

Child Marriage in Bosnia and Herzegovina (Overview)



I was 13 when I had my first child, 15 when I had my second one, and 17 when I gave birth to the third.

—Child spouse

Child marriage

Child or early marriage is the union, whether or not official, of two persons, at least one of whom is under 18 years of age.¹ By virtue of being children, child spouses are considered to be incapable of giving free and full consent, meaning that child marriages should be considered a violation of human rights and the rights of the child. In Bosnia and Herzegovina, child marriage occurs among all sections of the population. Sporadic evidence points in the direction that child marriage is more prevalent in the Roma community, though due to a number of subjective and objective reasons this observation is difficult to quantify.

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, and if they become pregnant, often experience complications during pregnancy and childbirth, as their bodies are not ready for childbearing. Upon 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 Bosnia and Herzegovina and offers recommendations aimed at addressing the issue. It includes a review of national legislation and the country's ratification of the various international standards relevant to the issue, 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 Bosnia and Herzegovina, and interviews with child spouses and experts working in the fields of children's and women's rights.

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



Recommendations

- A standardised definition of a child as a person under 18 years of age should be adopted by the relevant legislatures.
- A more demanding out-of-court procedure for the examination of petitions for marriage of persons who have reached 16 but not 18 years of age should be introduced that will focus on the best interest of the child and examine in detail the circumstances surrounding the petition.
- Educators and social welfare centres should play a more active role in reporting cases of common-law marriage involving an adult and a juvenile under 16 years of age.
- All such cases should be prosecuted, regardless of whether the marriage is contracted or not. The possibility should be considered of deleting the provisions in the three criminal codes that make it possible for an adult living in a common-law marriage with a juvenile, under 16 years of age, to avoid criminal prosecution if the marriage is contracted.
- Comprehensive, age-appropriate education on sexual and reproductive health and rights should be introduced into the public education system.

Roma-specific recommendations

- The problem of child marriages among Roma should be comprehensively addressed through a number of measures that should aim to improve the level of literacy among adult Roma, reduce school dropout rates among Roma children, improve the standard of housing and infrastructure in Roma settlements, and educate Roma on sexual and reproductive health and on the health consequences of child marriages.
- The problem of lack of identification documents for Roma needs to be addressed, as well as the issue of registration of births, marriages and deaths, in those cases where they have not been registered.

Legal and national context

Bosnia and Herzegovina is a country whose recent past has been marked by an armed conflict, loss of lives, material destruction, and disintegration of the social fabric. The post-war transition to a market economy, which was sudden and poorly planned, has resulted in a low standard of living, high unemployment, unsatisfactory economic growth, and poor economic perspective. Bosnia and Herzegovina's extremely complex administrative structure – which was the product of political agreement rather than a reflection of actual needs on the ground – keeps inflating the already unsustainable public spending and suffocating the economy. In addition, the media reports chiefly on internal political impasses, while economic and social issues receive little or no attention. In this environment, the issue of child marriage competes for attention with myriad other problems, which are perceived as more important. As a result, the state and the society have little awareness of the existence, causes, and consequences of child marriages, nor of the importance of a comprehensive approach to this problem.

“The rights of the child are most frequently violated due to the poor socio-economic situation in the country. Budgetary allocations for children are considerably smaller in comparison to other categories of the population, e.g. war veterans, war invalids, and victims of war.” (Children's rights expert)

International standards

Bosnia and Herzegovina is a member state of the United Nations and the Council of Europe. It is a party to the Convention on the Rights of the Child (CRC) (and the two Optional Protocols); the International Covenant on Social, Economic, and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (and its Optional Protocol); and the Council of Europe Convention for the Protection of Human Rights and Fundamental

Freedoms. Regarding the application of international legislation, Bosnia and Herzegovina is a monist state, meaning that the act of ratifying an international treaty or convention incorporates it into national law.

Overview of national legislation

The national legislation reflects the complexities of the administrative and legal systems of Bosnia and Herzegovina, (hereinafter BiH), which consists of two entities: Republika Srpska (hereinafter RS) and the Federation of Bosnia and Herzegovina (hereinafter FBiH), and one district: the Brčko District of Bosnia and Herzegovina (hereinafter BDBiH). The FBiH is composed of ten cantons. All of these legal entities have their own executive, legislative, and judicial bodies.

Who is a child?

The BiH Framework Law on Primary and Secondary Education defines a child as a person under 18 years of age.² The FBiH Family Law does not provide a definition of a child.³ Rather it stipulates that majority, and legal capacity, is attained at 18 years of age. Legal capacity can be attained earlier if a minor under 18 contracts a marriage or becomes a parent (provided he or she is at least 16). In this case, a court must decide, in an out-of-court proceeding, taking into account the minor's mental maturity, whether the minor qualifies to be treated as an adult. The RS Family Law and the BDBiH Family Law have regulated this issue in the same way.⁴ The Criminal Codes of BiH, FBiH, and the BDBiH stipulate that a child is a person under the age of 14 years, while a juvenile is a person who has not reached 18 years of age.⁵ A person between the ages of 14 and 18 is usually referred to as a juvenile. The RS Criminal Code does not provide a definition of a child and juvenile, but stipulates that a criminal act, committed by a minor under the age of 14 years, cannot be subject to criminal sanctions.⁶

A number of other laws, at the state, entity, and cantonal levels, either define a child as a person under 18 years of age; disaggregate minors into two groups: under 14 years of age (children), and between 14 and 18 years of age (juveniles); or omit the definition of a child altogether. Juveniles are in some cases further disaggregated by age into younger juveniles (14-16 years of age) and older juveniles (16-18 years of age).

The common denominator for all the laws is that persons under 18 years of age have not attained full legal capacity, except in the case of the above court-regulated exceptions.

Who can contract a marriage?

According to the FBiH Family Law, marriage cannot be contracted by a person under 18 years of age. In addition, the future spouses have to declare their consent before a registrar. Exceptionally, a court can, in an out-of-court proceeding, allow a person who has reached 16 years of age to contract a marriage if the person is physically and mentally able to fulfil the rights and duties of matrimonial life, and if the marriage is in the person's interest. The RS Family Law and the BDBiH Family Law include identical or almost identical provisions. All three family laws stipulate that a marriage is not valid if a spouse agreed to the marriage out of fear caused by a serious threat.

According to the above legislation, it is not possible for a person under 16 years of age to contract a marriage. Such a marriage would be null and void, and a cause for criminal prosecution of the authorised person before whom the marriage has been contracted.⁷

“[Consistent] application of the existing legislative solutions is of paramount importance since the mechanisms for criminal sanctioning of [early] common-law marriages are already in place, but it is necessary to work harder on prevention, sensitisation of the wider public, and on 'tearing down' the stereotypes and prejudices.”

(Children's rights expert)

The criminal codes of the RS, FBiH, and the BDBiH stipulate that an adult living in a common-law marriage with a juvenile under 16 years of age shall be punished, depending on the code, by a fine or imprisonment for a term not exceeding two years (RS) or for a term between three months and three years (FBiH and BDBiH). However, rather

importantly, the relevant articles of the three criminal codes clarify that if marriage is contracted in such cases, criminal prosecution shall not be instituted, and if it has been instituted, shall be suspended. The provisions that make it possible for the criminal prosecution to be suspended, or altogether avoided, reduce the deterrent effect of the criminal codes.

The family laws make it possible for the relevant courts to allow a person who has reached 16 years of age to contract a marriage in exceptional and justified cases. In reality, the courts and social welfare centres that are tasked with providing their opinion on the marriage application, in a significant number of cases merely rubberstamp the existing situation in the face of a *fait accompli*. Often the applicants are already living in a common-law marriage and wait until both have reached 16 years to file the marriage application – sometimes only days after the minor’s 16th birthday. The most frequently provided justifications are an already existing

“Examples of the most frequently provided justifications for marriage application of persons who have reached 16 but not 18 years of age:

A.X. is 16 years and 13 days. She has been living for a month in a common-law marriage. He is 23, completed primary school, and works in construction. They are living in his parents’ house.

B.X. is 16 years and 5 months. She has completed primary school and dropped out of secondary school. She has been living in a common-law marriage for six months and is three months pregnant.

*C.X. is 17 years and 10 months. She has dropped out of her senior year in secondary school. The future husband is living and working abroad. Pregnancy is not cited, nor any other reason that would warrant contracting a marriage two months before reaching majority and completing the final year of secondary education.”*⁹

(Children’s rights expert)

common-law marriage, the bride-to-be’s pregnancy, and joint life abroad. ‘Joint life abroad’ refers in practice to situations where the future spouse, in most cases the groom, who is working abroad, comes to Bosnia and Herzegovina to get married and then takes his bride back to whichever country he is working and living in. This phenomenon needs to be observed in the light of a sizeable BiH diaspora community, whose members have been known to look for a future spouse in the homeland.

Almost as a rule, there is no dispute during the out-of-court proceeding to decide whether a person under 18 can marry, since all the parties – minor(s), parents, and social welfare centres – agree that the marriage is in the minor’s best interests and should be contracted. There are cases where all the parties waive the right to appeal in order to speed up the proceedings.⁸

In sum, the family laws allow for the de facto lowering of the marriageable age from the age of majority (18 years) to 16 years. The criminal codes allow adults to avoid prosecution for the criminal offence of living in a common-law marriage with a juvenile under 16 years of age, provided they contract a marriage with this person. This means that the deterrent effect of the criminal codes is significantly reduced. In most cases, only one of the spouses, usually the female, is under 18 years of age. Even though such marriages are contracted with formal consent, they in essence represent a violation of individual human rights enabled by the vulnerable position of one spouse and virtual impunity for the other.

Ascertaining the number of cases of common-law marriages involving adults and juveniles under 16 years of age that have been reported, investigated, prosecuted, or suspended would only be possible with further research, given that the court statistics are disaggregated by groups of criminal offences (e.g. criminal offences against life and body; civil rights and liberties; sexual integrity; public health; property, etc.). Common-law marriages of adults and persons under 16 years of age fall in the group of criminal offences against marriage and family. This statistical group includes all criminal offences of this type including bigamy, domestic violence, evading alimony payments, etc.

Family planning and reproductive rights

The family laws guarantee the right to establish a family. The RS Health Care Law, the FBiH Health Care Law, and the BDBiH Health Care Law provide for healthcare coverage of certain subpopulations.¹⁰ These include, among others: children; pupils and students until the end of regular education; women in relation to family planning, during pregnancy, delivery, and maternity (up to 12 months after the delivery); and people who are officially registered as unemployed.

The RS Health Insurance Law, the FBiH Health Insurance Law, and the BDBiH Health Insurance Law all guarantee the right to complete care during pregnancy and maternity, under compulsory health insurance schemes.¹¹

The RS Law on the Conditions and Procedure for Termination of Pregnancy guarantees freedom of choice in regard to family planning, and ensures that expert advice is provided to men and women, in order to help them exercise this freedom without detrimental consequences for their reproductive health.¹² The FBiH, which continues to use the relevant pre-war BiH legislation, regulates this area in the same manner.

The Youth Peer Education Network (Y-Peer) in Bosnia and Herzegovina provides advice and peer education on sexual and reproductive health through its three information centres in Banja Luka, Bihac, and Mostar. Since 2002, the Y-Peer network in Bosnia and Herzegovina has reached more than 60,000 young people.

Regardless of the above commendable provisions on family planning, according to the data from public healthcare providers in FBiH, only 1 per cent of women of childbearing age used a modern method of contraception in 2010.¹³

According to a 2009 study conducted in the RS, adolescents' knowledge of reproductive health was poor in 87.9 per cent of cases, good in 8.9 per cent, very good in 3.2 per cent, and excellent in 1.1 per cent of cases.¹⁴

According to a survey from 2006, one in three women in BiH, married or in union, in the age group of 15-49 years, used some modern or traditional form of contraception (35.7 per cent). The most common method of contraception was withdrawal (21.4 per cent). Only 11.2 per cent of women used one of the modern forms of contraception, while 64.3 per cent did not use any form of contraception at all. The same survey found that 23.3 per cent of female respondents who were married or in union in the age group of 15-49 years reported unmet need for contraception, while the percentage of those questioned who reported that their demand for contraception was satisfied was 60.5 per cent in 2006.¹⁵

Another study revealed that as many as 81 per cent of adolescents who maintain regular sexual relations relied only on calculation of fertile days or withdrawal as a method of contraception. The participants in this study mostly reported that they learned about contraception from magazines, while an insignificant number of respondents received information about contraception at home or at school.¹⁶ This poor situation is most likely a result of a lack of information, lack of personal responsibility among adolescents, and lack of interest, on the part of parents and educators, in discussing issues of sexual and reproductive health both at home and at school. In addition, the support provided by the healthcare system is inadequate to meet the reproductive health needs of adolescents.¹⁷

“It is necessary to teach children about all their fundamental rights; to educate them about sexual and reproductive health and, at the same time, to encourage parents to discuss these issues with their children so that they would not need to seek advice on the Internet or from their peers.”
(Children's rights expert)

Roma in Bosnia and Herzegovina

According to the last official census (1991), there were 8,864 Roma in Bosnia and Herzegovina.¹⁹ This number did not encompass all of the Roma living in BiH at that time, due to their nomadic lifestyle and resulting lack of permanent residence, and lack of interest in participating in the official census. According to unofficial pre-war estimates some 70,000 Roma lived in BiH. At the moment, assessments range from 10,000 to 100,000; the lower figure is, most likely, far off the real number, and the higher figure, endorsed by some Roma associations, is probably somewhat exaggerated. In reality, there is no way to estimate with any accuracy the number of Roma living today in BiH. During the 1992-1995 war in BiH, an unknown number of Roma took refuge abroad and it is unclear how many of them have returned. In addition, a number of Roma from Kosovo took refuge in BiH during the Kosovo war. The next official census, scheduled for April 2013, should help clarify how many Roma currently live in BiH, though it is likely that estimating will continue unless the relevant authorities introduce a more comprehensive process of Roma registration.

“We did not register our marriage. [My husband] was supposed to ask my parents if they would let me marry him but I eloped because I loved him. My parents were terribly angry and my father kept yelling that I was still a child. They did not speak to me for a year.”
(Roma child spouse)

A survey conducted in 2010 by a group of Roma NGOs, on a sample of 527 Roma women, found that 44.21 per cent of them entered marriage before reaching 18 years of age, in most cases between the ages of 14 and 16.¹⁸

Almost as a rule, Roma do not register marriages and live births in the official registries. They practice common law marriages and they raise children to follow the same customs. Roma consider such marriages as valid marriages in their community. While arranged marriages and early betrothals take place, it is more common for young Roma couples to elope without seeking their parents' advice or approval. The act of elopement then becomes the act of marriage. Once the 'marriage' is consummated all the parties are presented with a *fait accompli*. As marriages and births are rarely registered, there are no reliable records of who is related to whom by blood within Roma communities. This means that close relatives may end up living together in a common-law marriage, sometimes resulting in health problems for their offspring.

Importantly and interestingly, Roma do not attribute child marriages to Roma tradition, but rather to the circumstances in which they live and to the consequences of these circumstances. They corroborate this claim by drawing attention to the marriage habits of Roma who are literate and have received an education, which resemble the patterns of the rest of the society. A Roma NGO representative voiced the opinion that illiterate people are more prone to enter child marriages, which serve as a source of comfort and a 'place' to escape life's realities.

One of the important consequences of Roma lifestyle is that few Roma children have birth certificates, which makes it difficult for them to be enrolled in school. Later on, they face problems obtaining identification documents and registering with relevant authorities. The problems of illiteracy, lack of education, lack of skills, unemployment, poverty, poor healthcare, low standard of living, discrimination, and lack of perspective can make it very hard for some within the Roma community to avoid engaging in criminal activity.

Key points (general)

Relevant legislation is not completely harmonised with the UN Convention on the Rights of the Child and the institutions responsible for child protection need to improve communication and coordination.

The passive behaviour of adults and indifference towards child marriage facilitates common-law marriages and marriages of persons under 18 years of age. It is often perceived that the ultimate decision rests with the child, and that it is not easily affected by outside interventions.

There is no comprehensive system of education for children about sexual and reproductive health and rights. Consequently, adolescents rely on the Internet, magazines, their peers, and the media. These sources of information are not always reliable and adolescents do not always understand the information provided.

The relevant authorities, with a few notable exceptions, do not recognise the phenomenon of child marriages as an issue requiring focused attention. The general population, by and large, also do not see child marriage as a problem.

The relevant authorities fall short of diligently identifying or prosecuting cases involving an adult living in a common-law marriage with a juvenile (under 16 years of age).

The existing legislation that could help address more efficiently the problem of child marriages is not always put into practice due to the lack of necessary bylaws or funding problems.

Quotes (general)

The priority is to harmonise the legislation with the demands and principles of the UN Convention, intersectoral coordination, and preventive programmes for the protection of children. (Representative of an organisation for the protection of children's rights)

The influence of tradition, low level of education, and lack of information cannot justify the behaviour of adults and their approach to this problem. These decisions are not exclusively theirs [children's] and, for this reason, the legislator has tasked other bodies with assessing and deciding whether their wishes are in their interest. (Representative of an organisation for the protection of children's rights)

The education system ought to address the issue of [educating] children about their reproductive health from the earliest age. This curriculum should be adjusted to their age and needs. (Representative of an organisation for the protection of children's rights)

Early marriages are a problem in Bosnia and Herzegovina that demands to be recognised as a problem and calls for measures aimed at the root causes of the problem. (Representative of an organisation for the protection of children's rights)

I was 12 at the time [we started living together] and he was ten years older. (Child spouse)

We have good laws in certain areas but they are not put into practice or the necessary subordinate legislation has not been adopted or [. . .] the funds necessary for the implementation are insufficient. (Children's rights expert)

Key points (Roma-specific)

Roma have problems obtaining personal identification documents. This problem makes the registration of births and marriages difficult, consequently causing problems with education and employment.

The absence of basic communal infrastructure negatively affects the ability of Roma to complete even primary education. Illiteracy causes myriad other problems and is strongly linked to the practice of child marriage.

Child marriages amongst Roma perpetuate poverty and create new generations of impoverished Roma with significantly limited life options.

Quotes (Roma-specific)

The majority of Roma do not have all the necessary documents and most of them are not entered in the registry books. I, as a president of [a] Roma [NGO], have a 17-year-old son who has not been entered in any books. (President of a Roma NGO)

Children interrupt their education because they have no power supply, water supply, and they are shunned at school by other children as they are dirty. They have no place to study at home. There are living seven to eight people in a 3x3-metre hut. (President of a Roma NGO)

The consequence [of child marriages] is that they [child spouses] drive their children into even greater poverty. Their children are unregistered, uninsured, they [themselves] have no jobs to raise and educate their children who [will] then become even more destitute than their parents already are. (Representative of a Roma NGO)

Data overview

Total population (June 2011 est.):	3,839,737 ²⁰
Life expectancy at birth (2010 est.):	75 ²¹
Population under age 15 (1991):²²	23.5% ²³
Population below national poverty line (2007):	14% ²⁴
Registered unemployed (as of March 2012):	44.1% ²⁵
Youth literacy rate for ages 15-24 (2010 est.):	99.7% ²⁶
Youth literacy ratio (female rate as a percentage of male rate, ages 15-25) (2010 est.):	100% ²⁷
Health expenditure per capita per year (2010):	US \$499 ²⁸
Main ethnic groups (2010):	Bosniaks (43.5%), ²⁹ Serbs (31.2%), Croats (17.4%) ³⁰
Main languages:	Serbian, Croatian, Bosnian ³¹

Child marriage statistics³²

The statistical data for 2010 indicates that girls in the age group of 15-19 years are much more likely to contract a marriage compared to boys of the same age. While boys from this age group primarily marry girls from the same age group (in 60 per cent of cases), girls have a tendency to marry above their age group (in 93 per cent of cases). In such cases, the age difference between bride and groom varies from one year to 25 years. A closer look at the structure of first marriages reveals that only six boys under 18 years of age entered marriage in 2010, compared to 166 girls. Child marriages constituted 0.8 per cent of the total number of contracted marriages in 2010, and 70 girls aged 16 years or younger entered marriage.³³ In 2010, girls under 18 years of age gave birth to 371 babies. Some mothers were as young as 13. Thirty per cent of these children were born in wedlock. Statistically, these 371 babies accounted for 1.1 per cent of the overall number of live births in 2010. The age-specific fertility rate³⁴ (13.5 for 15- to 19-year-old mothers) is within the EU average.

Statistical data on child marriages disaggregated according to ethnicity or socioeconomic status is not available.

Table 1. Marriages by bride's age (2010) and groom's age (2010)³⁵

Total number of marriages in 2010	Bride's age (years)		Groom's age (years)	
	Under 15	15-19	Under 15	15-19
	19,541	1 (0%)	2,408 (7.93%)	0 (0%)

Table 2. Marriages by bride's and groom's ages (2010)³⁶

Bride's age (years) in 2010	Groom's age (years)							
	Under 15	15-19	20-24	25-29	30-34	35-39	40-44	45-49
Under 15	0	0	1	0	0	0	0	0
15-19	0	149	1,392	701	142	18	4	2
20-24	0	91						
25-29	0	5						
30-34	0	1						
35-39	0	1						
40-44	0	0						
45-49	0	1						

Table 3. First marriages by sex and age (2010)³⁷

Age (years)	Female	Male
14	1	0
15	0	0
16	69	1
17	96	5
TOTAL	166	6

Table 4. Live births by mother's age (2010)³⁸

Total number of live births in 2010	Mother's age (years)				
	13	14	15	16	17
33,528	2 (0%)	6 (0.01%)	25 (0.07%)	109 (0.3%)	229 (0.6%)

Table 5. Live births by mother's age and marital status (2010)³⁹

Marital status	Mother's age (years)					TOTAL
	13	14	15	16	17	
Married	1	1	2	18	93	115
Unmarried	1	5	23	91	136	256
TOTAL	2	6	25	109	229	371

Notes and references

1. A child is 'every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier'. United Nations Convention on the Rights of the Child (1989), available at: <http://www2.ohchr.org/english/law/crc.htm> (accessed 29 May 2012).
2. Okvirni zakon o osnovnom i srednjem obrazovanju u BiH (2003) (The BiH Framework Law on Primary and Secondary Education), retrieved from: http://www.mcp.gov.ba/org_jedinice/sektor_obrazovanje/dokumenti/zakoni/?id=676 (accessed 13 June 2012).
3. Porodici zakon FBiH (2005) (The FBiH Family Law), retrieved from: <http://www.fbihvlada.gov.ba/bosanski/zakoni/2005/zakoni/25bos.pdf> (accessed 13 June 2012).
4. Porodici zakon RS (2002) (The RS Family Law), retrieved from: <http://www.mhrr.gov.ba/vijece/PDF/?id=448> (accessed 13 June 2012); Porodici zakon BDBiH (2007) (The BDBiH Family Law), retrieved from: <http://www.skupstinabd.ba/zakoni/138/b/66-07%20PORODICNI%20ZAKON-B.pdf> (accessed 13 June 2012).
5. Krivici zakon BiH (2003) (The BiH Criminal Code), retrieved from: http://www.msb.gov.ba/anti_trafficking/zakonodavstvo/zakoni/?id=3868 (accessed 13 June 2012); Krivici zakon FBiH (2003) (The FBiH Criminal Code), retrieved from: http://www.tuzilastvobih.gov.ba/files/docs/zakoni/Krivicni_zakon_FBiH_36_03_bos.pdf (accessed 13 June 2012); Krivici zakon BDBiH (2003) (The BDBiH Criminal Code), retrieved from: <http://skupstinabd.ba/zakoni/12/b/4.Krivicni%20zakon%20Brcko%20distrikta%20BiH-Sl.glasnik%20Brcko%20DC,br.10-03.pdf> (accessed 13 June 2012).
6. Krivici zakon RS (2003) (The RS Criminal Code), retrieved from: http://www.mup.vladars.net/index2_lat.php?st=zakoni/zakoni_rs_lat (accessed 13 June 2012).
7. Krivici zakoni RS, FBiH i BDBiH (Criminal Codes of RS, FBiH, and BDBiH).
8. Ibid., pp.77-78.
9. RS Ombudsman for Children (2010) 'Problemi i rizici maloljetničkih brakova' (The Problems and Risks of Early Marriages), p.77, available at: http://www.djeca.rs.ba/uploaded/MALOLJETNICKI_BRAKOVI_.pdf (accessed 13 June 2012).
10. Ibid., pp.77-78.
11. Zakon o zdravstvenom osiguranju RS (1999) (The RS Health Insurance Law), retrieved from: http://www.rfzo.rs/download/Zakon_o_zdrav_osiguranju.pdf; Zakon o zdravstvenom osiguranju FBiH (1997) (The FBiH Health Insurance Law), retrieved from: <http://www.fmoh.gov.ba/index.php/zakoni-i-strategije/zakoni/zakon-o-zdravstvenom-osiguranju>; Zakon o zdravstvenom osiguranju BDBiH (2002) (The BDBiH Health Insurance Law), retrieved from: <http://skupstinabd.ba/ba/zakoni/ba/zakon-o-zdravstvenom-osiguranju-br-distrikta-bi.html> (all accessed 13 June 2012).
12. Zakon o uvjetima i postupku za prekid trudnoće RS (2008) (The RS Law on the Conditions and Procedure for Termination of Pregnancy), retrieved from: http://www.zenskiforum.com/index2.php?option=com_docman&task=doc_view&gid=22&Itemid=56 (accessed 13 June 2012).
13. FBiH Institute for Public Health (2011) 'Zdravstveno stanje stanovništva i zdravstvena zaštita u FBiH 2010. godine' (The State of Health of Population in 2010), p.45, available at: <http://www.zjzfbih.ba/wp-content/uploads/2011/12/Zdravstveno-stanje-stanovnistva-FBiH-2010.pdf> (accessed 13 June 2012).
14. Zivkovic, M. (2009) 'Adolescenti, fertilitet i reproduktivno zdravlje mladih u RS' (Adolescents, Fertility and Reproductive Health of Youth in the RS), p.70, available at: <http://www.doiserbia.nb.rs/img/doi/0038-982X/2009/0038-982X0902067Z.pdf> (accessed 18 June 2012).
15. Unmet need for contraception refers to women of childbearing age who are not using any method of contraception, but who wish to postpone the next birth or stop childbearing altogether. Satisfied demand for contraception is defined as the proportion of women currently married or in union who are currently using contraception. Data from BiH Directorate for Economic Planning, RS Ministry of Health and Social Affairs, FBiH Ministry of Health (2007) 'BiH - Istraživanje višestrukih pokazatelja izvještaj' (The Multiple Indicator Cluster Survey - BiH)', pp.45-46, available at: http://www.childinfo.org/files/MICS3_BiH_FinalReport_2006_Bos.pdf (accessed 18 June 2012).
16. Perendija, V. et al. (2009) 'Adolescenti i kontracepcija. U: Knjiga sažetaka II Kongres ginekologa i perinatologa u Bosni i Hercegovini. (Adolescents and Contraception in: Book of Summaries II Congress of Gynecologists and Perinatologists in Bosnia and Herzegovina), pp.117-118.
17. RS Ombudsman for Children (2010), op. cit., pp.52-53.
18. Prava za sve et al. (2010) 'Alternativni izvještaj o implementaciji CEDAW konvencije i ženskim ljudskim pravima u BiH' (Alternative Report on the Implementation of CEDAW and Women's Rights), p.57, available at: http://www.rightsforall.ba/bos/dw/alternativni_izvjestaj.pdf (accessed 14 June 2012).
19. Bosnia and Herzegovina Statistics Agency (2010) 'Tematski bilten – demografija' (Thematic Bulletin - Demography), p.21, available at: http://www.bhas.ba/tematskibilteni/DEM_2010_001_01-bh.pdf (accessed 13 June 2012).
20. Bosnia and Herzegovina Statistics Agency (2012), available at: http://www.bhas.ba/?option=com_publicacija&id=1&lang=ba (accessed 13 June 2012).
21. The World Bank (2012) World Development Indicators, available at: <http://data.worldbank.org/country/bosnia-and-herzegovina> (accessed 13 June 2012).
22. The last official census was conducted in 1991 and does not reflect the current structure of the population. The next official census is scheduled for April 2013.
23. Bosnia and Herzegovina Statistics Agency (2010) 'Tematski bilten – demografija', op. cit., p.17.
24. The World Bank (2012) World Development Indicators, op. cit.
25. Bosnia and Herzegovina Labour and Employment Agency (2012), available at: <http://arz.gov.ba/statistika/mjesecni/?id=516> (accessed 13 June 2012).
26. UNESCO Institute for Statistics (2010) Youth Literacy Rates (15-24), available at: <http://stats.uis.unesco.org/unesco/ReportFolders/ReportFolders.aspx> (accessed 13 June 2012).
27. Ibid.
28. The World Bank. Health expenditure per capita (in current US\$), available at: <http://data.worldbank.org/indicator/SH.XPD.PCAP> (accessed 13 June 2012).
29. From the mid-1990s the term Bosniac (Bosniak) replaced Muslim as the name Muslims in Bosnia and Herzegovina use for themselves. The term 'Bosniak' is used even for Slav(ic) Muslims outside Bosnia and Herzegovina. See Britannica Online Encyclopedia, available at: <http://www.britannica.com/EBchecked/topic/74733/Bosniak> (accessed 13 June 2012).
30. Bosnia and Herzegovina Statistics Agency (2010) 'Tematski bilten – demografija', op. cit., p.21
31. Article 7 of the Republika Srpska Constitution stipulates that the official languages are: 'the language of the Serb people, the language of the Bosniac people, and the language of the Croat people.'
32. Bosnia and Herzegovina Statistics Agency (2010) 'Tematski bilten – demografija', op. cit., pp.24-70.
33. This calculation assumes that very few persons under the age of 18 entered into marriage more than once in the given year.
34. Age-specific fertility rate is the number of live births to women in a specific age group for a specific geographic area (e.g. state) divided by the total population of women in the same age group for the same geographic area (for a calendar year). This number is multiplied by 1,000 to give a rate per 1,000 women in the same age group.
35. Bosnia and Herzegovina Statistics Agency (2010) 'Tematski bilten – demografija', op. cit., pp.24-70.
36. Ibid.
37. Ibid.
38. Ibid.
39. Ibid.

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, jeopardises 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, and 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.

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 being squandered each day.

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 lifesaving maternal health services.

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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