitative research making use of a questionnaire. The interviews in Romania were conducted between August and November 2011; the interviews in Italy in June and July 2011. All interlocutors gave their consent in writing that I can use the interviews for this study.

5 Roma Krisinari, a community Roma Judge. In Romani traditional communities a male is designated as a Krisinari to solve the community's problems.

Gender experts	3
Total	25

A community action⁶ was carried out in Banloc on 15 November 2011, with the aim of raising awareness about child marriage, about legal international and national standards and about the consequences of child marriage. The event was attended by Romani women, men and children, as well as two NGOs,⁷ a mediator, Romani students and a representative of child protection services. A school director, family doctor, Romani language teacher and a priest participated as representatives from local authorities. A social worker, the mayor and police representatives were also invited, but they did not attend.

On the basis of the legal and policy review, the field research and my own experience, this research report was drafted between November 2011 and February 2012.

3.1 Background Information of the Locations: Banloc Village and Terni⁸

3.1.1 BANLOC

Banloc is a village located in western Romania, in Timis County.⁹ According to the most recent census, which took place in 2002, the total population of Banloc is 4,543, of which 290 people are Roma from the Giambas group; other minorities include Germans, Hungarians, Serbs and Ukrainians.¹⁰

High levels of unemployment and poverty are widespread among Roma in Banloc. Just four Romani people have formal employment: three men working in factories and a woman working as a teacher of Romani language in the school. As in the rest of Romania, Roma in Banloc face widespread exclusion, living in segregated and poor conditions, and most do not have running water or electricity. According to the Romani expert working for the Banloc municipality, 11 Romani people have no identity documents.

In Banloc there are high levels of school drop-outs, and in many cases children do not even finish the first year of school. Of 36 Romani women interviewed, 26 had never attended school, two had not finished any grade, six had not finished primary school, one had finished primary school and one had started but not finished secondary school. Only one Roma person from this village a Romani woman finished university, and in fact, 80% of adults are illiterate.¹¹

In terms of health status, a local doctor confirmed that “Roma people are the most vulnerable people in this community; most of them have psychological, mental and many other chronic and very grave health problems. Half of the Roma adults from Banloc village suffer from chronic or serious health conditions such as liver cancer, brain tumours, lung cancer and chronic heart disease; 10% of Roma people (children, women and men) suffer from mental health problems and many of them have behavioural disorders.”¹²

6 Community action event was reported in the local media, see <http://www.studiob.ro/index.php/stiri/stiri/4156-dezbatere-impotriva-cstoriilor-timpurii-ale-copiiilor-romi.html>; and <http://www.tion.ro/copiii-romi-din-timis-invatati-sa-nu-se-mai-casatoreasca-timpuriu/1011579>.

7 Roma NGO's: Romani Women Association for our Children and Pakiv Association.

8 Information about the location where Romani people from Romania emigrated who were interviewed for this report is available at: <http://www.italyworldclub.com/umbria/>; <http://penelope.uchicago.edu/Thayer/E/Gazetteer/Places/Europe/Italy/Umbria/Terni/Amelia/Fornole/home.html>.

9 See: <http://www.cjtimis.ro/uploads/files/Mic%20Atlas%20al%20Judetului%20Timis/RO/114-116%20Atlas%20Ed%20II%20-%20Banloc.pdf>.

10 Romanian census in 2002, available at: http://ro.wikipedia.org/wiki/Comuna_Banloc,_Timi%C8%99.

11 Interview with Roma expert from Banloc Municipality, 15 November Banloc, Romania.

12 Research done by a local family doctor who shared the data collected at the event community action; General School Anghel Saligny 25 November 2011, Banloc, Romania.

Most Romani families survive by collecting scrap and from the earnings sent back by family members who have migrated to Western Europe.

3.1.2 LOCATIONS IN ITALY

Terni is a small city and Fornole is a village in the Umbria region in Italy, where Giambas Roma from Romania migrated in the 1990s. The first wave of Roma who immigrated from Banloc to Italy consisted of a few people escaping poverty and social exclusion. After a few months they returned to their country to bring their families with them. Today 46 Romani people are living there.

When they first arrived, Italian society was more favourable and friendly towards Roma. The Catholic Church and Caritas¹³ gave them support, treating them like any other group of legal immigrants in Italy. Romani people benefited from a free Italian language course, and twice a week they received material aid. Their children benefited from free school preparation courses and additional courses after school for those who needed them. They were integrated into schools.

Adults received an Italian language course and were assisted in finding a job. During that time employment for men was primarily available in the construction sector. Romani women found it easier to integrate in to the labour market, as care-givers working with the elderly and as domestic workers. Thanks to the help they received from charities and the state through social workers, they were able to integrate into the local community. Some Romani women became retail workers and hairdressers, and some Romani men set up their own businesses buying and selling cars or were employed as drivers, distributing goods to shops. It was more difficult, however, for local authorities to integrate Romani men into the labour market due to the men's low levels of education. One of the most successful cases was that of a Romani man who collected and sold antiques and horses in Romania.¹⁴ His experience in Banloc helped him to become successful in Italy. He managed to partner with an Italian citizen, and developed a successful antiques business.

Today, all of the Romani migrants from Banloc are well-integrated into society. All of them are legal residents with legal documents. Some of them are home owners, while the others live in rented houses. They live in normal houses with Italian citizens as neighbours. Their children are all attending school or kindergarten; in the year the research was carried out two children (a girl and a boy) finished high school. The people in this community were able to exercise their fundamental rights as a result of the policies adopted by the local authorities. This changed their lives and, as will be explored later, their perceptions about culture and tradition. Romani women managed to overcome stereotypes and cultural practices, such as having to stay at home or in the community, giving birth to and taking care of many children and doing all the housework. After arriving in Italy, women were able to access the labour market and integrate into the local society.

Out of 10 interviews with adults, eight were formally employed and two were working informally. All the adults interviewed who had a formal job were female. Informal conversations revealed that this pattern extended to the rest of the community, which made women the reliable breadwinners in the household. This new position completely changed the perception of women's capacity and strength in the community. The Romani women in this community were empowered by the Italian state which recognized their fundamental rights by offering support which enabled them and helped them integrate into the local community. As a result, the Romani women began to exercise their rights within their families as well. In this community, Romani people have been treated as equally as any other legal immigrant population in the Italian State.¹⁵

After 13 years in Italy, with equal access to all spheres of social life and with equal rights between Romani men and women, there are girls in their twenties who are choosing to wait before getting married, taking driving lessons and working in stable,

13 Caritas is an international Catholic charity organisation.

14 Interviews with a Roma men, June 2011, Italy.

15 Due to an agreement between the Italian and Romanian state, Romanian citizens are allowed to stay in Italy for three months with a valid visa. The Romani immigrants from Banloc travel back and forth to keep their status as legal migrants.

paid jobs. The Romani group who left Banloc 13 years ago no longer practises forced and child marriage; their children have the right to decide about marriage. They give great importance to school and professional training.

Many interviewees emphasised that it is necessary to stop the practice of child and forced marriage in Romani traditional communities if people really want their children to have a better future, but they agreed that first, Romanian society must offer them equal access to human rights.¹⁶

¹⁶ Interview with eight Roma Women's, July 2011, Italy. The need for changes in traditional communities in order to stop the practice of child marriage and information about how to access full fundamental rights.

4 Legal and Policy Background

4.1 International Legal Standards for Marriage

Child marriage represents perhaps the most prevalent form of sexual abuse and exploitation of children, particularly girls.¹⁷ According to Article 1 of the Convention on the Rights of the Child (CRC), a child is defined as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”¹⁸ A child marriage is defined as any union in which one or both of the partners are younger than the legal age allowed for marriage.¹⁹ A forced marriage is defined as the union of two persons of any age, in which at least one of whom has not given their full and free consent to the marriage.²⁰ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW or Convention) Article 16(2) bans child marriages, stating: “[t]he betrothal and the marriage of a child shall have no legal effect.”²¹ It further requires that States enact legislation and other necessary measures “to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.” Concerning the discriminatory effects of child marriage, Article 16(1)(b) of CEDAW requires States to ensure equality between men and women in the enjoyment of “[t]he same right freely to choose a spouse and to enter into marriage only with their free and full consent.” The Committee on the Elimination of Discrimination against Women (Committee) monitors State compliance with CEDAW. Its General Recommendation No. 19 notes: “[W]hen minors, particularly girls, marry and have children, their health can be adversely affected and their education is impeded. As a result their economic autonomy is restricted.”²² General Recommendation No. 21 also states: “[A] woman’s right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being.”²³

Under Article 3 of the CRC, States Parties must “ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.”²⁴ Article 12 states that “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.” Article 24(3) calls on State Parties to “take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.” Finally, under Article 27, “State Parties recognize the right of every child to a

17 UNICEF, *Child Protection Information Sheet*, available at: http://www.unicef.org/protection/files/Child_Marriage.pdf.

18 United Nations, Convention on the Rights of the Child, Article 1, available at: <http://www2.ohchr.org/english/law/crc.htm>. Many European states apply graded legal definitions of adulthood, where the age of majority is between the ages of 16 and 18. For the purposes of this report, child marriage is considered to be any act constituting a traditional or legal marriage involving one or more persons below the age of 18 unless the legal age of marriage is lower in national law.

19 Council of Europe, Parliamentary Assembly Resolution 1468 (2005) on Forced marriages and child marriages, available at: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/ERES1468.htm>.

20 Council of Europe, Parliamentary Assembly Resolution 1468 (2005) on Forced marriages and child marriages, available at: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/ERES1468.htm>.

21 United Nations, *Convention on the Elimination of All Forms of Discrimination against Women*, Article 16(2), available at: <http://www2.ohchr.org/english/law/cedaw.htm>.

22 United Nation, General recommendations made by the Committee on the Elimination of Discrimination against Women General Recommendation No. 19 (11th session, 1992), available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>.

23 United Nation, General recommendations made by the Committee on the Elimination of Discrimination against Women General Recommendation No. 19 (11th session, 1992), available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>.

24 United Nations, *Convention on the Rights of the Child*, Article 3.

standard of living adequate for the child's physical, mental, spiritual, moral and social development [and] in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes.”

4.2 National Legislation

Article 16 of the Romanian Constitution of 21 November 1991 provides equality for all citizens before the law and authorities.²⁵ Article 4(2) establishes the non-discrimination principle on protected grounds, including sex and ethnicity. Article 48 establishes equality between spouses in marriage. Article 44 states that the family is founded on the freely consented marriage of the spouses and their full equality, as well as the right and duty of parents to ensure the upbringing, education and instruction of their children. Article 45 further states that “Children and the young shall enjoy special protection and assistance in the pursuit of their rights. [...] Forms of social protection for children and the young shall be established by law. [...] The exploitation of minors and their employment in activities that might be harmful to their health or morals or endanger their life and normal development are prohibited.”²⁶

Under Article 44 of the Family Code,²⁷ married couples have the right and duty to provide for the development, upbringing and education of their children. With regard to minor children, the rights and duties of the two parents are equal. Parents are required to exercise their rights, taking account only of the child's interests and under the supervision of the state, in order to ensure the children's physical, intellectual and moral development.²⁸ In cases of doubt and on application by the authority responsible, a parent may have his or her rights and duties withdrawn by a court “if the child's health or physical development is endangered either by that parent's abusive behaviour or serious negligence.”²⁹

The responsibilities of the authorities of the local administration in the field of the protection of the child in Romania are found in the law on local public administration, which provides that the mayor “ensures the observance of the citizens' fundamental rights and freedoms.”³⁰

Under Article 69 of the local public administration law, in exerting its function of a guardianship authority, the Mayor also acts as a representative of the State. In this context, the Mayor can order the social inquiries concerning the observance of the rights of the child and can conduct primary inquiries for establishing guardianship. Based on the provisions of the Family Code, with subsequent amendments, the Mayor has an obligation to ensure the integrity of the fundamental rights of the children in the community where she or he has been elected to office.

The Romanian Family Code of 4 January 1954⁴⁴ states that the minimum age for contracting marriage is 18 years for a man and 16 years for a woman, with provision for exceptions, subject to a doctor's opinion.³¹ Under Article 10 of the Romanian Family Code, consent must be free and informed and is given in the marriage ceremony. Article 17 of the Romanian Family Code requires the intending spouses to appear before the civil authority to express their consent to marriage publicly and in person. The civil authority will officially record that consent has been duly expressed and will enter the marriage in the register. The marriage record is signed by the spouses and the civil authority.

25 Romanian Constitution, available at: http://www.cdep.ro/pls/dic/act_show?ida=1&tit=&idl=1.

26 Romania Constitution, Article 45.

27 Romanian Family Code, available at: http://www.dsclcx.ro/coduri/c_fam.htm#t1.

28 Romanian Family code, Art 96-98, available at: <http://www.avocatconstanta.ro/wp-content/uploads/2008/04/codul-familiei.pdf>.

29 Article 109 of the Romanian Family Code, available at: <http://www.avocatconstanta.ro/wp-content/uploads/2008/04/codul-familiei.pdf>.

30 Romanian Local Public Administration Law, Law no 215/2001, Article 68. (1) Letter a), available at: <http://www.venice.coe.int/docs/2004/CDL%282004%29115-e.pdf>.

31 Romanian Family Code, ART. 4, available at: <http://www.avocatconstanta.ro/wp-content/uploads/2008/04/codul-familiei.pdf>.

It is important to point out that Romanian criminal law makes no distinction between the public and private spheres. The legislation on assault thus extends to marital abuse. Under Article 180 of the Criminal Law, the penalty for assault and other acts of violence occasioning physical suffering is imprisonment for between one and three months, or a fine. Article 181 provides that actions which cause bodily harm necessitating medical treatment for up to 60 days are punishable by a prison sentence of between six months and three years. Under Article 229, the act of seriously jeopardising by measures or treatments of any kind, a minor's physical, intellectual or moral development, committed by the parents or by any person entrusted with the minor for raising and education, shall be punished by strict imprisonment from three to 15 years and the prohibition of certain rights.³²

Law No. 116/2002 to Combat Social Marginalisation³³ facilitates access to employment, housing, medical care and education, and provides a set of measures to prevent social marginalisation, which stands for the absence of minimum social living conditions. Social marginalisation is defined under the present law as the peripheral, isolated social position of individuals or groups with limited access to economic, political, educational and communicational resources of the collective; it manifests itself through the lack of minimum social conditions of life.

32 Romanian Criminal law, available at: <http://legislationline.org/download/action/download/id/1695/file/c1cc95d23be-999896581124f9dd8.htm/preview>.

5 Factual Situation in the Two Locations

5.1 Marital Practices

There is a striking difference between marriage patterns in the Romanian and Italian locations, including the age of and consent to marriage, and the awareness of the legally permissible and socially accepted age of marriage.

5.1.1 AGE OF MARRIAGE

Romani girls in Banloc are often forced to get married at a very early age. The family/community - in most cases the father decides when a Romani girl will marry, to whom and what price should be paid by the groom's family.³⁴

Table 3: Marriage Age in Banloc

	Number of interviews	Age of marriage 12	Age of marriage 13	Age of marriage 14-15	Age of marriage 16-17	Age of marriage 18	Age of marriage 19-25	Age of marriage 25+	Not married
Women	36	8	12	13	2	0	0	1	0
Men	11	0	3	3	3	2	0	0	0
Girls ³⁵	30	1	7	12	0	0	0	0	9
Boys	11	1	0	4	0	0	0	0	6

Of the 88 interviewees in Banloc village, only three people reached the age of 18 without being married: two men and a woman. Of the 36 interviews conducted with Romani women, eight were married at the age of 12, 12 were married at the age of 13, 13 were married between the ages of 14 and 15 and two were married between the ages of 16 and 17. One Romani woman was married at the age of 27. Of the 30 interviews conducted with Romani girls, one girl was married at the age of 12, seven were married at the age of 13, 12 were married between the ages of 14 and 15, one did not know how old she is and how old she was when she got married, and the remaining nine girls between the ages of nine and 12 were not married. This indicates that among the younger generation there has been a slight increase in the age of marriage. However 21 out of 30 girls were married before reaching the age of majority and the other nine girls still face the risk of child marriage if their parents decide to marry them and if the authorities do not take any action to prevent this practice.

The problem of early marriage also affects Romani men and boys. They also frequently must abandon school, not take up formal employment, and they become dependent on extended family in a way which hinders their possibilities for full development.

33 Law Nr; 116.2002 to combat social marginalization, available at: <http://miris.eurac.edu/mugs2/do/blob.html?type=html&serial=1039011147373>.

34 Data was not collected regarding the age of engagement. One interviewee mentioned that the age of her engagement was three years old, however this is not typical.

35 One interviewee did not know how old she was and was therefore unable to respond to this question.

Table 4: Marriage Age in Italian locations

	Number of interviews	Age of marriage 12	Age of marriage 13	Age of marriage 14-15	Age of marriage 16-17	Age of marriage 18	Age of marriage 19-25	Age of marriage 25+	Not married
Women	8	0	1	2	2	0	0	0	3
Men	2	0	0	1	1	0	0	0	0
Girls	4	0	0	0	0	0	0	0	4
Boys	2	0	0	0	0	0	0	0	2

All the cases of early marriage among the interviewees located in Italy were between people that married in Banloc before migrating. From 16 interviews conducted in Italy, 10 people were adults: eight women and two men. Of these, five women and two men married as children, between the ages of 13 and 17, when they lived in Romania. Three Romani women in Italy (aged 35, 23 and 21) are not married. One woman is divorced and is raising two children alone. In Banloc village, none of the Romani women are divorced or separated from their husbands.

A woman who is not married said: “First I have to find a good living for myself, then find a man and fall in love, a man with whom I must feel is the only one to share everything from my life, it is not easy to find someone like that nowadays and for this reason I am not married.”³⁶

Patriarchy – in the sense of families headed by strongly authoritarian male figures who take all key decisions on family affairs -- and gender discrimination, age and social hierarchy are deeply rooted in the Romani community from Banloc. As a result, Romani women and girls depend on men, including their husbands, fathers and other men from the community, such as uncles or the community Roma Judge, or Krisinari, in every sphere of their life.

5.1.2 CONSULTATION WITH CHILDREN ABOUT THEIR MARRIAGE

Table 5: The consent for people interviewed marriage

	Women			Men		Girls			Boys		
	Yes	No	Kid-napped ³⁷	Yes	No	Yes	No	Not married	Yes	No	Not applied
Banloc	9	24	3	8	4	7	14	9	4	1	6
Italian locations	Women			Men		Girls			Boys		
	3	2	0	0	2	0	0	7			2

³⁶ Roma woman interviewed, July 2011, Italy.

³⁷ “Kidnapped” in the current context means, the bride is taken away from her family by the groom with the assistance of the groom’s family. This happens when the two families cannot reach an agreement. There are two types of bride kidnappings: one where the girl is stolen without knowing or giving consent to the groom’s plans, the other where the couple make a decision to run away and live together. In both cases after the first night of the kidnapping, the children are considered husband and wife.

As established by national and international law, a child younger than 16 cannot consent to marriage.³⁸ However, it was important to ask all married interviewees, including those under 16, if they had been consulted about the decision to marry, and if they had been favourable to the idea, in order to understand the reasons why a girl or a boy may “want” to get married. In the case of the girls, the reason quoted for “consenting” was often an understanding of the high level of poverty in which her family lived and the financial benefit that her family might gain if she got married.

One 14 year old girl in Banloc village said, “I chose to marry last year when my parents told me that the groom’s family was a good family because I’m aware of the bad social conditions of my family; I wanted to give them a hand to raise my brothers so I chose to marry because of this. My dad received good money for me. I thought it is better to go, maybe I will have also a better life and maybe I can send some money or something home. I thought that after some time I could take one of my brothers with me. I think this was my only chance to really help my family.”³⁹

When Romani girls and women explained their specific reasons for getting married early, they often talked about protection and provided an economic reason. However, when asked more generally “Why do Romani marry early?” the answer in the majority of cases was tradition.

The Roma Judge also showed awareness of the socio-economic reasons that lead to child marriage in the Romani community: “Our living situation is that we live in barracks; our children face discrimination at school, they only reach third or fourth grade and even then are not able to read or write; nobody gives us a job because we are not educated and we smell. This practice in many cases saves the entire family from hunger. We Roma men are criticised, but nobody is in our situation to understand our responsibilities toward our families, tradition and communities. I am open to not marry my children early if the society makes no difference, if we are considered equal for any type of services, if morality and racial discrimination cease to exist in the Romanian society.”⁴⁰

In the case Roma from Banloc, 24 adult Romani women out of 36 (67%) were not asked whether they agreed or did not agree to their marriage. Instead, a family member decided when they should marry. 33 out of the 36 adult Romani women interviewed married while under the age of 16. 14 out of 30 Romani girls (46%) said they agreed to their marriage.

In the case of men, four out of the 12 interviewed did not agree to their marriage; while for Romani boys, just one out of 11 did not agree to his marriage. Comparing the findings of Romani women and men, and girls and boys, there is a gap between the rates of agreement to marriage, showing gender discrimination in the community.

Romani women and girls in Banloc are typically seen as the property of somebody else who can decide their future. The men from the girl’s family and indeed, her entire family, can decide who she will marry and when, and her bride price, while her husband can decide how many children she should have.

In the case of Roma in Italy, the actual situation indicates a lack of support for the practice of child marriage, as none of the girls or boys are married. When asked at what age they would choose to marry, all males said after 18. In the case of girls, most of them said that they wanted to marry after they were 20 years old so that they could finish their studies and find employment before they got married.

5.1.3 VIRGINITY TESTING

In the Romani community in Banloc children are pushed to have sexual relations after the marriage ceremony and the girls then undergo a virginity test, an intrusive and in most, if not all, cases, degrading practice. In Banloc, Roma use only

38 Council of Europe, Parliamentary Assembly Resolution 1468 (2005) on Forced marriages and child marriages, available at: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/ERES1468.htm>; Romanian Family Code, ART. 4.

39 Interview with a Roma girl of 14 years old, 14 September, 2011, Banloc, Romania.

40 Interview with Roma Judge or *Krisinari*, Timisoara, 10 November, 2011.

one modality of virginity testing: the bed sheet. The virginity of the bride is ‘proven’ by the bed sheet, which must be stained with blood after breaking the hymen. In the Banloc community there are women who perform the virginity test. For Romani girls this is the most important test of their life; it can have a great impact on their lives and puts tremendous psychological pressure on them. Virginity testing focuses the attention of the whole community on whether the girl appears to be a virgin or not. If girls do not “pass” the test by staining the sheet with blood on their wedding night, they are humiliated, mistreated and, in most cases, excluded from the community, along with their entire family. The education of children in the family is considered a woman’s responsibility. As a result, if a girl is not considered a virgin when she gets married, the mother of that girl will lose the respect of the entire community for the rest of her life. The community will believe that the mother did not know how to pass on the oral education about Romani culture and traditions, and she is not considered a Romani woman with traditional morality and respect.

Table 6: prevalence of virginity testing among women and girls

Virginity testing	Yes	No	Not married
Romania women	36	0	0
Romania girls	21	0	9
Italy women	5	0	3
Italy girls	0	0	4

All married Romani girls and women interviewed in both locations say they underwent virginity testing, and they all state that they agreed to it as they consider it an important part of Romani values and tradition.

In the last five years, six girls were accused of not being a virgin: two at the age of 13, one at the age of 14 and three at the age of 15.⁴¹ After those experiences, their families were treated with disrespect and considered without Romani *Pakin* (respect, esteem, trust, faith/belief in God and honour). The mothers of those girls were accused of having lost their Romani identity and of having no knowledge of and respect for Romani traditions and values. The money received for the girls during the engagement (dowry) had to be returned. The families of the girls could not afford to pay for a Romani *Kris*.⁴² They were pushed by their social conditions to accept the situation and allow their daughters “to remain slaves”⁴³ to the grooms’ families.

Those six cases show how economic and class differences in the Romani community lead to discrimination. Girls without economic resources effectively become child slaves.

Girls who do pass the virginity test are expected to grow up quickly, even if they marry at 15 years or younger. After the marriage ceremony, Romani girls are considered adult women, with all the domestic responsibilities. They are prepared for early childbearing and this continues for the rest of their lives. Of the 66 female interviewees, all of them answered that they were solely responsibility for housework. All of the 22 men interviewed responded that women carried out domestic tasks.

5.1.4 AWARENESS ABOUT LEGAL AGE OF MARRIAGE OF ROMA PEOPLE

In Banloc village, 70 out of 88 respondents were not aware of the legal age of marriage in Romania (18 for boys, 16 for girls) and five people did not answer the question. Only 13 people knew the legal age of marriage: five women, three men and five girls; none of the 11 boys knew the legal age of marriage.

41 Interviews and discussions with two elderly Roma women; 5, 6 September, 2011; Banloc, Romania.

42 *Roma Kris* is a traditional judicial system and communitarian reunion, with an unwritten law - distributive justice, mainly intended not to punish the guilty, but to compensate the victim and to secure the reconciliation between the parties and to restore peace and harmony in the Romani community.

43 Interview with four Roma girls who were accused of not being virgins; 10, 12 September 2011; Parta village, Romania.

Table 7: Legal age of marriage according to respondents in Banloc

Ages	Age 14	Age15-16	Age 18	Age 19-20	Do not know	No response
Women (36)	7	8	5	1	11	4
Girls (30)	3	6	55	11	15	0
Men (11)	0	3	3	0	5	0
Boys (11)	0	1	0	0	9	1
Total respondents	10	18	13	2	40	5

In the locations in Italy, all the respondents (16 adults and children) knew the legal age of marriage.

6 Consequences of Child Marriages in Banloc

In addition to violating the rights of Romani children themselves, in most if not all cases, the betrothal and marriage of children creates the conditions for serial human rights abuses. This includes early pregnancies, diminished access to education and, subsequently, less chance of employment. These factors create the preconditions for threats to the right to an adequate standard of living arising from the dependence of the bride on the groom and his family,⁴⁴ as well as a range of other concerns including increased vulnerability to domestic violence.

6.1 Education

In terms of education, the situation is quite different between the Romanian and the Italian locations for those younger than 18. In Romania, 25 out of 36 Romani women interviewed had never been to school, and three of them had once attended but not finished the first grade. In Italy, two out of eight respondents had never been school; both had grown up in Romania. In Romania, four out of 11 men had never been to school. In Italy, only two men were interviewed, one of whom never attended school. Although it is difficult to compare the level of education among adult Roma in the different locations, it's unlikely that there will be major differences as all the adults that are currently living in Italy were in Banloc when they were of primary school age. In the case of the girls from Banloc, five had never attended school and five had not finished the first grade. In the case of boys from Banloc, three had never attended school while five had not finished the first grade. This is in contrast with the situation in Italy where all the girls and boys interviewed are attending school and kindergarten.

In Banloc, one of the 36 Romani women interviewed had finished university, and one out of the 30 girls had finished eighth grade. One of the eight women interviewed in Italy had finished university. One of the four girls in Italy finished high school in the year of the research; the rest were all attending school in the grade corresponding to their age. One of the two boys in Italy was due to finish high school at the end of the year too.

Table 8: Level of education: Banloc, Romania

Categories of interviewees	Have never attended school	Did not finish any grade	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 10	Others
Women (36)	25	3	2	3	1	0	0	0	1	0	0	1 woman finished university
Men (11)	4	0	0	4	0	1	1	0	0	1	0	
Girls (30)	5	5	4	7	5	2	0	1	0	1	0	
Boys (11)	3	5	0	1	0	1	0	0	1	0	0	

⁴⁴ Romani girls are generally expected to move to the groom's house after the wedding and become part of his family. They are also expected to work carrying out domestic tasks and take care of the other children in that house.

Table 9: Level of education: Terni-Fornole, Italy

Categories of interviews	Have never attended school	Did not finish any grade	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 10	Others
Women (8)	2	1	0	2	2	0	0	0	0	0	0	One woman finished university.
Men (2)	1	0	0	0	0	1	0	0	0	0	0	
Girls (4)	0	0	0	1	0	2	0	0	0	0	0	One was in the last year of high school.
Boys (2)	0	0	0	0	1	0	0	0	0	0	0	One was in the last year of high school.

There are a number of obstacles that preclude Romani girls from attending school in Banloc. The primary obstacle is discrimination. Of the 66 Romani women and girls interviewed, 21 dropped out of school as a result of perceived discrimination from other children and teachers.

“How can I send my children to school when my girls went home many times beaten, crying because she did not understand many things and nobody explained it to her, because she does not have any friends there and she feels very bad. Why send her to school if she finished third class without knowing how to read and write?”⁴⁵

Fourteen girls dropped out due to poverty, and 14 to help at home. Because Romani girls are expected to marry at a young age, the parents did not consider it important to send them to school, or preferred that they help at home.

Other reasons given for dropping out included the shame of having to repeat a year or a lack of documents. Early marriages were not mentioned directly as a reason to drop out, as most girls drop out of school several years before they get married.

45 Interview with a Roma woman, 2011; Banloc, Romania.

Table 10: Why did Romani students drop out of school?

Banloc	No answer	Perceived discrimination at school	Poverty	Helping at home	Migration	Shame due to repeating year	No documents	Total responses
Women	1	11	11	9	4	0	0	36
Girls	2	10	3	5	3	6	1	30
Total	3	21	14	14	7	6	1	66

In Banloc, the combination of discrimination and patriarchal traditions prevents Romani adults, girls and, to a lesser extent, boys from realising their right to education which then limits their chances of employment.

6.2 Employment

Table 11: Roma people and their employment in Banloc village, Romania

Gender	Yes	No	Daily work in agriculture
Female	1	34	0
Male	3	8	0

The total number of adults interviewed in Banloc was 46, of which 42 are unemployed; they try to survive by collecting iron scrap or finding leftovers in the rubbish. There are only four Romani people employed in this village, three men and one woman.

Out of the total Roma population in Banloc, six out of 290⁴⁶ have a paid job, 18 people receive social welfare and only one Romani person has a pension. The remaining 265 Romani people do not have any income other than child allowance which “does not cover more than two days food per month.”⁴⁷

Table 12: Roma people and their employment in Terni and Fornole Italy

Gender	Yes	No	Informal job
Female	4	0	3
Male	1	0	1

From nine interviews with adult Romani people in Italy, five participants are working legally, (four women and one man) and four are working illegally (three women and one man). Out of a total of 46 Romani living in Terni and Fornole, all of the adults have a paid job; most of the women are legally employed and have become the main salary earners during the period of economic crisis.

46 Information about the last census from 2002 In Banloc village; the number of Roma population living in Banloc village, available at: http://ro.wikipedia.org/wiki/Comuna_Banloc,_Timi%C8%99.

47 Interview with a 36-year-old Romani woman; 4 October, 2011; Banloc, Romania.

6.3 Reproductive Health

The marginalised situation of Romani women in Banloc is reflected in their less frequent use of gynaecological services as compared to the Romani women living in Italy. As seen in the tables below, the use by the Italian Romani women of gynaecological services is much more frequent despite the fact that Roma in Banloc marry younger and are therefore more likely to engage in sexual activity and bear children at a much younger age.

Table 13: Romani women in Banloc, Last visit to gynaecologist

Never	Only for delivery	Do not remember	18-20 years ago	5 years ago	2 months to one year	Last year	Total responses
10	13	4	3	1	4	1	36

Table 14: Romani women in Terni and Fornole, Last visit to gynaecologist

Never	Do not remember	Last year	Six months ago	two months ago	Two weeks ago	Few days ago	Total responses
0	1	1	2	1	2	1	8

Table 15: Romani women in Banloc, Use of contraceptives

Yes	No	Could not afford to pay	Misunderstanding	Unaware of any contraceptive methods
1	17	2	1	15

Out of the 36 Romani women respondents in Banloc, 17 did not use any method of contraception, 15 did not use and did not know anything about contraceptive methods, one woman used contraceptives and the other two respondents could not afford to pay for them.

Table 16: Romani women from Terni and Fornole, Use of contraceptives

Yes	No	Could not afford to pay	Misunderstanding	Unaware of any contraceptive methods
2	6	0	0	0

Out of eight respondents from Italy, two of them used contraceptives and six did not, but all of the women were aware of contraceptive methods.

Among Romani women in Romania, of the 36 women interviewed 28 (77%) had had unwanted pregnancies, seven women hadn't and one woman answered that she was infertile. Out of eight Romani women in Italy, four (50%) had had unwanted pregnancies.

The awareness about the use of contraceptives is clearly one element to take into consideration when analysing the difference in the numbers of abortions practiced by individual Romani women in the two locations, as the table below shows.

Table 17: Number of abortions

Number of abortions	More than 25	6-7	4-5	3	2	1	No abortions	Total
Women (Romania)	1	1	6	7	7	4	10	36
Girls (Romania)	0	1	0	0	1	1	27	30
Women (Italy)	0	0	0	1	2	2	3	8
Girls (Italy)	0	0	0	0	0	0	4	4

6.4 Domestic Violence

Victims of child marriage face heightened vulnerability to domestic violence. Of 36 Romani women interviewed in Banloc who married as minors, 34 of them faced domestic violence. Of 31 Romani girls in Romania, 17 faced violence from their fathers, eight from their husbands, one from her mother-in-law and five answered that they did not face domestic violence.

While several factors influence the high vulnerability to domestic violence for Roma, the powerless position in which Romani women and girls end up as a result of child marriage and the resulting lack of education and limited employment opportunities are key factors.

7 Criminal Liability for Child Marriage?

Around the world, child marriage is prohibited by law; however it is still practiced in many marginalised communities because people involved in child marriage are not held accountable, and the authorities continue to tolerate the practice.

In the course of my research, interviewees gave varied responses to the question of ending child marriage. Some said there should be more social assistance for stopping this practice; others said that Romani communities must understand it is a harmful practice which has to stop.

In my opinion, one way to stop child marriage would be that anyone who arranges child marriage should be put in prison, and all those cases should be publicised in the national media. I strongly believe that society must not tolerate the harmful practice of child marriages any longer. Authorities have to protect every child's fundamental rights, including those in the Romani community and other marginalised communities. That is one suggestion, but I have also included a range of recommendations below, which might have an impact on the practise of child marriage by applying criminal law to perpetrators and supporters of the practice.

8 Conclusions

This report is based on a socio-economic comparison between Roma communities in two locations: Roma who migrated from Romania to Italy and have regular access to social services, and Roma who stayed in Romania and continue to live in a highly marginalised situation.

The findings presented in this report indicate the positive impact that social inclusion (such as access to employment and education) of Romani women and men, girls and boys has on the eradication of child marriage. At the same time the report indicates that in the context of fundamental rights deprivation, marginalisation and racial and ethnic discrimination coupled with the lack of implementation of the law as a result of authorities' ignorance and disinterest makes it extremely difficult to change harmful traditional practices. Furthermore, the testimonies show that there is a need to look at child marriage from the perspective of an economic survival mechanism in the context of deep poverty, rather than just from a cultural perspective.

The consequences of discrimination and the practice of forced and child marriage have left their mark on the physical and mental health of many Romani women and children, as well as on the economic and social status of entire communities. Despite this fact, Roma and local authorities neither acknowledge nor act to change this practice under the excuse that this is a "Roma tradition."

It should be noted that the Romani community in Italy, despite having abandoned the practice of child marriage, has not assimilated and continue to consider themselves Roma. For example, they keep what they perceive to be Romani cultural characteristics, speaking Romani and adhering to the practice of virginity testing, despite the fact that it is considered a harmful practice in itself.⁴⁸

Nelson Mandela said that education is the most powerful weapon to change the world. In my experience, education has changed my life, my perception and my vision. Romani people in Terni and Fornole have changed their lives through education, by accessing the employment market and by having their fundamental rights respected. I want this right for all Romani children; all children in the world must at least have access to their fundamental rights.

48 The practice of virginity testing is not Roma specific; it is practiced by many other communities throughout the world.

9 Recommendations

This study aims to highlight actions that can prevent child marriage and the deprivation of fundamental rights of Romani children and women in Banloc village and in other Romani communities. It aims to stimulate continued research and debate on this topic.

A wide variety of actors must take action and engage in providing and building policies and social reforms for Romani children and women to access their fundamental and human rights. There must be consistent, preventative actions in the wider community to end the practice child marriage. The key actors who can drive change include social and child protection services, the media, politicians, policy-makers, lawyers, school administration officials, academics, researchers, NGOs, police, social workers, psychologists, local mayors, local doctors, school teachers, Roma civil society, Romani parents, Romani women, Romani teenagers, community leaders, Roma *Krisinari*, and other volunteers.

There is a clear need to provide education and instruction to school mediators and social workers in the schools that Romani children attend, so they can work to prevent Romani children from dropping out of school and to prevent discriminatory actions by teachers, professors or other actors.

NATIONAL AUTHORITIES:

- Combat child marriage through non-discrimination and social inclusion by guaranteeing full access to all social services including quality education and access to the employment market for Romani women and men. Ensure that such policies have a specific focus on geographical areas where child marriage is frequently practised and that particular attention is paid to the well-being of children;
- Launch initiatives to provide medical assistance, family planning and child and family protection services to improve the health conditions and awareness of Romani people in urban and rural areas;
- Inform all citizens through print and broadcast media that child marriage is prohibited by Romanian law and by international conventions;
- Develop and implement innovative awareness raising activities on the negative consequences of child marriages, (e.g., Forum theatre);
- Inform people who are victims of child marriage or victims of domestic and other violence of existing hotline numbers to report the crime and ensure that perpetrators are held accountable under the law;
- Ensure the protection and promotion of the fundamental rights of all children and women.
- Provide effective and prompt security for children in need, take prompt action if somebody reports a breach of children rights;
- Develop programmes on children's rights and reproductive health care, targeting rural areas, to reach traditional Roma, and other poor and marginalised communities in Romania;
- Implement training and distribute information in schools on children's rights and reproductive health education at a national level but especially targeting schools in vulnerable communities.

NATIONAL AND LOCAL AUTHORITIES:

- Undertake trust-building exercises or activities within Roma communities so that future initiatives combatting child marriage, domestic violence and other rights violations will be accepted by the local Roma community leaders;
- Refrain from using the Roma tradition or other excuses for not intervening in protecting children's fundamental rights;
- Create a team of social workers that work at the local and community level, with a focus on children and the prevention of child marriages;

- Develop awareness campaigns in Romani communities regarding the legal age of marriage and the health consequences of early marriage (including on reproductive health), childbearing, social and economic consequences. Publicise legal sanctions against those who disregard national law and international conventions on children's fundamental rights, racial, gender and age discrimination;
- Develop awareness campaigns in schools to make Romani children aware of child marriage and its physical, psychological and socio-economic consequences, and to empower them to have the right to continue their education and to enjoy their childhood;
- Provide opportunities for Romani adults and children who do not finish their studies to access education in rural and marginalised communities, with training and programmes to assist their integration into the labour market;
- Provide training and awareness-raising campaigns for Romani Judges and leaders about Romanian legislation protecting children's rights in order to prevent child marriage and violent and harmful abuse of Romani women in their communities;
- Ensure that social workers/social and child protection services periodically visit Romani communities and schools that Romani children attend, in order to inform, provide and protect Romani children and women, to prevent child marriage and school drop-outs, to protect fundamental and human rights of the Roma;
- Conduct research on the health situation of Roma in order to improve it, and to create targeted, positive actions for the health of people living below the poverty line.
- Provide a safe space for victims of child marriage until the child protection services or other specialised institutions are able to take action.

ROMA CIVIL SOCIETY:

- Identify communities and possible victims within Romani communities by conducting research on Romani traditional and non-traditional communities, and collecting and sharing information on the prevalence and impact of child marriage.
- Raise awareness among Roma (for example educational programs in villages and other places) and state authorities about the negative impact of child marriages for the individuals and the community, as well as the legal consequences.
- Access European programmes and develop new community programmes on fundamental rights in order to prevent child marriage, gender and age discrimination and to empower Romani children to continue their studies and to one day integrate them into the labour market.
- Punish anyone who violates the fundamental rights of children or others according to the law.
- Women rights and women empowerment

ROMA COMMUNITIES:

- Change the practice that families receive social and financial goods by pressuring or forcing their children to marry at an early age.
- Recognise the right of Romani children to negotiate their own lives and futures.
- Understand and respect Romanian legislation regarding age of marriage and other rights of the child as protecting children's rights.
- Stop maltreating and undermining Romani women through the misunderstanding of tradition; Romani women are human beings and must be respected. Their voices are important as part of family decisions. Romani women must enjoy their fundamental and human rights, must be equal to Romani men and must enjoy the right to choose when to start and, if desired, when to finish their marital life.
- Stop the violent and sexual abuses of Romani girls and women as prohibited by law.
- Romani women and children must be empowered not to compromise their fundamental and human rights and accept gender and age discrimination under the guise of Roma tradition. Romani women and children must have a voice and be respected like all human beings.
- Romani women and children should be given opportunities that will help reduce their risk of being forced into marriage, through expanded access to education, access to reproductive services to prevent unwanted pregnancies, access formal, paid employment and education on their right to be part of the public sphere.

10 Annex 1

Case Study:

In July 2011, discussion began among Romani men who became aware of a girl of 15 from a family with limited financial means. One man was looking for a daughter-in-law, so they visited the girl's family, meeting her grandmother and mother. The father of the girl and her siblings had left when they were young.

One man bargained directly with the grandmother for the girl to marry his son, who was currently living in a Western European country. The families agreed that the children would marry. The girl's family asked for a large sum of money and a big wedding ceremony, to take place within a week.⁴⁹

The 15-year-old boy did not want to return to Romania to get married. He tried to run away from home, and he told his mother he wanted to kill himself.⁵⁰

However the wedding went ahead. It was a big ceremony for the families and for the community. Local authorities attended the ceremony.⁵¹ The day after the wedding, the families and community went to see the results of the virginity test, but the bed sheet was not stained,⁵² and the community was shocked. This was the beginning of a terrible ordeal for these children. They were cruelly beaten and taken to a specialist⁵³ to determine the problem. The boy was labelled a homosexual, incapable of maintaining sexual relations.⁵⁴

The children were forced to maintain sexual relations for a week. The boy was then taken to the specialist, and he received hormonal treatment. The community had still not seen a "positive" virginity test.⁵⁵ The father of the groom decided to take both children out of the country. After four months, the bride and groom and his family came back. After few days, the girl was taken aback by her mother. At this point there was a big conflict between the two families and also other people in the community.

When I went to the community to talk with the girl and her mother, they started to be very aggressive with me. I could not talk to them; I had to run because the girl and her mother wanted to beat me, and they ran after me with an axe. I had to call the police to intervene. The mother of the girl received a fine for cursing me; this was only the police's only response.

Some Romani people⁵⁶ in Banloc village said that the mother stole the bride, her daughter, from her new family in order to sell her for marriage again in order to receive more money to survive. The first amount of money received was enough to build a new room and to live better for a few months. Before the first marriage, the girl and her family (four people) lived in one room.⁵⁷

49 Discussions with the grandmother of the groom, August, 2011, Banloc, Romania.

50 Discussions with the mother of the groom, August, 2011, Banloc, Romania.

51 Discussions with social worker from the local hall, August 2011, Banloc, Romania.

52 Discussion with the mother of the groom, August, 2011, Banloc.

53 The grandmother of the groom used the term of specialist for a gynaecologist in her explanations and discussions.

54 Discussions with the groom and his parents. August, 2011, Banloc, Romania.

55 Discussions with the mother and grandmother of the groom. September, 2011, Banloc, Romania.

56 Discussions within the Romani people in Banloc. November, 2011, Romania.

57 Discussion with a elderly Romani women from Banloc Community. November, 2011; Banloc, Romania.

When I contacted the social and child protection services, the answer I received was, “It is not so urgent, and the legal period in which they can act is in a period of a month.”⁵⁸ Receiving this answer, I contacted the Child Phone Association,⁵⁹ where the answer I received was, “Wow, the case is very serious, and we will send people to see the situation.”⁶⁰ After eight days of insistence and pressure from Child Phone Association, Social and Child Protection from Timisoara sent a social worker, who went to see the bride’s family with the social worker from the village hall and a police agent and made her mother sign a statement promising that she would not sell her daughter again for marriage.⁶¹

The family of the groom tried to take the bride back, but they could not because her mother did not want to give her back.⁶² After a discussion with the community judge, the judge determined that the girl was the property of the groom and of his family, but the judgment could not be executed for the formal reason that there was no man in the girl’s family to take responsibility for carrying out the judge’s orders.⁶³

Seeing how the situation was getting worse daily and how more and more Romani people were getting involved in the conflict, and seeing how no one from local or specialised authorities did not intervene, I contacted the European Roma Rights Centre.⁶⁴ I met with several staff members to discuss the case. “At that point there was no clear sense as to what approach to be pursued as more details were considered necessary for making a clear call. Different angles have been argued particularly how to ensure that the best interest of the child is considered by the families; the potential removal of children from the families; requesting state authorities to investigate the case and to intervene, the type of intervention to be requested etc. It was noted though the sensitivity of the case and the potential adverse implications at the very local level.”⁶⁵ I further discussed the case with their human rights monitor in Romania with whom I talked by phone, but we did not reach a concrete plan as to how to deal with the situation.

I am very concerned and disappointed because of the apparent impossibility of providing any protection for the two children. I thought this case would finish with the two children protected by specialised institutions charged with protecting children’s rights, and that in this community child marriage might start to stop. Now, however, I am afraid of how and where the case will finish, and I really hope that the two families will not kill each other. I am also extremely concerned because it is through a community action regarding this case that the Roma community in Banloc has learned for the first time about legislation regarding children’s rights, and the fact that child marriage is prohibited by law, as well as the punishment for violating fundamental human rights. But despite the fact that local authorities and legal specialists attended this event, the circumstances around this case made it clear to everyone that the legislation does not seem to apply to the Roma, and as result, they will continue to practice child marriage.

Today the girl is five months pregnant⁶⁶ and the boy has been married a second time to another girl aged 14.⁶⁷ The new bride is from a village near the Hungarian border, and she does not speak Romani or Romanian; they have to use sign language to communicate. The parents of the boy said, “We wanted to repair the unhappiness of our boy, so we bought another bride for him.” A few days after the wedding, the groom’s family took the new bride and their son out of the country.⁶⁸

58 Discussion by phone with a social worker from Social and Child Protection from Timisoara; December 2011; Romania.

59 A telephone hotline service for victims of child abuse.

60 Discussion by phone with Child Phone Association, December, 2011, Banloc, Romania.

61 Discussions with the grandmother of the bride and with a social worker from the local hall. December 2011. Banloc, Romania.

62 Discussions with the Romani community and the Roma Judge, December, 2011, Banloc, Romania.

63 Discussions with a Roma Judge and Roma people from the community, December 2011. Banloc, Romania.

64 Discussions via Skype and email with the coordinator of gender fellowship from European Roma Rights Centre; December 2011.

65 ERRC staff conclusion after the discussion about what should be done to provide rights for the two Roma children and about how to deal with conflict situation in the community.

66 Discussion with the Roma bride. February 2012; Banloc, Romania.

67 Discussions with the groom and his mother. February 2012; Banloc, Romania.

68 Discussions with the parents of the groom. March 2012; Banloc, Romania.

Despite the numerous violations of the rights of these children, neither local authorities nor the specialised authorities on protecting children rights intervened effectively in this case.

What will it take to allow Romani and marginalised children to finally enjoy their fundamental rights?

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