

Child Marriage in the Former Yugoslav Republic of Macedonia (Summary)



I was 12 when I had my first child; it was a girl, a very tiny one, and she died after the first month. I was very skinny and I was constantly beaten by my husband; when the girl died, I left him.

—Child spouse

Country context

In the last three decades, the Former Yugoslav Republic of Macedonia (hereafter FY Republic of Macedonia) has faced considerable economic and social change, in addition to an armed conflict. The ongoing process of economic transition has resulted in economic decline, high unemployment rates, the growth of poverty, and a deteriorating standard of living.

The issue of child marriage is largely marginalised by society, a state of affairs that is further enforced by a lack of sufficient interest on the part of the government and civil society to address properly the causes and consequences of child marriages.

Legal context

The FY Republic of Macedonia is party to the UN Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). As a member of the Council of Europe, it has also ratified the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, and the Revised European Social Charter.

The principles of the CRC are incorporated into the national laws that define the duties of all relevant state authorities, in regard to the guaranteed rights of children and the best interests of the child. Alas, the necessary secondary legislation, policy documents, and mechanisms have not been put into place to realise these duties.

The Law on the Protection of Children defines a child as a person under 18 years of age. In general, however, there is a discrepancy in terminology used in different laws regarding the status of a child. What is common for all laws is that persons under 18 years of age do not enjoy full legal capacity, subject to certain exceptions. The terminology problem affects the implementation of laws on the protection of children, juveniles, and minors.

The legal minimum age for marriage is 18 for women and men, and for the marriage to be legally valid, both future spouses must freely express their consent in front of a state registrar. In certain circumstances, the court may, in an out-of-court procedure, allow a person who has reached 16 years of age to contract a marriage.

In the Former Yugoslav Republic of Macedonia, child marriages occur in all sections of society; however, the highest prevalence is found in Roma communities. Among Roma, child marriage is linked to poverty, school dropout, and patriarchal values that associate female virginity with family 'honour'.



This order can only be made if the person has the physical and mental capacity necessary to fulfil the rights and duties of matrimonial life. By contracting a marriage, a child older than 16 years of age gains full legal capacity.

It is a criminal offence for an adult to cohabit with a juvenile aged 14-16 years, or for parents or guardians to allow such cohabitation. However, the courts generally adopt a lenient attitude in such cases, often reluctant to interfere in 'traditions', particularly in cases involving Roma. In the case of common-law marriages, child spouses are left without any institutional support and protection.

Family planning and reproductive rights

Citizens of FY Republic of Macedonia have the legal right to establish a family, health protection, and abortion. However, in practice, access to contraception is limited for groups with a low standard of living, since modern contraceptives are subject to out-of-pocket payments. Women from rural areas have limited access to family planning counselling, since it takes place in gynaecological facilities that are predominantly located in urban areas. Likewise, experts interviewed for this research noted that Roma women and girls typically have very poor access to reproductive and other health services.

The use of modern contraceptives is generally low in the FY Republic of Macedonia, particularly among young people. According to a UNICEF report, only 1.1 per cent of women under 19 years of age used contraceptives in 2007. At the same time, the number of adolescent girls giving birth is in decline.

Research carried out by the Institute for Public Health with young people found prevalence of risky sexual behaviour, lack of knowledge on sexual and reproductive health, and low use of services. Sexual education is not part of the curricula of either primary or secondary schools. This means that adolescents often have poor and, to some extent, inaccurate knowledge about sexual and reproductive health.

Child marriages among Roma

Child marriages in FY Republic of Macedonia predominantly occur among Roma.

According to data from the 2002 Census, there are 53,879 Roma living in the country (2.7 per cent of the total population); 95 per cent of Roma reside in urban settlements, usually in the more deprived areas (ghettos) or in suburban areas. In general, housing conditions among Roma are very poor, and infrastructure in the settlements where they live is inadequate.

Official figures do not coincide with the actual number of Roma living in the country. Roma NGOs estimate the number of Roma in the country at between 80,000 and 135,490. The reason for such a huge discrepancy between the official figures and unofficial estimates is that many Roma are not registered anywhere in the system, and do not possess any personal identification documents. The mobility of the Roma population also makes it difficult to determine the accurate number of Roma, as does the fact that a large number of Roma entered the country from Kosovo during the Kosovo war.

Experts and child spouses interviewed for this research cited numerous reasons given to justify child and common-law marriages among Roma. The most frequent are the girl's pregnancy, the need to preserve the family's 'honour', and 'a better life in Western countries' (i.e., emigration). Patriarchal values are very strong in Roma communities, according to experts interviewed, and girls' virginity is closely tied in with the idea of family 'honour'. This supports child marriage, as families marry girls off while they are still young, in order to ensure that they are virgins when they marry.

The 'better life' justification particularly applies to cases where the groom, who is employed abroad, comes back to FY Republic of Macedonia to find a bride to take back with him. This is a particularly desirable outcome for families experiencing economic hardship. Overall, experts interviewed noted that rates of child marriage are higher among the poorest and most socially excluded Roma families.

Child marriage in FY Republic of Macedonia is associated strongly with high rates of school dropout among girls. According to the interviews with child spouses, as well as NGO activists, parents take girls out of school because of the belief that a girl's place is at home, to ensure that she receives a proper preparation for marriage and to preserve her virginity. The patriarchal values and attitudes of parents to family honour, morality, and girls' virginity perpetuate the discrimination of Roma girls within the Roma population.

The current practice among Roma is not to register marriages officially. The issues underlying this pattern are numerous, most pressing being the lack of personal identification documents, poverty, low level of education, unemployment, the fact one

(usually the girl) or both members of the couple are too young to contract a marriage legally, and the costs associated with obtaining all the necessary documents for contracting a marriage.

There is a similar situation in regard to the registration of live births. Among some Roma, the lack of personal identification documents is passed on to the next generation. Predominantly, such patterns are prevalent among Roma with lower levels of education and skills, who are living in poverty and whose children gradually become, as a Roma NGO activist pointed out, 'phantom children' deprived of access to healthcare, education, and social care. These children see child marriage as a way out of such a precarious situation.

Recommendations

- Adopt a standardised definition of a child as a person under 18 years of age. Furthermore, child marriages should only be possible in exceptional cases. Additional and comprehensive measures need to be incorporated into the legislation in order to establish a statutory duty on the part of state institutions to provide continuous support, counselling, care, and guidance to child spouses after the marriage is contracted. The visibility of child spouses should be raised, in national strategies and action plans related to gender equality, family violence, social inclusion, and safe motherhood. At the same time, the criminal justice response to illegal marriages with children should be genuine and all stakeholders should complete an in-service training course on the dangers of ethnic profiling and stereotyping. Full and complete cooperation and coordination between the criminal justice system, social welfare system, and healthcare system should be legally binding.
- Organize in-depth research and population surveys alongside awareness-raising campaigns on the consequences of child marriages. Develop databases and a system of constant data collection on child marriages and common-law marriages. In particular, awareness-raising campaigns should focus on rural areas, taking into account cultural diversity, and involve addressing the traditions of ethnic groups in order to overcome harmful consequences for the health and development of girls, and the violation of rights.
- Introduce sexual and reproductive health education in primary schools in order to enable children and young people to gain accurate knowledge about sex and reproduction.
- Ensure availability and accessibility of healthcare services, especially gynaecological and paediatric services, counselling on family planning, and free access to contraceptives in communities most affected by child marriage, and in rural areas.
- Develop mechanisms to reduce the phenomenon of lack of personal identification documents among Roma, and to register existing common-law marriages. In particular, such mechanisms need to include measures to address the issue of Roma street children and their vulnerability to child marriage, both registered and unregistered.
- Ratify the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.



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