

ANALITICAL REPORT

Early/Forced Marriages in Bulgaria

Early marriages are typical for the Roma community in Bulgaria. The term actually refers to cohabitation and setting up a family without a formal civil marriage. Early marriages are often referred to as “arranged marriages” and even “forced marriages” as it is usually the parents who initiate this form of cohabitation.

The Roma community in Bulgaria ranges from 5 to 9% of the population according to different sources thus amounting to 360,000 to 650,000 people. It is the only ethnic group in Bulgaria with positive population growth.

The Roma community in Bulgaria is a highly diversified and non-homogenous ethnic group. The different sub-groups vary largely in terms of ethnic and social characteristics thus it is impossible to construct a general one-size-fits-all approach: some groups are Orthodox Christian, some are Muslim; some converse among each other in Romane, some in Bulgarian, others in Turkish; some live in extended families, others in more secluded family groups; some live in ghettos in larger cities, others in villages, etc.



Roma boys and girls chat during the open-air 'bride market' in Stara Zagora, Bulgaria



Milka Minkova, 13, poses with her husband Ivan Ankov, 17, at the event which is commonly known as the 'bride market'

Source: [Mail Online](#)

A 2010 [study](#) of Amalipe Center for Interethnic Dialogue and Tolerance (Bulgaria), Liga Pro Europa (Romania) and the Association for Social Support of Europe – ARSIS (Greece) on “Preventing Early/Forced Marriages” identifies a number of trends regarding family and marriage attitudes by Roma in Bulgaria.

- The age of early cohabitation/marriage is rising up and stands at 18 years and above. The majority among Roma reject early cohabitation below the age of 16 years. Only 13% approve of cohabitation at the age below 14.
- While a steady 52,2% of Roma find it unacceptable that their parents decide on their marriage, this tradition still meets the approval of 34,5%. It is also a strong divergent factor among different Roma sub-groups, some practicing it extensively, others less and less.
- Education, economic status and living conditions prove important factors for setting up a family: the higher the education, the later Roma form a family; and the poorer the Roma and their living conditions, the earlier they tend to form a family.

The practice of early marriages has a series of negative effects: dropping out of school; early (and often problematic) pregnancies; negligent upbringing of children; non-employment of mothers and increasing marginalization and social exclusion of the Roma ethnic minority.

The legal framework

The legal age of consent for sexual intercourse under the **Bulgarian Criminal Code** is 14 years of age. Sexual intercourse with a child below 14 years is considered a crime regardless of the child's willingness to participate in the act or not. Minors above 14 years of age need to understand "the nature and meaning of the act", otherwise the act is considered a crime, too. In addition, the following related to the early/forced marriages are **criminal offences** under the Bulgarian Criminal Code (CC):

- A person of full age who lives connubially with a female under 16 years of age without a civil marriage is punished by imprisonment or probation. However, no punishment is imposed if the two conclude a civil marriage. **This latter provision is considered to be problematic as it in practice legalizes violations of the rights of the child** (Article 191);
- Abduction of a female for the purpose of forcing her into marriage is punished by imprisonment; the sentence is graver if the female is a minor (Article 177 CC);
- Abuse of parental power to force a minor under 16 years of age to live connubially (as husband and wife) is punished by imprisonment or probation (Article 190 CC);
- An adult who incites or enhances a boy and a girl under 16 years old to live connubially without a civil marriage is also subject to punishment. Punishment is graver (imprisonment from 2 to 5 yrs) if the boy or girl are under 14 years of age (Article 191);
- Parents or relatives who accept a ransom to allow their daughter or relative under 16 years of age to live connubially with someone is punished by imprisonment and a fine. Same punishment is envisaged for the mediator in receiving the ransom (Article 192 CC).

Most of the above crimes are punishable by an imprisonment of less than five years, which means that a plea bargaining with the prosecutor's office is possible hence punishments are reduced.

The **Child Protection Act** proclaims the right of every child to protection for their physical, emotional and social development and exercise of their rights. The law further proclaims the right of the child to protection against violence. This covers physical, psychological, or other forms of violence; involvement in any activities that are unfavourable for the child's development; applying any methods of upbringing that violate the child's dignity; involvement in begging, prostitution, distribution of pornographic materials or other forms of negative influence.

Discrimination in exercising these rights on any ground is expressly prohibited.

In addition, the Child Protection Act stipulates that every citizen who becomes aware of a child in need of protection must report immediately to the Social Assistance Agency, the Child Protection Department respectively or the Ministry of Interior. This obligation applies also if such information is obtained in the course of exercising a profession or occupation bound by professional secret (e.g. healthcare professionals).

The **Pre-School and School Education Act** prescribes that education until the age of 16 years is mandatory and free of charge.

Framework documents on Roma integration such as the 1999 Framework Programme for Equal Integration of Roma in Bulgarian Society and subsequent strategies and action plans, including the updated Strategy for Educational Integration of Children and Students from the Ethnic Minorities do not mention anywhere the issue of early/forced marriages of Roma.

The problem in practice

- **Failure to act on the part of the law enforcement agencies**

Approximately 80 pct. of the signals concerning early marriages are sent to the Child Protection Departments by healthcare institutions on the occasion of establishing early pregnancies. Pursuant to an instruction of the Social Assistance Agency, all cases of pregnant underage girls must be reported to the prosecutor's office. However, signals rarely contain a qualification of the finding such as sexual abuse or sexual violence of a child, or a minor cohabiting with an adult. Signals rather report negligence on the part of the parents. The prosecutor's office in turn reports that the minor and her parents have consented to the act hence there is no criminal offence.

Likewise, law enforcement officials do not take any action in relation to the so called bridal markets though in some places, e.g. Stara Zagora they are organized four times a year. The practice of a prosecutor in Pavlikeni, a small town in Northern Bulgaria, to initiate criminal proceedings in case minors cohabit together without a civil marriage proved to be highly efficient and disciplining. To avoid criminal proceedings that usually lead to probation (of their parents), minors started registering their civil marriages (with the consent of the parents and the first-instance court).

- **Failure of the school officials to report non-attendance of minors**

Teachers in schools are best positioned to suspect early marriages or a risk thereof as girls stop attending school. Some parents prevent girls from attending school as a precaution against early marriages. In other cases dropping from school is the consequence of early marriages. In either case the teacher must report to the local Child Protection Department. However, teachers seldom do that. One reason is the so-called delegated school budgets: the budget of the school is formed on the basis of the number of students enrolled in the school. The consequence is that teachers are not motivated to report non-attendance and try to conceal school-drops. Another reason is the understanding of many teachers that early marriages among Roma are a Roma tradition that cannot be influenced from the outside.

- **School reform and forum schools**

Following a school reform in 2009, schools with insufficient numbers of students were closed and students were transferred to the so-called forum schools – schools in bigger towns that accommodate students from closed schools. Thus, in many smaller towns and villages the schools were closed and students had to commute sometimes to 20 – 25 km from the place they live. Understandably this process only enhanced school drop-outs of Roma students whose parents disagreed that their children travel 50 km a day to and fro to a school in the bigger town where the young Roma girls were left completely on their own.

- **The Coordination mechanism for children at risk** is not used to prevent/intervene in cases of early marriages

A coordination mechanism for children at risk operates on local level through multidisciplinary teams comprising representatives of the school, Child Protection Department, police etc. However, these teams rarely intervene in cases of early marriages or risk thereof. Teachers rarely signal the Child Protection Departments in case of non-attendance; likewise, the police consider the issue to be Roma traditions and culture. Last but not least Child Protection Departments often intervene in a very formal and administratively cumbersome manner that is counterproductive.

- **Roma health mediators**

A network of Roma health mediators is operating nation-wide. The mediators are representatives of the Roma community and are trained to act as liaison between Roma and various institutions. Roma health mediators provide information, instruction, advice and help locally. The practice that started as a pilot model is well institutionalised now and proven efficient. The model is replicated in other areas (e.g. education) but not so efficiently.

Recommendations

- **School** – school attendance is an important factor for prevention of early marriages. The school should be motivated to proactively monitor and report signals about risks of early marriages and non-attendance. The issue of early marriages should furthermore be discussed in school from the viewpoint of professional development, employment, sexual and reproductive health etc.
- Cohabitation between minors should be **criminalised** and the possibility to ‘legalise’ such a crime by a civil marriage should be repealed.
- **Roma community** – early marriages have their deep roots in the gender inequalities inside the Roma community. Girls are raised as silent domestic servants whose opinion is neither sought nor respected. Often they see an early marriage as an escape route. However, in the new family the position of Roma women only deteriorates as they have to take care of their parents-in-law as well. Dropping out of school leaves them with no education and no professional qualification thus completely economically dependent. This further silences their voice and forces them to accept the inequality, often accompanied with domestic violence and other abuse. Their vulnerability and helplessness often make them easy victims of human trafficking, too.

Women in Roma communities should be empowered through self-help groups, a trusted person from the community to discuss various issues with, venues to seek help from social or other institutions and available alternatives.

- **Public attitudes** – a survey conducted among teachers and social workers points to strong anti-Roma sentiments among these professional groups. The police and law enforcement in principle often share this attitude towards the whole Roma community. The problem of Roma early marriages should be approached individually as a problem of violence against children and not as a typical/traditional Roma problem.