

# KOSOVO (UNSC 1244)



## Child Marriage

Child marriage is an appalling violation of human rights and robs girls of their education, health and long-term prospects. A girl who is married as a child is one whose potential will not be fulfilled. Since many parents and communities also want the very best for their daughters, we must work together and end child marriage.

Dr. Babatunde Osotimehin, Executive Director, UNFPA

We had no choice. My family and my uncle's family lived in a very small house. We had to leave the house as soon as we could because we had no space. So my father arranged a marriage for me.

– Child spouse

### CHILD MARRIAGES

Child or early marriage is the union of two persons, officially or unofficially, at least one of whom is under eighteen years of age.<sup>1</sup> By virtue of being children, child spouses are considered to be incapable of giving free and full consent, meaning that child marriages are a violation of human rights and the rights of the child. In Kosovo<sup>2</sup> today, child marriage is relatively rare, but it continues to be practised among certain communities and/or ethnic groups, most notably, but not exclusively, Roma, Ashkali, Egyptians, and Gorani.

Child marriage is a phenomenon that affects girls and boys in different ways. Overall, the number of boys in child marriages around the world is significantly lower than that of girls. Girl child spouses are also vulnerable to domestic violence and sexual abuse within relationships that are unequal. If they become pregnant, they often experience complications during pregnancy and childbirth, as their bodies are not ready for childbearing. On marrying, both boys and girls often have to leave education to enter the workforce and/or take up domestic responsibilities at home.

Various international treaties, conventions, and programmes for action address child marriage. These include: the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; the Convention on the Elimination of All forms of Discrimination Against Women (1979); the Convention on the Rights of the Child (1989), and; the 1995 Beijing Platform for Action (which followed the UN Fourth World Conference on Women). These international instruments cover the abolishment of harmful customs and traditions, violence against the girl child, marriage consent, marriageable age, registration of marriage, and the freedom to choose a spouse.

This fact sheet provides information about the issue of child marriage in Kosovo and offers recommendations aimed at addressing the issue. It includes a review of national legislation and the country's ratification of the various relevant international standards, analysis of current practices and attitudes towards child marriage, and statistical information about the prevalence of the practice. The methodology for this study involved a review of the existing legal framework and literature related to child marriage in Kosovo, and interviews with 13 child spouses and nine experts working in the fields of children's and women's rights.<sup>3</sup>

### RECOMMENDATIONS

- Revisions to the Family Law should clarify the following: whether children become adults following marriage or remain children; the role and mandate of the Custodian Body in relation to child marriages, and; the legal and administrative procedures through which decisions are made to allow a child to marry. The implications for access to reproductive health services should be considered. A multi-sector mechanism involving relevant stakeholders should be established to ensure the rights of minors are protected in child marriages. The mechanism should address the continuation of education of both husband and wife and include counselling about marital relations, property rights, health, and reproductive rights.
- Offences relating to child marriage outlined in the Criminal Code should be prosecuted *ex officio* (automatically); "tradition" should not suffice as justification for failing to implement the existing legal framework.
- Awareness raising about rights and options outside violent domestic relationships should target society in general, with the aim of preventing domestic violence and reaching out to survivors with information about assistance.
- The Ministry of Education, Science and Technology (MEST) should establish procedures to ensure *all* children complete mandatory primary and lower secondary level education. This includes establishing procedures between relevant stakeholders for monitoring and reporting cases of potential and actual drop out. Social assistance specific for education (e.g., for transport, clothes, and books) could reduce school dropout, encourage increased attendance among impoverished children, and help prevent child marriage, particularly among Roma, Ashkali, and Egyptians.
- The Statistical Office of Kosovo should include a category for persons under age 18 in all data. All data collected should be made publicly available for analysis by independent scholars, policy-makers, and other institutions. In addition, electronic files with detailed demographic information should be maintained, and Kosovo-wide, unified databases should be created across the ministries and directorates of labour and social welfare, education, and health, and the Kosovo Judicial Council. These measures would enable better monitoring of the prevalence of child marriage and more effective case management.

- Coordination between institutions (e.g., police, schools, and Centres for Social Work) should be outlined in memoranda of understanding. Instructions should be developed for relevant institutions, clarifying their mandates, and as well as their monitoring and referral responsibilities related to early marriages.
- In accordance with the law, the Ministry of Education, Science and Technology should include subjects in the school curriculum that will provide more detailed education on reproductive health, including contraception, family planning and reproductive rights.
- NGOs should continue providing information via media and outreach to parents and young people in communities where early marriage appears to be prevalent. Television may be effective for communicating information about rights to women and girls who are isolated.
- Relevant institutions have a duty to ensure that: shelters for survivors of domestic violence are sufficiently funded; the broader legal framework on protection against domestic violence is implemented; and all citizens are aware of their rights and how to access assistance, particularly persons in early marriages who may be particularly vulnerable to violence, yet lack information about available assistance. Services should be developed to support economic empowerment and the reintegration of domestic violence survivors into society. Specialized services should be developed to meet the specific needs and rights of children who are often witnesses and survivors of domestic violence.

#### **RECOMMENDATIONS (SPECIFIC FOR ROMA, ASHKALI, AND EGYPTIANS)**

All of the general recommendations are relevant for Roma, Ashkali, and Egyptians. In addition, relevant institutions should:

- Carry out interactive awareness-raising activities targeting Roma, Ashkali, and Egyptians, discussing and seeking to: change attitudes towards the practice of early marriage; encourage education; and increase awareness about the existing legal framework, especially related to women's and children's rights.
- Build on Balkan Sunflowers' best practices, utilizing mediation and local centres as educational, informational support hubs for young people.
- Encourage families to support their children's education.

## LEGAL & COUNTRY CONTEXT

As one of the newest countries in the world, Kosovo is still struggling to establish itself as a state and to secure official recognition. Kosovo's political leaders often voice their commitment to European integration, social inclusion, human rights, and equal opportunities. However, despite these commitments "on paper", a review of Kosovo's state expenditures illustrates clearly that the government's main priority is investment in transport infrastructure. This has come at great cost to Kosovo's social services, which remain under-funded and inadequate. While this affects all citizens, the most vulnerable, including those in child marriages, tend to suffer most. Addressing child marriage has not been identified by the government as a priority, but young people involved in *Youth Assemblies for Community Development* identified early marriage as a problem.<sup>4</sup>

On paper children's rights are probably protected by law, but in reality, probably not. (Roma, Ashkali, and Egyptian NGO representative)

## INTERNATIONAL STANDARDS

Although Kosovo is not a member of the United Nations or the Council of Europe, several international mechanisms, laws and regulations are applicable. The Universal Declaration of Human Rights, included in Kosovo's Constitution, recognizes the right to consent to marriage, establishing that consent cannot be "free and full" when one of the parties is not sufficiently mature to make an informed decision about a life partner.<sup>5</sup> The Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) are also in the Constitution, though Kosovo does not have committees to which rights violations can be addressed.<sup>6</sup> Kosovo's Constitution also contains the International Covenant on Social, Economic and Cultural Rights and the International Covenant on Civil and Political Rights. Given its aspirations for European integration, Kosovo arguably has an interest in implementing the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms.

## WHO CAN CONTRACT A MARRIAGE?

As per the Convention on the Rights of the Child and the Family Law of Kosovo, a child is a person under age 18.<sup>7</sup> However, following marriage, the Family Law is unclear as to whether a child becomes an adult or remains under the guardianship of her or his parents until age 18.

Marriages can only take place with the full and free consent of both parties, and both would-be spouses must be over 18.<sup>8</sup> However, courts may allow a minor over the age of 16 to marry if the person has reached the "necessary physical and psychological maturity" for exercising marital rights and fulfilling marital obligations. In such cases, courts must seek input from a "Custodian Body", the minor, "his" parents, and the intended future spouse. The Law does not define clearly the members of the Custodian Body, but they have been interpreted to include the parents of the minor(s).<sup>9</sup> In cases of child marriage, whether parents bear in mind the best interests of the child may be questioned. Children's rights seem adequately protected elsewhere in the Law.

Courts may request a forensic examination to decide whether the minor is of adequate maturity for marriage. As children under age 18 cannot offer written consent to conduct the examination, the forensics department must obtain consent from the parent or legal guardian. In practice, such examinations rarely occur.<sup>10</sup>

The Family Law regulates against forced marriage by coercion, threat, mistake, or "any other lack of free will of the future spouses".<sup>11</sup> Forced marriage is punishable by imprisonment under the Criminal Code, and committing this offence against a child involves steeper sentences. Parents and legal guardians face sentences of at least 15 years' imprisonment for forcing a minor under age 14 to marry. Parents or guardians also face imprisonment for allowing children to cohabit with adults, while adults living in "extramarital community" with minors ages 14 to 16 can be punished with five to twenty years' imprisonment.<sup>12</sup> The Criminal Code also foresees sentences ranging from a fine to imprisonment for forced marriages that result in material benefit (e.g., payment of dowries). Material gain resulting from child or forced marriage can also be prosecuted under the Criminal Code's definition of trafficking.<sup>13</sup>

## FAMILY PLANNING & REPRODUCTIVE RIGHTS

According to the Law on Health, all citizens must have access to healthcare, and compulsory basic health insurance should be provided.<sup>14</sup> Many services are supposed to be provided free of charge at public clinics. The Law on Health Insurance has not been adopted, so the details of how healthcare is financed and made available to all citizens remain undefined. Teenagers and young people, as well as "marginalized persons", are identified as special categories, for whom the Ministry of Health "shall provide access to sexual and reproductive health at the highest possible level".<sup>15</sup> Individuals and couples have the legal right to "decide freely and with responsibility on the number, frequency and time when they want to have children" and to access information that informs their decisions.<sup>16</sup>

Persons under age 18 must be accompanied by an authorized representative to receive health care. Since it is not stated explicitly that children become adults upon marriage, parents, guardians, or Centres for Social Work (CSW) representatives may need to be present, potentially impacting on the right of child spouses to decide on the timing and spacing of pregnancies.<sup>17</sup> Interviews suggest that some young couples' parents may become involved in their reproductive choices. Some interviewed child spouses gave birth as early as age 15.

The older generation think it's better to marry a child before she has problems, like love or pregnancy. It is important that a girl is a virgin. (Roma, Ashkali, and Egyptian NGO representative)

Experts reported girls under 18 experiencing health difficulties because their bodies were insufficiently developed for pregnancy and childbirth.

At that age I had no information about family planning, about unplanned pregnancy. All I thought was: "I am going out with my boyfriend. I love him...". I didn't know anything about contraceptives or condoms. Otherwise I wouldn't get pregnant, and I wouldn't get married. Nobody taught me that stuff. (Child spouse)

By law, all individuals are "guaranteed" the "right to information and education for sexual and reproductive health", but how this should be implemented is unclear. In grade 7 (age 12), children learn about puberty and menstruation, but little more. The 2009 Demographic and Household Survey found that among women aged 15 to 19, more than 93 per cent could name one method of contraception, and 88.8 per cent knew of at least one modern method. Married women tended to know more than single women.<sup>18</sup> Only 8.8 per cent knew about the contraceptive effect of breastfeeding, and only 2.5 per cent had received information

about family planning recently.<sup>19</sup> Improved information about contraception and reproductive health could reduce the number of child marriages prompted by unplanned pregnancy. Information about family planning came primarily from NGOs (51.7 per cent) and family doctors (24.1 per cent), but also religious institutions (13.8 per cent) and social workers (6.9 per cent). These actors may be important information couriers for future outreach. Various NGOs have led outreach efforts to increase awareness about reproductive health, but this work has been sporadic and often dependent on donor funding.

## CHILD MARRIAGES IN KOSOVO

Although statistical data is unavailable, in the past, it appears that child marriage was fairly widespread in Kosovo.<sup>20</sup> Right through to the late 20<sup>th</sup> century, there were various political, social, and economic reasons to marry early: to enable emigration to escape economic and political turmoil; to lessen the strain on parents' finances (particularly for girls living in larger households); to ensure economic and physical security, and; because lifespans were shorter.<sup>21</sup> Child marriage was also perceived as a way to

All Roma, Ashkali and Egyptians want to marry outside Kosovo for a better life, often through arranged marriages. I know many cases: when the girl looks ready at age 15 to 17, her parents start contacting people in Germany and elsewhere. (Roma, Ashkali, and Egyptian NGO representative)

enhance girls' security by preventing sexual violence, circumventing the potential dishonour of pregnancy outside wedlock, and/or furthering girls' well being through marriage into better economic conditions.<sup>22</sup> In some rural areas and among some Roma, Ashkali, and Egyptians, girls were considered ready for marriage following puberty, at age 13 to 15.<sup>23</sup>

Anecdotal information suggests that child marriage increased during the 1990s, especially during the war in 1999. Parents believed early marriage could protect their daughters.<sup>24</sup> Young women who were left as heads of households hoped marriage would enable them to provide for their siblings. Other young women wanted to ensure that they could remain with their boyfriends who were emigrating.

Security in Kosovo has improved since 1999, and people now tend to marry later than they did before the war.<sup>25</sup> Yet, the average age

You know it is easier when you are married, safer. Times have changed, and you cannot trust anyone. So, my husband and I decided to get married. (Child spouse)

of marriage recorded in 2011, 29.7 years, seems high. One reason may be that this average includes second marriages, where spouses are often older. Another reason is that couples do not always

register their marriage immediately. In many communities, a celebration with friends and family as witnesses usually is sufficient and considered "marriage". Later, when it is convenient, the couple are expecting a child, or plan to travel abroad, they register their marriage with the authorities.

Immediate registration is particularly rare in child marriages. First, the criminal penalties mentioned above for parents, guardians, or adult spouses engaged in forced marriages make it highly unlikely that they would alert the authorities to such marriages. Second, the administrative procedures for legal child marriages, including court and forensic fees, can be both time-consuming and costly. Instead, spouse(s) often wait until they reach age 18 to register their marriage.

Altogether, 14 municipal courts reported 116 requests for early marriage in 2010 and 107 in 2011.<sup>26</sup> No marriages involving minors aged 15 and under were recorded in 2010.<sup>27</sup> The 108 officially registered child marriages in 2010 accounted for 0.59 per cent of all marriages, and only involved 16- and 17-year-old girls. No cases of child marriage among boys were registered; however, during interviews for this study, four cases of child marriage among boys ranging from age 14 to 16 were identified. Girls in child marriages tended to be between five and ten years younger than their spouses.

My cousin was in high school when she was married [17], and she became pregnant immediately. Her husband didn't even allow her to go to the prom because he "loves her", and she had to do what he said. That's normal in Mitrovica. Girls' purpose in life is to get married. It's not their fault; it's everyone's fault. It's the box and they are inside that box. (Women's rights activist)

Child marriages thus continue to occur in Kosovo, particularly among Roma, Ashkali, Egyptian, and Gorani ethnic groups, though they occur among other ethnic groups as well.<sup>28</sup> Inter-ethnic marriage appears to be rare, and religion does not seem to be a factor in child marriages.<sup>29</sup> Public records suggest child marriages occur more frequently in Gjakova, Peja, and Prizren, although interview respondents said child marriages are also common in Mitrovica.<sup>30</sup> Young Roma, Ashkali, and Egyptians living in camps in North Mitrovica may opt for child marriage as a way of leaving the camps "for a better life".<sup>31</sup> Child marriages also occur in rural areas where traditional influences may be stronger.<sup>32</sup> The child spouses interviewed observed that early marriage was prevalent in their families and communities.

*Child spouses had diverse reasons for engaging in early marriage:*

I eloped for him. I fell in love. I wanted to be with him, and I ran away with him.

They would tell me it is time for me to get married. If I don't marry now, I will not be able to find a man in my life. My mother would say to me that this is how she got married. And the claim would be that I was not doing well at school, which was true, so "it is better to get married".

My dad wanted me to get married to this man in this family. He didn't even ask my mother.

We were five daughters, and it was really difficult for my family to support us when they all were unemployed. Also I was dating and my family found out, so the next step was marriage.

Nowadays, reasons cited for early marriage include love, family pressure, security, socioeconomic conditions, unplanned pregnancy, peer pressure, and tradition.<sup>33</sup>

The payment of dowries ("çeyiz") no longer appears to be practised among the Albanian majority. However, the practice of "baba hak", where the groom's father pays the bride's father, remains common among Roma, Ashkali, and Egyptians.

Just last Saturday my family paid €2000 to marry my cousin off. Even if it is against the law, the tradition lives on because of money. (Roma, Ashkali, and Egyptian NGO representative)

The tradition seemingly originated as a way of financing expenses related to marriages (e.g., clothes or the henna night, when women in the bride's family gather to celebrate). It was not meant as a "payment" for the girl.<sup>34</sup> Now, how much is paid (if anything) and how the money is used varies. Respondents detailed cases of dowries ranging from €40 to €4000. Some child spouses interviewed said their recent marriages involved dowries.

Respondents tended to agree that the legal provisions protecting the rights of children mentioned above, including from child marriage, are not sufficiently implemented. When the authorities investigate suspected cases of child marriage, community leaders may intervene to negotiate between police and parents.<sup>35</sup> Sometimes institutions *choose* not to become involved, believing it should be up to the family and spouses to decide. While some representatives of institutions attribute child marriage to tradition, rights activists argue that it is "not so much tradition, but the failure of mechanisms and institutions to implement the law". Instances of police, prosecutors, and judges justifying inaction on account of "tradition" have been reported not only in relation to child marriage, but also domestic violence.<sup>36</sup> CSWs should take the lead in protecting the best interests of the child.<sup>37</sup> However, they are severely under-funded, under-staffed, and lack expertise.<sup>38</sup>

After she got married, everything stopped. She had the first child and the second child and the third child, and then you have all the housework. Even if she wants to go out, what will she do? She has no friends. She didn't go to university. She never worked. She only goes to her mother, and then she goes back. (Women's rights activist)

The consequences of child marriage can include domestic violence (including isolation from friends and family), divorce, unplanned pregnancy, complications in pregnancy, discontinuation of education, and lack of access to employment opportunities.<sup>39</sup>

Girl child spouses are often economically dependent on their husband's family, and have little decision-making power within the household, where husbands and fathers-in-law tend to take decisions.

This can place them in an even

weaker position and can be a sign of other forms of domestic violence.<sup>40</sup>

Child marriages arranged for the purpose of enabling child spouses to emigrate and join their spouses in other countries can place child spouses at particular risk of isolation.<sup>41</sup> Arriving in a country with few if any friends, family, support structures, and perhaps language skills puts child spouses in a precarious position where they cannot access help. Arranged marriages with persons outside Kosovo do not always turn out as anticipated. While men living abroad may believe that a young Kosovar woman or girl will be obedient and accept traditional gender roles in the home, girls may see life outside Kosovo as a chance to escape tradition. Attempts to enforce obedience may involve domestic violence, and the disconnect between spouses' expectations may lead to divorce.

Many of the child spouses who were interviewed reported suffering domestic violence "several times". Domestic violence can impact severely on mental and physical health, including reproductive health. This can include internal bleeding, injuries to

He beat me up twice. I remember the first time was because I didn't charge his phone. (Child spouse)

the foetus, miscarriage, and sterility, as well as depression and fear of future relationships.<sup>42</sup> Persons suffering violence may not be permitted to see doctors, which can further impact on their health.<sup>43</sup>

## ROMA, ASHKALI, AND EGYPTIANS

The equal rights of Roma, Ashkali, and Egyptians are protected by law in Kosovo. The

Anti-discrimination Law forbids any "direct or indirect discrimination" based on ethnicity; Roma is considered an official language at the municipal level; and Kosovo has a strategy for integrating Roma, Ashkali, and Egyptians.<sup>44</sup>

Anecdotal evidence suggests that child marriage remains prevalent among Roma, Ashkali, and Egyptians, with some marrying as young as 12. In a 2008 survey of 270 Roma, Ashkali, and Egyptian women, one-third believed early marriage could facilitate healthy childbirth, and 60 per cent felt parents should decide who their daughters marry.<sup>45</sup>

Roma, Ashkali, and Egyptian girls face triple discrimination: first in their family, then by their community, and then by their country. (Roma, Ashkali, and Egyptian NGO representative)

A young Roma guy wanted to marry an international girl. His family intervened and married him rather violently to a girl from the Roma community because they did not want him to marry an outsider. Parents have the main role in the family, and they do not want to change the tradition. Now this boy says the same thing: "I had to change because of social pressure". It's hard to be a black sheep within the community. (Roma, Ashkali, and Egyptian NGO representative)

NGO representatives agreed that education would provide opportunities beyond marriage and better information about rights. Further, if young people remain in school they may be less likely to marry. The authorities did not do enough to encourage education, respondents felt. The Ministry of Education, Science and Technology (MEST) is responsible for enforcing mandatory education up to age 15, or completion of the ninth year of schooling.<sup>46</sup> However, the law does not clearly specify which body or persons will carry out monitoring or enforce the law.

## RESPONSES TO CHILD MARRIAGE

Only two government initiatives on child marriage were identified: the Gender Adviser at the Ministry of Local Government Administration published pamphlets on the topic, and the Agency for Gender Equality (AGE) in the Prime Minister's Office and UNFPA financed a film produced by the Network of Roma, Ashkali, and Egyptian Women's Organizations (RROGRAEK) in 2012 on child marriages. RROGRAEK screened the film on Radio Television Kosova, as well as in various communities, followed by discussions. The Youth Assembly has organized awareness-raising events for some secondary school students and their parents about child marriage.<sup>47</sup>

The Balkan Sunflowers, an NGO working in various Roma, Ashkali, and Egyptian communities, encourages children to continue their education. Via debates they foster critical thinking about traditional practices, including dowries. Their Learning Centres in ten municipalities have pre-school, language, education, and women's programmes that seek to shift gender norms and target the causes of child marriage. A recent survey suggests that their mediators have contributed to increased enrolment and educational attainment in targeted communities.

## KEY POINTS (GENERAL)

Child marriage is not a government priority, particularly compared to other challenges like unemployment.

Data is insufficient and inaccurate. Important social and health statistics are not maintained and/or publicly accessible. Such data is crucial for policy, including prevention.

Mechanisms for enforcing the legal age of marriage have not been developed, and institutions that could play an important role in prevention and protection shirk responsibilities, using “tradition” as a justification.

Child marriage often results in the discontinuation of education, which impacts on future employment status and potentially contributes to dependence on social assistance.

In child marriages, girls tend to have very little decision-making power within the household.

The Family Law is unclear as to whether a child becomes an adult following marriage, or remains under the guardianship of her or his parents until age 18. Thus, parents or guardians may be able to undermine child spouses’ reproductive rights and access to healthcare.

The state has a responsibility to ensure that persons experiencing domestic violence receive protection and have access to adequate services.<sup>48</sup> Currently, many women remain unaware of their rights, and the government has yet to ensure that women have sustainable alternative options.

## KEY POINTS

### (ROMA/ASHKALI/EGYPTIAN-SPECIFIC)

Child marriage remains prevalent among Roma, Ashkali, and Egyptians. Some parents condone and even arrange these marriages, despite the fact that they are illegal under Kosovo law.

Kosovo Police and prosecutors do not always enforce the law, attributing child marriage to cultural norms.

Insufficient awareness among Roma, Ashkali, and Egyptians of their rights as specified in Kosovo’s legal framework leads to difficulties in implementing the applicable laws.

The practice of paying dowries or “baba hak” continues among Roma, Ashkali, and Egyptians, despite legislation against it.

Roma, Ashkali, and Egyptians tend to discontinue their education earlier than other ethnic groups, which impacts on their employment prospects and socio-economic status. Young people who have dropped out of school are more at risk of early marriage; at the same time, child marriage is also a key reason for girls in particular to leave education early.

## QUOTES

***Children’s rights are protected in documents, but not in real life.*** (Roma, Ashkali, and Egyptian NGO representative)

***That information is confidential and we cannot provide it to the public.*** (Representative of the Statistical Office of Kosovo)

***On paper they are not married. Many marriages are not registered at all.*** (NGO representative)

***Kosovo should have a [supplemental educational assistance] budget to assist families so children can attend school.*** (Roma, Ashkali, and Egyptian NGO representative)

***I can surely say that [marriage] is not what I imagined. Children are a big responsibility. You also have to listen to the wishes of all the other family members: the father-in-law, mother-in-law, sister-in-law. Your life becomes their life and whatever they wish.*** (Child spouse)

***In child marriages, parents decide the number of children young couples will have.*** (NGO representative)

***The government needs to do something to help women not return to their husbands again. Some women leave their husbands, but they don’t have anywhere to go; their families don’t accept them. [They] must return to their husbands because they don’t have any other choice.*** (Child spouse)

## QUOTES

***It happens all the time.*** (Roma, Ashkali, and Egyptian NGO representative)

***I had a cousin who was 16 years old. She wanted to marry, but her parents did not want her to. [They] went to the police. However, police usually ask the girl, ‘What do you want?’ If she wants to get married, then they leave, even though by law she should have to go to the doctor [and judge to be married legally].*** (Roma, Ashkali, and Egyptian NGO representative)

***Communities do not know about laws, so of course they are not implementing laws.*** (Roma, Ashkali, and Egyptian NGO representative)

***It’s a big problem as men have ownership over the girl. Sometimes they will make her beg or work to get the money back.*** (Roma, Ashkali, and Egyptian NGO representative)

***[Girls and] boys who marry early drop out of school and go to work, but they do not find good jobs. This affects their social life and their quality of life.*** (Roma, Ashkali, and Egyptian NGO representative)

<b>Total population (2011):</b>	1,733,872 (50.4 per cent male, 49.6 per cent female)
<b>Average household size (2011):</b>	5.88 members
<b>Life expectancy at birth (2011):</b>	69.65 years
<b>Per cent of population under 15 (2011):</b>	32 per cent
<b>Pop. Living below the poverty line (2009):</b>	34 per cent <sup>50</sup>
<b>Unemployment rate:</b>	48 per cent <sup>51</sup>
<b>Youth literacy rate, ages 15-24 (2009):</b>	94.8 per cent (literacy among women: 91.0 per cent; men: 96.0 per cent) <sup>52</sup>
<b>Health expenditure per capita/year (2011):</b>	€51 <sup>53</sup>
<b>Main ethnic groups (2009):</b>	88 per cent Albanians, 7 per cent Serbs, 5 per cent other (Bosniak, Gorani, Roma, Ashkali, Egyptian, Turk) <sup>54</sup>
<b>Main religions (2009):</b>	94.7 per cent Muslim, 3.9 per cent Orthodox
<b>Main languages:</b>	Albanian (official), Serbian (official), Bosnian, Turkish
<b>Number of marriages in (2010):</b>	18,289
<b>Average marriage age (2009):</b>	29.7 years (women 28, men 31) <sup>55</sup>
<b>Age-specific fertility rate for ages 15-19 (2009):</b>	9.9 <sup>56</sup>
<b>Total fertility rate:</b>	2.03

## CHILD MARRIAGE STATISTICS

Data collection practices in Kosovo are extremely weak in regard to all social statistics, not only child marriage. Several indicators are not collected or not publicly accessible: *first* marriage by age and sex; live births by mother's marital status; pregnancy rate; maternal mortality rate; abortion rate; maternal health complications; and stillbirths by mother's age.<sup>57</sup> While some of this data is collected for older age groups, the Statistical Office of Kosovo does not always include the under-20 age group in its publications. Data on marriage disaggregated by ethnicity, socioeconomic status, and religion were also unavailable.

Table 1 Marriages by sex and age (2010)

Age (years)	Female	Male
14	0	0
15	0	0
16	17	0
17	91	0
TOTAL	108	0

Table 2 Marriages by bride's and groom's age (2010)<sup>58, 59</sup>

Total number of marriages in 2010	Bride's age (years)		Groom's age (years)	
	Under 15	16-19	Under 15	16-19
18289	0 (0%)	1451 (7.93%)	0 (0%)	161 (0.88%)

## NOTES AND REFERENCES

<sup>1</sup> A child is “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”. United Nations Convention on the Rights of the Child (1989), at: <http://www2.ohchr.org/english/law/crc.htm> (accessed 29 May 2012).

<sup>2</sup> Throughout this document, we will hereafter use the descriptive Kosovo for Kosovo under UNSC 1244.

<sup>3</sup> While all “child spouses” were married before age 18, most were ages 18 to 25 at the time of the interview in June or July 2012.

<sup>4</sup> Youth Assembly (2005) *Youth Assemblies for Community Development*, OSCE, Pristina, at: [http://mixha.com/youth/\\_other/booklet\\_eng.pdf](http://mixha.com/youth/_other/booklet_eng.pdf) (accessed 20 July 2012).

<sup>5</sup> Constitution of the Republic of Kosovo (2008). Art. 37 protects the right to marriage based on free will and recognizes the equality of spouses in both marriage and divorce. At: <http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf> (accessed 28 July 2012).

<sup>6</sup> *Ibid*, Art. 22. CEDAW, Art. 16, states that “The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage.”

<sup>7</sup> Family Law of Kosovo (Nr. 2004/32). Art. 3.2.

<sup>8</sup> Family Law of Kosovo (Nr. 2004/32). Chapter II, Section 2, Art. 16.1-16.3.

<sup>9</sup> Art. 6 states that it shall include “a group of experts” at the municipal level.

<sup>10</sup> Interviews with experts and NGO representatives (2012).

<sup>11</sup> Section 3, Art. 18. The Law on Gender Equality (2004/2) reiterates that the adult age of marriage is 18, unless specified elsewhere (e.g., the Family Law) and that forced marriage “is punishable by law” (Chapter VII, Art. 23).

<sup>12</sup> Criminal Code of Kosovo (2008), Art. 245. Imprisonment ranges from five to 20 years when a child age 14 to 16 is involved and at least 15 years for a child under 14. If the purpose is material benefit, the perpetrator must be punished by a fine and imprisonment of at least 15 years (Criminal Code of Kosovo, Art. 246).

<sup>13</sup> Criminal Code of Kosovo, Art. 171, 6.1 states that all acts of “giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” is trafficking.

<sup>14</sup> Law on Health, Art. 7.1 and 7.2.

<sup>15</sup> Law No. 02/L-76 on Reproductive Health, Art. 31.

<sup>16</sup> *Ibid*, Art. 2 and 4.

<sup>17</sup> Law No. 2004/38 on the Rights and Responsibilities of the Citizens in Health Care, Art. 2.

<sup>18</sup> Statistical Office of Kosovo (SOK) (2011) *Demographic, Social and Reproductive Health Survey in Kosovo November 2009*, SOK, Pristina, p. 40.

<sup>19</sup> *Ibid*, p. 48.

<sup>20</sup> Statistics have not been gathered regularly in Kosovo since the census in 1981.

<sup>21</sup> Interviews with experts and NGO representatives (2012).

<sup>22</sup> Swaine, Aisling and Feeny, Thomas (2004) “A Neglected Perspective: Adolescent Girls’ Experiences of the Kosovo Conflict of 1999”, in Boyden, Jo and de Berry, Joanna (eds.) *Children and Youth on the Frontline*, Berghahn Books, New York & Oxford, p. 76. Their research involved interviews with 40 young women who were refugees and returnees.

<sup>23</sup> UNICEF (2004) *Trafficking in Children in Kosovo*, UNICEF, Pristina, p. 10, [http://www.unicef.org/kosovo/kosovo\\_media\\_pub\\_prot.009.04.pdf](http://www.unicef.org/kosovo/kosovo_media_pub_prot.009.04.pdf) (accessed on 20 July 2012). Also interviews with experts and NGO representatives (2012).

<sup>24</sup> *Ibid*.

<sup>25</sup> Statistical data is unavailable.

<sup>26</sup> Data was requested from each court as no centralized record-keeping system exists (July 2012). Kosovo has 25 municipal courts in total, though only 20 are presently functioning.

<sup>27</sup> SOK (2010) *Wedlock Statistics*, SOK, Pristina, p. 16.

<sup>28</sup> Interviews (2012). US Department of State (2012) *2011 Human Rights Reports: Kosovo*, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dclid=186368> (accessed 24 September 2012). The *Youth Assemblies for Community Development* report stated that it is rare, but continues. A Gorani women’s rights activist commented that 10 to 12 early marriages occur every year in Dragash Municipality, where the Gorani ethnic minority tends to reside. Only a couple of these marriages involve emigration, she said. No data were available.

<sup>29</sup> For example, a respondent noted that early marriage occurs among Roma throughout South East Europe, including persons of different religions (interview with Roma, Ashkali, and Egyptian NGO representative, 2012).

<sup>30</sup> Three respondents working in different NGOs that are active in various municipalities each independently mentioned Mitrovica as an area where early marriage occurs (interviews 2012).

<sup>31</sup> Interview with Roma, Ashkali, and Egyptian NGO representative (2012).

<sup>32</sup> World Bank (2005) *Kosovo Poverty Assessment*, World Bank, Washington, D.C., p. 64, at: [http://siteresources.worldbank.org/INTKOSOVO/Country%20Home/20662049/Kosovo\\_PA\\_report\\_final-16June2005.pdf](http://siteresources.worldbank.org/INTKOSOVO/Country%20Home/20662049/Kosovo_PA_report_final-16June2005.pdf) (accessed on 20 July 2012).

<sup>33</sup> See: Swaine and Feeny (2004), *op. cit.*; USAID and EQUIP (2006) *Youth and Conflict: A Brief Review of Available Literature*, EQUIP, Washington, D.C. at: [http://pdf.usaid.gov/pdf\\_docs/PNADT380.pdf](http://pdf.usaid.gov/pdf_docs/PNADT380.pdf), (accessed 22 July 2012); UNFPA (2005) *Gender-based violence in Kosovo*, at: [http://www.unfpa.org/women/docs/gbv\\_kosovo.pdf](http://www.unfpa.org/women/docs/gbv_kosovo.pdf) (accessed 20 July 2012); and UNICEF (2004), *op. cit.*

<sup>34</sup> Interviews with NGO representatives (July 2012).

<sup>35</sup> Interview with Roma, Ashkali, and Egyptian NGO representative (July 2012).

<sup>36</sup> Interviews (July 2012). See also, UNICEF (2004), *op. cit.*, p. 11.

<sup>37</sup> Law on Social and Family Services (2005).

<sup>38</sup> See Kosova Women’s Network (KWN) (2009) *More Than “Words on Paper?” The Response of Justice Providers to Domestic Violence in Kosovo*, KWN, Pristina, at: [http://www.womensnetwork.org/images/pdf/Women’s\\_Network\\_eng.pdf](http://www.womensnetwork.org/images/pdf/Women’s_Network_eng.pdf) (accessed 27 July 2012), and KWN (2008a) *Security*



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*Begins at Home: Research to Inform the First National Strategy and Action Plan against Domestic Violence in Kosovo*, KWN, Pristina, at: <http://www.womensnetwork.org/images/pdf/shqip/tjera/security%20begins%20at%20home.pdf> (accessed 27 July 2012).

<sup>39</sup> Interviews (July 2012). See also UNICEF (2004), *op. cit.*; Ministry of Education, Science and Technology (MEST), SOK, UNICEF (2002) *Gender Review of Education in Kosovo*, MEST, Pristina; World Bank (2005) *Kosovo Poverty Assessment*, World Bank, Pristina, p. vi, at: [http://siteresources.worldbank.org/INTKOSOVO/Country%20Home/20662049/Kosovo\\_PA\\_report\\_final-16June2005.pdf](http://siteresources.worldbank.org/INTKOSOVO/Country%20Home/20662049/Kosovo_PA_report_final-16June2005.pdf) (accessed on 22 July 2012). Of the 1,453 divorces reported in 2010, none involved people under age 15. Two men and 45 women (1.6 per cent) were under age 20. However, three of the interviewed child spouses reported divorcing their spouses.

<sup>40</sup> Child spouses, particularly young women, said they did not have decision-making power at home. See also KWN (2008a), *op. cit.*

<sup>41</sup> UNICEF (2012) 'Summary Report on the Mapping and Assessment of the Child Protection System in Kosovo', UNICEF Kosovo, Pristina.

<sup>42</sup> KWN (2008b) *Exploratory Research on the Impact of Gender-based Violence on Reproductive Health*, KWN, Pristina, pp. 35-37.

<sup>43</sup> *Ibid.*

<sup>44</sup> The Anti-Discrimination Law (No. 2004/3), Art. 2; Constitution of the Republic of Kosovo, Art. 5 (Roma, Ashkali, and Egyptians each have one guaranteed seat in the parliament, and an additional seat for the ethnic group with the most votes, totalling four seats in the parliament (Art. 64.2)), and; Office of the Prime Minister (2008) *Action Plan on the Strategy for the Integration of Roma, Ashkali and Egyptian Communities in Kosovo, 2009-2015*.

<sup>45</sup> A convenience sample of 270 women ages 16 and older in Gjakova, Peja, Gracinica, and Fushe Kosova by the Kosovar Gender Studies Center and RROGRAEK found that 41 per cent "never" had conversations with friends and 15 per cent rarely had conversations, suggesting isolation. Most (61 per cent) believed domestic violence existed in their community, but only 36 per cent knew of services available to women and girls suffering violence. Nearly a quarter felt women's health was poor or very poor. The findings may not be representative of Kosovo as a whole as they do not include Mitrovica and other areas where Roma, Ashkali, and Egyptians reside.

<sup>46</sup> Compulsory schooling ends at the close of the ninth school year or the day the pupil reaches age 15 (whichever is earlier) (Law No. 2002/2 UNMIK/REG/2002/19 Official Gazette 31 October 2002).

<sup>47</sup> *Youth Assemblies for Community* (2005), p. 11.

<sup>48</sup> *Program against Domestic Violence and Action Plan*, 2011.

<sup>49</sup> Unless otherwise noted, all data in this section is from the Statistical Office of Kosovo (SOK) (2011) *Preliminary Census Data*

<sup>50</sup> World Bank (2011) *Poverty Consumption in Kosovo in 2009*, World Bank, Pristina. This was assessed in 2009 with a poverty line of €46.50 per month.

<sup>51</sup> World Bank (2010) *Country Economic Memorandum*, World Bank, Pristina. At: [worldbank.org/INTKOSOVO/Resources/Kosovo\\_Poverty\\_for\\_web\\_eng.pdf](http://worldbank.org/INTKOSOVO/Resources/Kosovo_Poverty_for_web_eng.pdf) (accessed on 25 July 2012).

<sup>52</sup> UNDP, *MDG 2: Achieve Universal Primary Education, Progress Report*. At: [http://www.kosovo.undp.org/repository/docs/MDG\\_2.pdf](http://www.kosovo.undp.org/repository/docs/MDG_2.pdf) (accessed on 25 July 2012).

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<sup>53</sup> *Kosovo Law on 2012 Budget* (2012) and SOK (2011) *Preliminary Census Results* (€88,588,425 / 1,733, 872 inhabitants).

<sup>54</sup> Ramiz Ulaj, Drita Sylejmani, Kumrije Beqiri (2011) *Kosova in Figures 2010*, Ministry of Public Administration, Pristina, p. 10, at: [http://esk.rks-gov.net/ENG/publikimet/cat\\_view/36-general-statistics](http://esk.rks-gov.net/ENG/publikimet/cat_view/36-general-statistics) (accessed on 25 July 2012).

<sup>55</sup> SOK (2011) *Women and Men in Kosovo 2010*, p. 5, at: [http://esk.rks-gov.net/ENG/publikimet/cat\\_view/8-population-statistics](http://esk.rks-gov.net/ENG/publikimet/cat_view/8-population-statistics) (accessed 25 July 2012).

<sup>56</sup> SOK (2011) *Demographic, Social and Reproductive Health Survey in Kosovo November 2009* (DHS), p. 30.

<sup>57</sup> Conversations with SOK representatives (2012).

<sup>58</sup> SOK (2010) *Wedlock Statistics*, p. 16.

<sup>59</sup> *Ibid*, p. 18.

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## KEY MESSAGES

When a girl delays marriage, everyone benefits. A girl who marries later is more likely to stay in school, work, and reinvest her income into her family. Crucially, a girl who marries later is more empowered to choose whether, when, and how many children to have. When investments in girls are made, everyone benefits: their families, communities, and most importantly, the girls themselves.

There is a huge cost to inaction on child marriage. It is time for policy makers, parliamentarians, communities, families and young people to address this issue head on. Let's deliver a world where every pregnancy is wanted, every birth is safe, and every young person's potential is fulfilled. Let girls be girls.

Child marriage violates girls' rights, denies them of their childhood, disrupts their education, jeopardizes their health, and limits their opportunities. No cultural, religious, or economic rationale for child marriage can possibly justify the damage these marriages do to young girls and their potential. A girl should have the right to choose whom she marries and when. Parents want the best for their children, and need to support their girls' choices and decisions to marry.

UNFPA is working with governments and partners at all levels of society to deliver comprehensive programmes addressing the needs of vulnerable and married girls, providing access to livelihoods, social support and health programmes, including sexual and reproductive health. The ultimate aim is to end child marriage in this generation and to shift cultural attitudes to protect girls' rights.

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## WHAT MUST BE DONE TO BREAK THE SILENCE ON CHILD MARRIAGE?

Bring greater attention to the situations faced by married girls and girls at risk of child marriage, and advocate strongly for their rights. Child marriage is not good for girls or development. The world cannot afford to see the rights, health, and potential of thousands of girls each day being squandered.

Promote investments that build up adolescent girls' capabilities and skills, especially education. Girls' education, particularly post-primary and secondary, is the single most important factor associated with age at marriage. Girls especially need social support and access to programmes that provide life skills, literacy, livelihoods, and sexual and reproductive health information and services, such as family planning and life-saving maternal health services.

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## INVEST IN ADOLESCENT GIRLS!

Investments should provide platforms for vulnerable girls to develop life skills and critical health knowledge, obtain access to social services including sexual and reproductive health and HIV prevention, gain vocational and employable skills for work, and have access to friends and mentors.

Married girls need special targeted strategies that provide access to education, life skills, health including SRH and HIV prevention, and opportunities to participate fully in society. Maternal health programmes need to be reoriented with dedicated outreach for the youngest, first-time mothers, to enable them to use antenatal, essential and emergency obstetric care, and post-delivery services.

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Delivering a world where every pregnancy is wanted, every childbirth is safe and every young person's potential is fulfilled.