

Child Marriage in Albania (Summary)



I have a younger sister. I would never ask her to marry young. Maybe when she turns 20.

She must enjoy life. When you marry, you don't enjoy life.

—Child spouse

Legal context

Albania has ratified the UN Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms.

The 2010 Framework Law on the Protection of the Rights of the Child defines a child as anyone under the age of 18. The Framework Law also defines the rights and protection a child is entitled to, and names the mechanisms and institutions that are responsible for guaranteeing these rights. Government officials interviewed for this research noted that unfortunately, this good legislative framework is poorly implemented.

Under the Family Code, the legal minimum age for marriage is 18 for women and men. However, a local court may approve marriage at an earlier age 'for matters of importance' (e.g. pregnancy, or if the future husband is an emigrant). In such case, no minimum age is defined. All marriages must be based on the free consent of both spouses, and must be officially registered.

The Criminal Code does not criminalise child marriage. There is one reference made to 'Forcing [. . .] to commence or continue cohabitation [. . .] which is punishable by a fine or up to three months of imprisonment'. Sexual intercourse with a minor below the age of 14 is a criminal offence, with a punishment of seven to 15 years in prison, while forced sexual intercourse with a minor aged 14-18 years is punished by five to 15 years of imprisonment.

Full legal capacity is attained at the age of 18, although if a girl marries before the age of 18, she is legally recognised as an adult.

Family planning and reproductive rights

The Law on Public Health provides for maternal and neonatal healthcare services, regardless of ability to cover the costs. Reproductive health is regulated by a specific law, which covers the provision of counselling services on reproductive health issues, ensures prevention and treatment of sexually transmitted diseases and infections, and ensures safe abortion.

In Albania, contraception was legalised in 1992, very soon after the collapse of communism; prior to this, it had been extremely difficult to obtain. Contraceptives are provided free of charge at state-run clinics.

Rates of child marriage are low in Albania, but the practice is found among Roma, and in some isolated rural communities. Factors driving child marriage include poverty, the lack of value placed on girls' education, cultural attitudes, geographical isolation, social exclusion, trafficking, and emigration.



According to the Demographic and Health Survey for 2008-2009, slightly over one half of currently married women (54.7 per cent) in the age group 15-19 were using some family planning method, although only 12.9 per cent were using modern contraceptives, with male condoms being the most used method (9.4 per cent).

As of 2009, about 3 per cent of females in the age group 15-19 years had begun childbearing. Rates were more than three times higher in rural areas than in urban areas (3.8 per cent vs. 1.2 per cent), and close to four times higher among girls who had completed only primary education compared to those who had completed secondary education (4.4 per cent vs. 1.2 per cent). In 2008, 3.2 per cent of all abortions were performed on women under 20 years of age (270 out of a total of 8,335).

Child marriages in Albania

Child marriage in Albania is a complex issue. Poverty, the lack of value placed on girls' education, geographical isolation, social exclusion, trafficking, and emigration are all factors that are driving child marriage in Albania today, in addition to attitudes towards women's sexuality and role in society. At the same time, child marriage within certain communities is helping to perpetuate these trends. This is locking young people affected by child marriage into a cycle of poverty, exploitation, and marginalisation.

Marriages involving children are not registered and, hence are not legally recognised, meaning that accurate statistical data is not available. A review of the few available studies reveals that child marriage in Albania is most commonly practised among the Roma ethnic group.

That said, child marriages also occur in some Albanian communities living in extremely isolated, poor, rural areas, where a patriarchal mentality meets poverty. Here the practice exclusively involves girls under 18 years of age. Boys marry later, generally between their mid-20s and early 30s. Child marriages are now less common, although they still exist.

In these communities, marriages are arranged by families, and girls have no say in the choice of spouse. The father makes the decision, while the

girl's mother has little say in the matter and just has to hope that her daughter will be lucky.

Many girls in these mountain communities drop out of school at age 12-13, in order to take on domestic work at home and prepare for marriage. As girls are kept in isolation from school and social life, marriage appears to them to be the best alternative to their current life. Girls are usually engaged when they are 13-15, although the wedding itself will take place a couple of years later. In such cases, the husband is often an emigrant who lives abroad, so the child spouse will be left with her new in-laws. There have been reported cases of such marriages being linked to trafficking, when the 'husband' in fact turns out to be a trafficker.

Dropping out of school, usually before completion of compulsory education (for the majority group), and before the completion of basic primary school (for Roma) is a predictor of child marriage. It may happen before or after the marriage itself, and is a decision made by parents, rooted in the belief that 'school is not the future'. Parents do not see a future for their daughters beyond being a wife, homemaker, and mother. School dropout is reported for both genders in the last years of compulsory education, but for different reasons. Boys tend to drop out in order to enter the labour market, while girls drop out in order to prepare for marriage.

Child marriages among Roma in Albania

There are no accurate official figures on the Roma population in Albania. In 1995, Minority Rights Group International estimated the number of Roma in Albania to be between 90,000 and 100,000. Life for Roma in Albania is marked by unemployment, low income, poverty, and low levels of education. Studies reveal that Roma girls tend to marry at a much younger age and become mothers earlier than other ethnic groups. In 2011, 31 per cent of 13- to 17-year-old Roma girls were married or in union.

The available studies found that the main factors driving child marriages among Roma are patriarchal mentality, poverty, parents' fear of child kidnapping and prostitution, and limited education on marriage and family planning. The outcomes of child marriage and childbearing, reported by the available studies, include low levels of education and high divorce rates. For women, divorce leads to increased

poverty and social exclusion for themselves, their families, and their children. This may result in their resorting to sex work as a strategy for survival and a coping mechanism for poverty. The use of birth control methods is low among Roma (10 per cent) and abortion rates are high.

While poverty is a major predictor of child marriage among Roma, values, beliefs, and attitudes towards what is considered honourable, moral, and pure are important as well. Physical growth is considered an indicator of the readiness to enter marriage, rather than the child's actual age. Parents will arrange a marriage to ensure that a girl does not lose her virginity out of wedlock, and to avoid the shame that this would bring. In many cases, parents force their adolescent daughter to marry the boy she is dating.

Child marriage among Roma affects boys as well as girls. Two types of child marriages are common in Roma communities. The most frequent are arranged marriages, as soon as the child is considered ready to marry (about 12–14 for girls and 14–16 for boys). The second type is marriage by elopement, where the couple decides to marry without their parents' approval. Roma marriages are rarely registered.

Children born into Roma child marriages are usually not registered, or are registered as the offspring of the mother's parents or grandparents. While this makes it possible for children born into child marriages to obtain identity documents, and to access public services, especially health and education, it conceals the fact that the child has been born into an illegal, child marriage.

Child marriage is not common in all Roma communities in Albania. It is mostly found among more marginalised communities, who speak only Romani and are organised in big, extended families. These marginalised communities face discrimination from the majority Albanian population, and a legal and policy environment that does not consider their specific needs.

Roma child spouses usually continue the cycle of poverty into which they were born and as their marriages are illegal, it is difficult for them to continue their education, and to secure adequate housing or employment. Child spouses interviewed for this study spoke of their regret at marrying at a young age. Child marriages often do not last, and a couple may separate and soon after remarry.

Responses to child marriage

Sexuality education introduced in school curriculum. NGO activists have attended and facilitated classroom teaching to support teachers in raising awareness on sexuality education and family planning issues. However, this type of intervention is effective only for children who attend school. Roma children in particular cannot be targeted through school only, as they tend to drop out before completing compulsory education, and other ways must be found to reach such children.

Community-based interventions. Community-based interventions have brought some positive results in Albania through engaging health mediators and community leaders who gave their support. However, they are challenged by the complex economic and social issues facing the people with whom they work, as well as the community's attitudes and reluctance to engage, and the lack of a systematic approach.

Targeting children in marriage. Another type of intervention involves working directly with street children, some of whom are the offspring of child marriages themselves, and at the same time, working with their parents and providing them with information on parenting practices, child development, and family planning.

Recommendations

- The provision in the Family Code giving local courts the right to approve marriages of those under the age of 18 should specify an age limit, and the Penal Code should be revised to include a set of measures aimed at common law marriages (or cohabitation) involving children. The legislation vacuum on how to regulate births within child marriages needs to be addressed in the Civil Code, Family Code, Civil Service Law, and other relevant legislation.
- Awareness of the consequences of child marriages needs to be raised among policy-makers, civil society, and other opinion leaders, as well as among parents, children, and young people living in communities where child marriage is widely practised. Policy-making should be supported by accurate sex- and age-disaggregated statistical data on marriages, divorces, births, and child and maternal health.
- The root causes of child marriage among Roma need to be tackled. This task can be begun through improving the access of Roma families to education and health services, and to adequate housing.
- Poor access to reproductive health services is a significant issue for Roma women, leading to low contraceptive use and high rates of abortion. Providing mobile family-planning clinics and training family-planning community mediators would be a feasible and cost-effective way of addressing this problem.
- Community-based interventions should be carried out with the active involvement of all actors influencing the communities concerned, including religious leaders and leading public figures in Roma communities.



Contact Details:

This summary is based on a fact sheet prepared by Elona Boce Elmazi for UNFPA.

UNFPA Albania: UNFPA Albania: Rr. 'Skenderbe', Gurten Building (Volkswagen), 2nd floor, Tirana, Albania

UNFPA EECARO: Hakki Yeten Caddesi, Selenium Plaza, No:10/C Kat 18-19, 34349 Besiktas, Istanbul, Turkey; eecaro@unfpa.org