

# Child Marriage in Ukraine (Summary)



**My father gave me in marriage. I was not asked if I wanted to [marry] or not.**

*—Roma child spouse, married at 14*

## Legal context

Ukraine has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), and women's and children's rights are protected under the Constitution of Ukraine, the Family Code, the Code of Laws on Labour, and the Code of Criminal Procedure. However, experts interviewed for this study felt that this good legislative framework is not effectively implemented.

In 2012 the Family Code of Ukraine was amended to raise the minimum age for marriage for girls from 17 to 18; the minimum age for boys was already set at 18. However, a court may grant permission for a person aged 16 years or older to marry if it is established that the marriage is in her or his interests (Article 23). Sexual intercourse and other activities of a sexual nature with persons under 16 years of age are illegal under Articles 155 and 156 of the Criminal Code, punishable by deprivation of liberty for up to five years.

According to Family Code of Ukraine (Article 6), 'a child is a person aged under 18, when majority is attained'. An adolescent marrying before the age of 18 immediately acquires full civil capacity.

A marriage must be registered at a state civil registry office, and religious marriages and cohabiting couples have no legal status.

## Family planning and reproductive rights

The rate of contraceptive use among all women has increased in Ukraine; however, according to a 2010 report, there are extremely high rates of use of emergency contraception to prevent unwanted pregnancy. Overall, use of modern methods of contraception in urban areas is higher than that in rural communities. Inadequate funding for family planning programmes and lack of infrastructure restricts access to reproductive health services in rural areas, including access to abortion.

Under the Civil Code of Ukraine (Article 284), adolescents over the age of 14 can access health services, including reproductive health services. According to the survey 'Youth of Ukraine' (carried out in 2010), 61.0 per cent of respondents who had had sexual intercourse had used some form of contraception. Limitations on access to contraceptives for adolescents include being financially

*In Ukraine, early marriage is closely linked to early sexual debut and unplanned pregnancy. Among the Roma minority, child marriage affecting girls and boys is driven by patriarchal traditions and poverty, among other factors.*



dependent on parents, lack of a friendly and welcoming attitude to teenagers in clinics, and the failure of medical staff to respect adolescents' privacy.

There is no particular course or approved curriculum on sexual education in schools. Some aspects of sexual education are studied in grades 5 to 9, in the course 'Fundamentals of Health'. But it is left up to the teacher to decide which issues to focus on during course and how to teach it.

### Child marriages in Ukraine

According to the statistical evidence available, early marriages in Ukraine are quite rare (and have fallen significantly since the 1970s), and are more typical for villages than cities. Data from the Ukraine Multiple Indicator Cluster Survey (MICS) (2012-2013) shows that overall, 11 per cent of women surveyed aged 20–49 years were first married/entered marital union before their 18<sup>th</sup> birthday. In urban settlements this proportion was 10 per cent, and in rural areas, 14.5 per cent. The MICS data also reveals a link between level of education and early marriage, and wealth quintile and early marriage, with women aged 20–49 who had post-secondary education less likely to have married before age 18.

MICS 2012-2013 data also found an adolescent birth rate of 34 per 1,000 women aged 15–19, with higher rates in rural areas. Overall, the adolescent pregnancy rate is two to four times higher than in other European countries.

Early marriages are more typical for women than for men. According to common gender-based stereotypes it is important for Ukrainian women to be married. That is why even young people – and young women in particular – express support for the idea of marrying early.

Early marriage and motherhood are connected with early sexual intercourse. Analysis of judgments made in cases where adolescents have applied to the court for permission to marry reveals that pregnancy is generally the main reason given for granting consent to the marriage, when the applicants are aged 16 or 17. Early sexual intercourse is also of concern in the context of high rates of HIV infection in the country, given that adolescents may be more likely to practise risky sexual behaviour.

Domestic violence is a significant but hidden problem in Ukraine, although none of the child spouses interviewed for this study reported experiencing it. One of the main problems that child spouses did report facing was lack of financial independence. Many were reliant on parents, and could not afford to live independently. Some female child spouses reported being able to complete their schooling or university education, while others were not able to go to university, or had to drop out.

As a rule, female child spouses interviewed said that their parents and family were supportive of the marriage, happy that their daughter was 'on the right path' in life. At the same time, the child spouses said that they would not advise their friends or siblings to marry early.

### Roma in Ukraine

Ukrainian authorities do not have any reliable statistics on Roma, as many Roma do not have identity documents. According to the 2001 Census, there were then 47,917 Roma people living in Ukraine. However, the Council of Europe Roma and Travellers Division estimates that the Roma population is much larger, between 120,000 and 400,000. There is also no comprehensive data on the socioeconomic situation of Roma in Ukraine. However, the research for this study and other studies reveals that Ukrainian Roma people face regular and systematic discrimination in almost all areas, including access to education, housing services, healthcare, employment, and social services. In general, within Roma communities, few people have formal education (particularly women), and there are high levels of unemployment, deplorable living conditions, and poor health. Roma women in Ukraine are subject to multiple forms of discrimination, as women and as members of the Roma minority. Negative stereotypes are common, and Roma also face discrimination and prejudice from the general public.

The 'Strategy for protection and integration of Roma national minority into Ukrainian society [by] 2020' has been adopted by the Ukrainian government. But experts from Roma rights NGOs are very critical towards this document, as it lacks proper mechanisms to implement changes; they feel there is little political will to address the problems facing Roma.

## Child marriages among Roma

While no reliable statistics exist, rates of child marriage are thought to be much higher among the Roma population. Few Roma marriages overall are registered, partly because many involve spouses under the age of 18. But if we take early motherhood as an indicator for child marriage, then the official data does support this conclusion. According to birth statistics, in 2011, 141 girls under the age of 15 gave birth in Ukraine; of these births, 55 took place in Zakarpatska oblast, which has the largest population of Roma living in Ukraine.

As this study and other reports show, early school dropout is linked to child marriage among Roma in some cases. It is important to note, however, that Roma girls face other barriers to education, rooted in poverty and discrimination. Many Roma families take girls out of school due to poverty, so that girls can work, or look after younger siblings while parents work. By contrast, boys are often able to continue with education, if they want to.

Child marriages are explained by members of the Roma community as ‘tradition’ or ‘natural’. Many Roma girls see early marriage as normal, and find it difficult to be critical towards their own ‘traditions’. Traditional patriarchal attitudes towards gender and sexual roles help support the practice. For example, huge value is placed on female virginity for Roma women by their families and community; this means there is pressure on girls to marry young, so that there is less danger of their losing their virginity before marriage. In addition, girls are expected to obey their parents. However, it is important to note that there are significant socioeconomic factors also pushing girls into early marriages. For instance, lack of education about family planning, and lack of access to contraception are factors, as are low levels of education, poverty, and overcrowded and poor quality housing (i.e. in Roma camps).

This study revealed that while girls are predominantly affected, Roma boys also experience early marriage. This is in contrast to other population groups in Ukraine.

In some cases, young couples choose to marry. In other cases, marriages are arranged by parents, and the child spouses are given no option but to agree. Abductions for forced marriage (bride kidnapping) also happen in some Roma communities in Ukraine.

Levels of domestic violence within Roma communities are high. Research by the ‘Chirikli’ Roma Women’s Fund and the European Roma Rights Centre found that out of 240 Roma women interviewed, 112 (46 per cent) reported having experienced domestic violence. In such cases, the state authorities and agencies do not respond effectively to either prevent domestic violence, to punish offenders, or to provide services to victims.

## Responses to child marriage

**Working with Roma women and girls.** The ‘Chirikli’ Roma Women’s Fund runs projects for Roma women targeting issues of reproductive health and sexuality. For example, in one project, ‘Room for mother and child’, Roma girls and women can come and discuss issues that are ‘taboo’ in their community, such as sexuality, reproductive health, and family planning.

**Roma mediators.** Roma social-medical mediators are drawn from Roma communities, and act as intermediaries between people living mainly in Roma settlements and social and medical services. Since 2010, there have been successful examples of Roma mediators working in different parts of Ukraine, and they are in general one of the best examples of reaching out to the Roma community.

## Recommendations

- Create effective mechanisms to ensure implementation of existing legislation to protect the rights of all women and girls, especially those from marginalised groups.
- Introduce educational programmes on the protection of sexual and reproductive health for adolescents and youth into the school curriculum.
- Challenge patriarchal gender stereotypes that women's self-fulfilment can only be realised through marriage.
- Encourage youth health services to use peer-to-peer education to share knowledge about reproductive health, and to start dialogue on previously 'taboo' topics.

## Roma-specific recommendations

- Integrate programmes of Roma social-medical mediators into national government programmes, and institutionalise the profession of Roma mediator.
- Provide social workers with better training, so that they can work more effectively on resolving issues facing Roma, and can work cooperatively with Roma mediators.
- Develop and implement measures to improve the level of literacy among adult Roma, reduce school dropout rates among Roma children, and improve the standard of housing and infrastructure in Roma settlements.
- Provide information to Roma community members (especially young women and men) on sexual and reproductive health and on the health consequences of child marriage.
- Establish women's consciousness-raising groups, to empower young Roma women who face multiple forms of discrimination, and provide young Roma women with practical help with employment, education and changing their qualifications, and assistance in opening small businesses.
- Enable Roma to obtain identification documents, and encourage the registration of births, marriages, and deaths (even if late).



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