



THE PREVENTION OF CHILD MARRIAGE IN MONTENEGRO

CHALLENGES, LESSONS LEARNT
AND A THEORY OF CHANGE



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Protecting children from violence and promoting social inclusion of children
with disabilities in Western Balkans and Turkey

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A SNAPSHOT

October 2017

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PUBLISHER:

NVO Centar za romske inicijative,
Ul. Jola Piletića b.b., 81400, Niksic, Crna Gora, email: crink@t-com.me

FOR PUBLISHER:

Fana Delija

AUTHOR:

Tanushree Soni

EDITING:

Porta Aperta

COVER PHOTO:

UNICEF Montenegro / Zoran Jovanovic Maccak

DESIGN:

Artgrafika

PRINTING:

Artgrafika

CIRCULATION:

50

YEAR OF PUBLICATION:

2018

DISCLAIMER: This publication was developed within the framework of the multi-year regional initiative ‘Protecting Children from Violence and Promoting Social Inclusion of Children with Disabilities in Western Balkans and Turkey’ – implemented in partnership between UNICEF, the European Union (EU), the European Disability Forum (EDF), and seven countries/territories in the process of joining the EU. Views expressed in this report do not necessarily reflect the opinions and policies of UNICEF, EDF or the EU, the author takes full responsibility for the content of the report.

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FOREWORD

Through this publication, the Centre for Roma Initiatives points out challenges and lessons learned in the prevention of child marriages and it proposes a theory of change, which shows a number of directions of action in combating of child marriage. Namely, child marriages represent the worst violation of the human rights of girls and boys in Montenegro, and they mostly affect Roma and Egyptian girls and boys. Indicating the consequences of child marriages is a particularly difficult mission and challenge for all institutions, organisations, and individuals.

Recalling the beginnings of our work on the prevention of child and arranged marriages, we fondly remember the Women's Travel Caravan, where the victims talked publicly for the first time to their community and the general population about the harmfulness and consequences of a child arranged marriage. We remember the march held in 2012, in which more than a hundred Roma and Egyptian women took part with the message 'Through Law against Child Arranged Marriages'; then numerous training events, seminars, and lobbying aimed to address this problem in strategic documents. However, over time we realised that the practice of child arranged marriage is stronger than the law, and that numerous legal proceedings remained without ultimate justice for the children who were victims. Consequently, our first publication issued in 2014 had the symbolic title 'Arranged Marriage is Stronger than the Law'.

This journey has not been easy: the activists of our organisation and the RAE Women's Network 'FIRST' faced a number of cases of discrimination and were targets of physical attacks by individuals from their own community who felt that their well-preserved centuries-old practice was endangered.

As the Executive Coordinator, I would like to thank the UNICEF Country Office in Montenegro, which supported the programme 'Coordinated action to combat violence and child marriages in the Roma and Egyptian Community', within the framework of the regional initiative 'Protecting Children from Violence and Social Inclusion of Children with Disabilities in Western Balkans and Turkey' – implemented in partnership between UNICEF, the European Disability Forum (EDF), the EU, and seven countries in the process of joining the EU. My gratitude also goes out to Ms. Ida Ferdinandi, Child Protection Officer at the UNICEF Country Office in Montenegro who, together with the project team at the Centre for Roma Initiatives, contributed extensively to the realisation of this publication, as well as to numerous activities such as the development of guidelines for action by relevant institutions, and the mobilisation of the community itself.

In addition, I would like to thank the U.S. Embassy in Podgorica and the Ministry of Interior of Montenegro, the Police Directorate (Security Centre of Niksic), the Department for Domestic Violence and Juvenile Delinquency – which supported our initiative realised within the project 'Fight against Child Arranged Marriages' since its very beginning in 2012. I am also thankful to all the organisations that joined our efforts subsequently, namely the Assembly Committee on Gender Equality, the Ministry of Human and Minority Rights, international organisations including OAK Foundation, CARE International NWB, UNDP, OSCE and other national NGOs, and state bodies, as well as to numerous devoted individuals who, with their selfless effort, have contributed to make this problem visible or to alleviate its consequences.

Fana Delija, Executive Coordinator of the Centre for Roma Initiatives

ACKNOWLEDGMENTS BY THE AUTHOR

I would like to thank the staff at the Centre for Roma Initiatives – in particular Ms. Ivana Dubljevic, Project Assistant – for their constant support and assistance. I would like to thank especially Ms. Fana Delija, Executive Coordinator, CRI, and Ms. Ida Ferdinandi, Child Protection Officer, UNICEF, for their guidance and immense contribution to designing the research, implementing the study, and finalizing the report.

I deeply acknowledge the invaluable input by all the stakeholders interviewed during the

study, who provided the much-needed insight. Last but not the least, a big thanks to Mr. Danilo Lekovic, who helped me engage with the stakeholders without letting language be a barrier.

Views expressed in this report do not necessarily reflect the opinions of the Centre for Roma Initiatives, UNICEF, or the EU. I as the author take full responsibility for the content of the report.

Tanushree Soni, author

Ms. Tanushree Soni is an independent expert with approximately two decades of experience in addressing the issues of social justice, gender empowerment, and gender-based violence at both national and international level.

LIST OF ABBREVIATIONS

BCC	:	Behaviour Change Communication
CEDAW	:	The Convention on the Elimination of all Forms of Discrimination against Women
CM	:	Child Marriage
CoE	:	Council of Europe
CRC	:	Convention on the Rights of the Child
CRI	:	Centre for Roma Initiatives
CSW	:	Centre for Social Welfare
ECA	:	Europe and Central Asia
KII	:	Key informant interview
MDT	:	Multidisciplinary Team
MICS	:	Multiple Indicator Cluster Survey
NGO	:	Non-government Organization
NRIS	:	National Roma Integration Strategies
ODIHR	:	OSCE Office for Democratic Institutions and Human Rights
OSCE	:	Organization for Security and Co-operation in Europe
SOP	:	Standard Operating Procedures
UNICEF	:	United Nations Children's Fund
VAC	:	Violence against Children

SUMMARY

Over the last decadeⁱ global recognition and understanding have increased of the adverse and, in most cases, irreversible impact that child marriage has on children, as it acts as a barrier preventing children from accessing opportunities and choices in life that would help them develop their full potential. Child marriage is a violation of children's human rights. It violates the following rights, listed in the Convention on the Rights of the Child (CRC): the right to survival, health, and development; the right to protection from violence, abuse, and exploitation; the right to education, due to its adverse impact on girls' schooling; the right to full participation in family, cultural, and social life, and others. Yet the practice continues to be prevalent in many parts of the world, exposing millions of children, predominantly girls, to the risks associated with social exclusion, limited educational and livelihood opportunities, teen pregnancy, and gender-based violence.

The rate of child marriage in Montenegro is low, namely it affects around 1% of the total population. However, the percentage is significant within the Roma and Egyptian communities, in which, according to the MICS 2013, 28.1% of women and 16.5% of men aged 15-19 are married or in union. The high incidence of child marriage in the Roma and Egyptian population is accompanied by a high level of acceptance of domestic violence (as reported in the MICS 2013).

Montenegro is committed to the international human rights framework and has been harmonizing its legal and policy environment accordingly. Montenegro's Constitution guarantees the equality of women and men, with special protection

granted to the child from psychological, physical, economic abuse or any other form of exploitation. Yet, as the MICS 2013 for Montenegro also suggests, compared to the general population the Roma and Egyptian communities fare much worse in almost every development indicator.

This research study was carried out as part of the programme implemented by the Centre for Roma Initiatives '*Coordinated action to combat violence and child marriage in Roma and Egyptian community*' in partnership with UNICEF Country Office in Montenegro. This programme is part of a multi-year regional initiative aimed at improving the protection of children from violence and promoting the social inclusion of children with disabilities in the Western Balkans and Turkey, implemented in partnership between UNICEF, the European Disability Forum (EDF), the European Union, and seven countries in the EU accession process (IPA 2015).

The research focuses on existing structural and environmental factors, such as the country's legal and strategic frameworks, institutional mechanisms, key drivers and consequences of child marriage among the vulnerable population of Roma and Egyptian communities. For instance, one of the significant adverse effects of child marriage is the premature cessation of children's education. This is also reflected in the statistical data on the education of Roma and Egyptian boys and girls. In 2013 almost half of Roma and Egyptian children were out of compulsory primary education; among those who enrolled, a sizable percentage dropped out before completing grade 9. When these statistics are viewed

together with the data on child marriageⁱⁱ, it appears that many children who dropped out or did not enrol in secondary school, especially girls, face the risk of early marriage, or that many discontinued schooling due to marriage. Other drivers include poverty, lack of opportunities, social norms, and marginalisation of the Roma and Egyptian communities. Adequate understanding of the drivers is a precondition for designing successful interventions.

The research looks especially into the role and responsibilities of the stakeholders in addressing the issue and highlights the challenges existing within the system. The study employs a qualitative methodology that includes primary data gathered from the field in Montenegro, the review of case studies on preventing child marriage, and analysis of secondary data from the desk review of existing literature and national documents – such as legal documents, reports, and studies.

Montenegro has made significant progress in creating an environment where rights thrive and justice is upheld. Being a signatory of key conventions such as the CRC, The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), the country continues to introduce essential laws and amend the existing ones in congruence with these conventions. Some of the national laws ensuring the rights of women and minorities that have been put in place are: the Law on Gender Equality (2007, amendment 2015); the Law on the Prohibition of Discrimination (2010); the Law on the Protector of Human Rights and Freedoms (2011, amendment 2014). The strategies and action plans developed under the responsibility of various

ministries form the basis of strategic interventions, which include the prevention and protection from violence for women and children. There have been noteworthy initiatives to establish guidelines for multi-disciplinary response mechanisms to prevent violence against women and children, including child marriage. Many strategies specifically target the Roma and Egyptian population and address their vulnerabilities. For example, the strategy for social inclusion of Roma and Egyptians 2016–2020 acknowledges the poor socio-economic status of the Roma and Egyptian communities and aims at their social inclusion and at the promotion of better education, health, safety, housing, and livelihood conditions.

In spite of the progress achieved with respect to the legal and policy framework, implementation gaps exist at different levels in the execution of the laws, which create barriers for women and girls who are victims of violence and child marriage in accessing justice and services. Some of the significant challenges include the absence of a clear definition of child marriage, and the fact that most child marriages are customary, i.e. not registered, and thus evade the existing legal safeguards. The age of consent for sexual activity of 14 is lower than in most EU countries and other countries in the region. The low prosecution and conviction of perpetrators of violent crimes against women, including child marriage, is a concern that has been voiced by several human right committeesⁱⁱⁱ in their review of country reports. In addition, victim protection, rehabilitation, and reintegration continue to be a weak link in the system. At the strategic development level, the dearth of statistical data based on evaluations or research creates a challenge for evidence-based planning.

Initiatives such as the creation of multi-disciplinary teams (MDTs), constituted by the representatives of different service providers, are promising, because they have the potential to deliver a cohesive and coordinated response in the early identification, reporting, and prevention of child and forced marriages. However, MDTs face challenges such as suboptimal inter-departmental coordination and limited capacity, especially with regard to human rights and victim-centric approaches. Community mobilisation initiatives aimed to transform negative social norms exist, but changing social norms requires continuous efforts and considerable time.

Considering all the challenges and shortcomings associated with preventing child marriage within the Roma and Egyptian community, it is clear that there can be no single or linear solution to the problem. Instead, a comprehensive, integrated, and multi-pronged approach is required, centred on the principle of ‘the best interest of the child’. This implies generating an enabling legal and policy environment which will reflect a strong commitment by the state to ending child marriages. For example, this would include making marriage registration compulsory

and raising the minimum age for marriage to 18, with or without consent. The enforcement of legal and policy frameworks requires an enhanced institutional mechanism with evidence-based planning, and a stronger and efficient multidisciplinary response which involves the Roma and Egyptian communities.

It is critical to note that the strengthening of the system must include stronger engagement with Roma and Egyptian children and their families. It is necessary to develop interventions that offer economic support and incentives for girls and their families, improve girls’ and boys’ access to quality formal education, paying special attention to their academic (under)achievements and putting special measures in place to effectively prevent dropout. Quality education should enhance the agency of these girls, both married, divorced, and unmarried, through the development of life skills and vocational training and by providing opportunities for social networking. Finally, it is critical to offer Roma and Egyptian girls and boys opportunities and choices to develop their aspirations and find alternatives to child marriage.

1 INTRODUCTION

Despite the advancements in the areas of economy, health, education, and the adoption of human rights instruments by most nations across the world, child marriage continues to exist as a global phenomenon that transcends ethnic, socio-cultural, geographic, and demographic variations. Child marriage disproportionately impacts girls in comparison to boys.

Although the incidence of child marriage has declined in some countries, global figures have remained relatively constant over the past ten years. According to the 2012 UNFPA report, the countries with the highest rates of child marriage before the age of 18 are: Niger (75%), Chad (72%), Bangladesh (66%), Guinea (63%), Central African Republic (61%), and Mali (55%)^{iv}. Region-wise, child marriage is most common in South Asia and West and Central Africa, where respectively 46% and 41%^v of girls become child brides. It is no surprise that most of the empirical studies concentrate on these regions. While the prevalence of child marriage is relatively low in Europe and Central Asia, there are communities within the Roma, Ashkali, and Egyptian populations that still practice it.

The practice of child marriage has not a single cause, but is determined by complex, dynamic, and interlinked factors. These include poverty, lack of opportunities, education status of the parents and their children, social and cultural norms (for instance the practice of dowry and bride-price) as well as gender-based norms, expectations, and discrimination. The negative consequences of child marriage are many; it adversely impacts girls as well as their

children and families; it is linked to early drop-out from schools, lower educational attainment, limited mobility and access to economic opportunities – which increases (child) poverty. It is also correlated to early sexual activity and pregnancy, leading to poorer health conditions including maternal and newborn mortality and morbidity, higher risks of contracting HIV, and vulnerability to family and intimate partner violence.

With the increasing recognition of the harmful impact of child marriages on girls and their children, many nations have legally established a minimum age for marriage and have prohibited underage marriages. Despite these efforts, loopholes in the law, its weak enforcement, and failures to address the adverse effects associated with child marriage have impaired curtailing the issue. The view that child marriage is a traditional practice rather than a violation of children's rights, held not only by the public but also by some of the service providers, contributes to its perpetuation.

On June 3rd, 2006, Montenegro was established as an independent state. The country adopted a new *Constitution* along with a *Constitutional Law*, which came into force in 2007. The country committed itself to the international human rights framework, and has progressively been strengthening its legal and political system and programmes in accordance with international standards.

Montenegro has an upper-middle income economy and, according to the Census 2011, a multi-ethnic population of 620,029 – of which 145,126 are children up to 18 years of age (23.4% of the total

population). While children have gained tremendously from the overall progress of the country, not all children have benefitted equally. The prevalence of child marriage is a glaring example of a developmental gap existing within the country based on ethnicity, between the dominant ethnicities and the Roma and Egyptian communities. More than a quarter (28.1%) of Roma and Egyptian women aged 15-19 are married or are in a union, compared to 2.4% women in the general population. A significantly higher percentage of Roma and Egyptian men aged 15-19 are married or in union (16,5%) compared to men in the general population (0,4%).

Ending child, early, and forced marriage as part of the Sustainable Development Goals (Goal 5, '*Achieve gender equality and empower all women and girls*', Target 5.3 '*eliminate all harmful practices, such as child, early, and forced marriage and female genital mutilations*') makes the issue an international and national priority, including for Montenegro.

Definitions used in this study

The study refers to several terms and concepts. Their definitions are given below, based on internationally used standards as well as their descriptions within Montenegro's legal system.

Child

A child is defined as a person below 18 years of age. This definition is in accordance with international legal norms.^{vi} The definition is also in

accordance with the Family Law of Montenegro, which defines as a child any person under the age of 18.^{vii}

This law also stipulates that the state is obliged to respect and enhance the rights of the child and undertake all necessary measures to protect the child from neglect, abuse, exploitation, and discrimination.^{viii}

Marriage

Marriage is defined as a culturally sanctioned union between two or more people that establishes certain rights and obligations between them, their families, and their broader families (in-laws).^{ix} This may include formal, legally recognised unions, and those that are carried out under customary practice or religious laws.

Montenegro's Family Law describes Marriage as a domestic union of a man and a woman, regulated by the law^x. It is based on a free decision by a man and a woman to enter into marriage, on their equality, mutual respect, and mutual assistance. The domestic union of a man and a woman lasting for at least three years (or less than three years if a child is born within the union) is equal to marriage with respect to the rights to mutual support and other property law entitlements. Such union is also called common-law marriage.

Child Marriage

Child marriage is defined as a marriage, formal or informal, where at least one party is under the age of 18. Both the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women have recommended that the minimum age for marriage for both men and women should be set at no lower than 18 years of age

(except in exceptional circumstances, if allowed by a judge on legitimate grounds and provided that the child is aged at least 16).^{xi} Montenegrin legislation does not specifically define child marriage, but there is an implicit definition, resulting from the fact that the Family Law sets the age limit for marriage at 18, allowing, by way of exception, a child aged 16 to 18 to get married with the permission of the court, in line with the Law on non-contentious proceedings.

Forced marriage

According to international standards, marriage is only valid when it is entered into with the ‘free and full consent’ of both parties to the marriage^{xii}. When full consent is not given by one or both parties to a marriage, this is considered to amount to a ‘forced marriage’. The terms ‘child marriage’ and ‘forced marriage’ are usually used interchangeably, on the basis that meaningful or valid consent to marriage cannot be given by anyone under 18 years of age. However, it is important to note that not every child marriage is necessarily a ‘forced marriage’ (entered into without the free and full consent of the parties to the marriage). Forced marriage can assume various forms and may occur in various circumstances, such as slavery; human trafficking; arranged, traditional, and customary marriages; marriages as dispute settlement, etc. Montenegro’s legal system does not explicitly define forced marriage, although the Criminal Code^{xiii} criminalises forcing someone to enter into marriage.

Arranged Marriage

In an arranged marriage, the marital partners are chosen by the parents,

community elders, matchmakers, or religious leaders, with the aim of guiding young people in the process of finding the right person to marry. Arranged marriages worldwide encompass a wide variety of procedures, cultural customs, length of courtship, as well as the practical and spiritual reasons for the matching of the partners.^{xiv} In many societies, in an arranged marriage the choice of whether or not to accept the arrangement arguably still lies with the prospective spouses.

However, in the language of Montenegrin NGOs the term ‘arranged marriage’ is used to refer to a forced arranged marriage (the persons entering into marriage are not consulted nor have a say). Many marriages taking place in Roma and Egyptian communities are not formal (registered) marriages, but rather customary marriages.

Gender^{xv}

Gender refers to the roles, behaviours, activities, and attributes that a given society at a given time considers appropriate for men and women. In addition to the social attributes and opportunities associated with being male and female and the relationships between women and men and between girls and boys, gender also refers to the relations between women and those between men. These attributes, opportunities, and relationships are socially constructed and are learned through socialisation processes. They are context/ time-specific and subject to change.

Gender equality

It refers to the equal rights, responsibilities, and opportunities of women and men and of girls and boys.

Equality does not mean that women and men should become the same, but that women's and men's rights, responsibilities, and opportunities should not depend on whether they are born male or female. Gender equality implies that the interests, needs, and priorities of both women and men are taken into consideration, recognizing the diversity between different groups of women and men. Gender equality is not a women's issue, but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for – and indicator of – sustainable people-centred development.

Gender norms

These are ideas about how men and women should be and act. We internalise and learn these 'rules' early in life, thus setting up a life-cycle of gender socialisation and stereotyping.

Gender roles

The expression refers to social and behavioural norms that, within a specific culture, are widely considered to be socially appropriate for individuals of a specific sex. These often determine the traditional responsibilities and tasks assigned to men, women, boys, and girls (for example gender division of labour).

Gender-based violence (GBV)

GBV is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (gender) differences between females and males. Both the nature and extent of specific types of GBV vary across cultures, countries, and regions. Examples include sexual violence, including sexual exploitation/abuse and forced prostitution; domestic or intimate partner violence; trafficking; forced/early marriage; harmful traditional practices such as female genital mutilation; honour killings; and widow inheritance.

Montenegro's Law on Domestic Violence Protection defines 'Domestic violence' ('violence') as an omission or an act by a family member which violates the physical, psychological, sexual, or economic integrity, mental health, and peace of another family member, irrespective of where the incident of violence has occurred ^{xvi}

Theory of Change

A Theory of Change usually describes how and why a programme is expected to work. In the context of a national strategy, a Theory of Change may outline the strategies that are needed to develop an effective response to child marriage in that country. ^{xvii}

The purpose of the study is to document shortcomings and provide insights on the prevention of child marriage in Montenegro, in order to improve the knowledge and future interventions of relevant stakeholders in this area. The study employs the following methodology: secondary data from desk review of the existing literature and national documents such as legal documents, reports, and studies; review of nine case studies on preventing child marriage; and primary data collection using qualitative methodology – namely interviews with key stakeholders.

A desk review was undertaken to examine the global literature and national research, statistics, and studies on existing practices along with legal analyses of domestic standards against the international benchmarks. The desk review includes the 2014 study on child marriage conducted by the Centre for Roma Initiatives, titled ‘Arranged Marriage Stronger than the Law’, which involved more than 600 Roma and Egyptian female and male respondents.

In order to learn about concrete cases of child marriage and how they were dealt with by the stakeholders, this study examined nine case studies; six case studies were documented and collected by Centre for Roma Initiatives, two by the Montenegrin Women’s Lobby, and one was found in the draft OSCE mapping analysis of child marriages in Montenegro^{xviii}. In addition, one testimony from the collection ‘Contracted Marriage: Testimonies of Roma and Egyptian Women from Montenegro’, published in 2012 by the Ministry of Human and Minority Rights in Montenegro in

cooperation with the Centre for Roma Initiatives and Women’s RAE network ‘PRVA’, was made available in English to the researcher.

Primary data was gathered from three locations: Podgorica, Niksic, and Berane (where large populations of Roma and Egyptians live) through in-depth interviews with a range of stakeholders from national government institutions (Office of the National Coordinator for Combating Trafficking in Human Beings, police, prosecution office, Centre for social welfare, educational institutions), Roma and Egyptian NGOs, Ombudsperson office, international agencies and donors. The sampling for the qualitative study was purposive, and targeted the key stakeholders associated with child marriage prevention, especially amongst Roma and Egyptian communities. In total, 27 stakeholders were interviewed (for a full list of interviewees, see Annex 1).

Semi-structured interviews were used to collect in-depth and contextual information on the nature and causes of child marriage (how child marriage (CM) is perceived by Roma and Egyptian communities; reasons, fears, and justifications that lead families to marry their girls at a young age). Information was also collected on the existing formal and institutional mechanisms at local and national level aimed to curb, prevent, and address the issue of child marriage, for instance: what steps is the government taking to address CM? How are these steps expected to reduce CM? What are the challenges faced in implementing the laws against CM? What are the practices which show promise in reducing the prevalence

of child marriage? What does the government think about the role of children, communities, and NGOs in reducing CM? (For a sample of interview questions, see Annex 2).

Limitations and Scope

This study does not investigate the personal experiences of the target population impacted by child marriage (Roma and Egyptian communities); rather, it focuses primarily on the role and responsibilities of the stakeholders in addressing the issue and on the challenges they faced. However, interviews conducted with representatives from Roma and Egyptian NGOs, combined with secondary data – including the aforementioned study by the Centre for Roma Initiatives – provided the researcher with different perspectives on child marriages by those most directly impacted by it.

The Terms of Reference for this study allowed a limited amount of time to the researcher to collect primary data. The recommendation section outlines further studies that can be conducted in order to collect more evidence about child marriages, which can benefit future interventions and further refine the Theory of Change.

Ethical Principles and Standards

The methodology of the study was primarily secondary data collection through literature review and the analysis of pre-documented case studies. This study did not involve engagement with the Roma and Egyptian community members who are impacted or ‘at risk’ of child

marriage. The key informant interviews were conducted with stakeholders who are responsible – directly or indirectly – to address and prevent child marriage in Montenegro.

The study was conducted in accordance with strict ethical principles and standards and was reviewed by a national Ethical Review Board. The overarching principle of the research, namely the ‘best interests of the child’, governed every action taken to complete the study. Therefore, the safety, development, and the overall rights of children form the basis of all considerations in the research findings and proposed recommendations – including the ‘Theory of Change’. The information shared by the respondents of the interviews was voluntary, and written consent was given before every interview (enclosed in Annex 3). All participants were informed about the purpose of the study and their role in informing the research (no payment or compensation was provided). Efforts were made to receive responses in an impartial and neutral manner. The names of respondents have been kept confidential and not disclosed in the study. With regard to the case studies made available to the researcher, the names of all of the people involved were blanked out by the organisations that collected the case studies before these were shared with the author in order to maintain confidentiality, while the testimonies used was drawn from a public document.

During the consultation workshop organised in Podgorica in June 2017, the draft analyses of the research and the key recommendations were shared with the stakeholders, which contributed to the development of the ‘Theory of Change’ for directing future interventions. The author declares the absence of any conflict of interest.

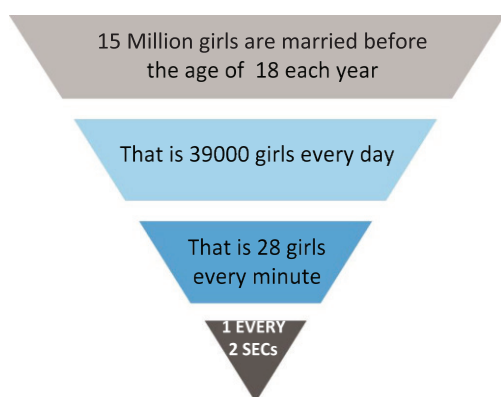
Global prevalence

Child marriage prevalence – a global issue

According to the 2014 UNICEF report ‘Ending child marriage: Progress and prospects’, 700 million women alive today were married before their 18th birthday, and more than a third of them (about 250 million) entered into a union before the age of 15. If this trend continues, 140 million girls will be married as children by 2020^{xx}.

Despite being prohibited by international human rights law and many national laws, child marriage continues to take place and adversely impact children’s lives. Child marriage disproportionately impacts girls around the world. In the Republic of Moldova, for instance, 15% of women aged 20-49 were married before the age of 18, in contrasts to 2% of men in the same

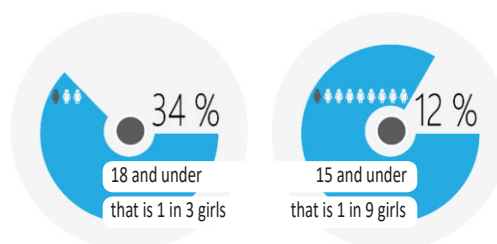
Figure 1: Global Statistics on Child Marriage



Source:

Girls Not Bride, 2014,
Factsheet on child marriage numbers

Figure 2: The percentage of girls married in developing countries



Source:

UNFPA, 2012,

‘Marrying Too Young: End Child Marriage’

age group.^{xx} Moreover, girls are often married off to older men. For example, in Mauritania, more than half of the adolescent girls aged 15-19 who are currently married have husbands who are ten or more years older than they are.^{xxi}

The marriage of adolescent girls is usually not uniformly spread across the teen years. Instead, a ‘*tipping point*’ age can normally be identified, namely an age at which the prevalence of child marriage in a country starts to peak. While the occurrence of child marriage under 15 years of age has substantially decreased across regions, most adolescent marriages are taking place after the age of 15 but before the age of 18.^{xxii}

Geographic distribution

Child marriage is a global problem that affects different countries, cultures, religions, and ethnicities^{xxiii}. Despite the decline in the prevalence of child marriage in some countries, global prevalence

figures have remained relatively constant over the past ten years. As mentioned above, region-wise, child marriage is most common in South Asia and West and Central Africa.

There are ‘*hotspot*’ territories within countries where child marriage is more rampant. In developing countries, girls living in rural areas are twice as likely to be married off by the age of 18 than those in urban areas.^{xxiv} Certain communities within countries are more likely to show higher rates of child marriage. For instance, in Serbia, 8% of all women in the age group of 20-49 were married as children; however, the share is more than half (54%) among women in Roma communities.^{xxv}

Prevalence of child marriage in Montenegro

According to the Census 2011, out of the total population of 620,029, 145,126 people are children up to 18 years of age – representing 23.4% of the total population. Out of the total number of children, 48% are girls and 52% boys. With respect to ethnicity, most children are Montenegrins (44%), followed by Serbs (25%), Bosniaks (11%), and Albanians (5%). Roma and Egyptians children amount to 3% of the total, while 6.1% of children do not declare their ethnic affiliation. 6,251 people – or 1.01% of the total population – declared to belong to the Roma nationality, while 2,054 people – or 0.33% of the total population – declared themselves to be Egyptians.^{xxvi} At the time of Census 2011, about 50% people without citizenship were children; 32% of Egyptian children and 26% of Roma children were without citizenship.^{xxvii} Since the census, the Government of Montenegro took

measures for registering internally displaced people from Kosovo (UNSCR 1244, henceforth Kosovo) residing in Montenegro.^{xxviii} According to the UNHCR’s rough estimate, there are some 1,100 members of Roma and Egyptian communities in Montenegro who are in need of assistance in obtaining personal documentation.^{xxix}

Vulnerabilities of Roma and Egyptian communities

While children have gained tremendously from the overall progress in the country, not all children have benefitted equally. Significant inequalities exist between regions and socioeconomic quintiles, as well as disparities based on discrimination.^{xxx} Compared to the general population, Roma and Egyptian girls and boys fare much worse in almost every social and wellbeing indicator^{xxxi} (Table 1). They are exposed to several kinds of social deprivation and vulnerabilities, including an unregulated legal status, poverty, unemployment, low level of education, as well as high risks of infectious and chronic diseases and violence.^{xxxii} Since their unresolved legal status hampers their access to the labour market, health and social services, or education, many Roma and Egyptian children are invisible to the system. Furthermore, they live in isolated settlements – which not only further complicates their access to basic services, but also prevents integration.^{xxxiii} According to the reports released by the Ministry for Human and Minority Rights in 2016, 77% of the Roma and Egyptian population live in separate settlements, mainly in the municipalities of Podgorica, Niksic, and Berane. All these factors add to the social isolation of Roma and

Egyptians. This gap between Roma and Egyptian people and the rest of the population was further widened by the

arrival of large number of refugees and displaced people during the conflict in Kosovo.

Table 1: Montenegro MICS 2013 Indicators:		Montenegro national data	Roma and Egyptians settlement data
Prevalence of malnourishment in children under the age of five.	Underweight (moderate and severe)	1.0%	7.3%
	Stunted (moderate and severe)	9.4%	26.8%
Early childbearing	Women aged 20-24 who had at least one live birth before the age of 18	2.7%	36.9%
Contraception	Current use of contraception among women aged 15-49, married or in a union.	23.3%	4.1%
	Women aged 15-49 who are currently married or in a union and have an unmet need for contraception	21.8%	47.6%
Birth registration	Children under the age of 5 whose birth is registered with civil authorities	99.4%	94.5%
Primary school net attendance rate (National education system classification)	Children of primary school age currently attending primary or secondary school	98.2%	57.8%
	- Girls	98%	56%
	- Boys	98%	59%
Primary school completion rate	Number of children attending the last grade of primary school (excluding repeaters) divided by the number of children of primary school completion age	98.7%	63.2%
Secondary school net attendance rate	Percentage of children of secondary school age currently attending secondary school or higher	93.1%	5.5%
	- Girls	93%	4%
	- Boys	93%	7%
Gender parity index in schools	Primary	1.00	0.95
	Secondary	1.01	0.60
Attitudes towards domestic violence	People aged 15-49 who state that a husband is justified in hitting or beating his wife under at least one of the five listed circumstances		
	- Women	2.7%	41.1%
	- Men	4.5%	52.9%
Early marriage	People aged 15-49 who were first married or in union before age 15		
	- Women	0.5%	18.2%
	- Men	0.1%	6.5%
	People aged 20-49 who were first married or in union before the age of 18		
	- Women	6.2%	56.4%
	- Men	0.8%	34.9%
	Young people aged 15-19 who are married or in union		
	- Women	2.4%	28.1%
	- Men	0.4%	16.5%

Prevalence of child marriage among the Roma and Egyptian population

The prevalence of child marriage is a glaring example of the developmental gap based on ethnicity existing in the country, which affects the Roma and Egyptian communities. As indicated in the table above, the rate of child marriage in Montenegro is low; 2.4% of women and 0.4% of men aged 15-19 are married or are in union. However, the percentage of child marriage is significantly higher in Roma and Egyptian communities, where more than a quarter (28.1%) of Roma and Egyptian women aged 15-19 and 16.5% of men are married or in union. More than half of women (56 percent) and more than one-third of men aged 20–49 (35 percent) got married before the age of 18. In addition, one in three (36.9%) women aged 20-24 had at least one live birth before the age of 18 (in comparison to 2.7% of women among the general population). ***This high incidence of child marriage in Roma and Egyptian population is coupled with a high level of acceptance of gender based violence within the family***, with 41% of women and 53% of men agreeing that a husband is justified in hitting his wife under the five circumstances listed in the MICS (compared with 2.7% and 4.5% respectively among the general population).

In 2014, the Centre for Roma Initiatives conducted a national survey titled ‘*Arranged Marriage Stronger than the Law*’, on the problem of arranged child marriages. The survey focused on four municipalities in Montenegro, Niksic,

Podgorica, Berane, and Ulcinj, and involved a sample of 643 members of the Roma and Egyptian population. The following data confirm that arranged and forced child marriages are still a major problem in the Roma and Egyptian communities:

- In 52% of cases, girls did not choose their partner nor decided when to enter marriage, but rather their parents, families, and community representatives made such decision on their behalf. This applies to 59.1% of boys;
- 44.2% of girls had not met their future husband before the wedding; ‘They just came for me, I knew nothing about my future’ declared a married Roma woman from Berane, aged 18, quoted in the study. This applies to 31.6% boys;
- 72.4% of interviewed girls and women (aged 14 to 50+) have entered the marriage before they were 18 years old. This applies to 43% of men.

This data shows that within the Roma and Egyptian community arranged child marriages are not isolated occurrences, but a common pattern of behaviour which poses far-reaching risks, especially for Roma and Egyptian girls and women. The research results showed that 75.8% of female respondents believed that the State and its institutions should participate in the fight against arranged marriages. Only half of male respondents held that opinion (50.7%).

Key drivers

The practice of child marriage does not have a single cause, but is driven by complex, dynamic, and interlinked factors. The prevalence of child marriage is influenced by the interplay of low economic status, gender inequality, and the absence or flawed implementation of legislative and administrative frameworks for the protection of children's rights. These conditions are further exacerbated by entrenched social and gender norms, and by the lack of opportunities for growth and development caused by limited access to education and gainful employment. **These factors can both be causes and consequences of child marriage.**

Social norms, traditional practices, and entrenched gender inequality

Social norms entrenched in patriarchal belief systems and practices define gender roles and responsibilities in society. In many societies and communities, women and girls are allotted a lower status than men and boys within their families and communities. Their roles are defined by domestic and reproductive work, while men and boys are expected to take on productive and leadership roles. Both girls and boys are socialised from childhood to take on specific gender-assigned roles and responsibilities. Child marriage is a reflection of social norms, as well as of socio-economic factors affecting the community.

The combination of rigid norms and other factors in an environment can limit

educational and employment opportunities, thus contributing to the early marriage of children – especially daughters. The notion of safeguarding the family's 'honour' by regulating the sexuality (virginity) of their daughters before marriage may prompt parents to arrange an early marriage. In poor communities, marriage is seen as the best available option to secure a family's financial security.

In **Montenegro**, clearly outlined gender roles and responsibilities for girls and boys exist within the Roma and Egyptian community, determined through socialisation and influenced by tradition and customs. Roma and Egyptian males usually hold power and control, and are the decision-makers in family and community life.^{xxxiv} In addition, age-based hierarchies are strong. Young people, boys and girls alike, do not question the decisions of older family members, and decisions about marriage are made by parents, extended families, and the so-called Elderly Councils.^{xxxv} While it is true – at the global level as well as in Montenegro – that girls are more likely than boys to marry before the age of 18, the fact that a significant proportion of Roma and Egyptian boys enters into marriage needs to be taken into account in order to understand and address the problem of child marriage in Montenegro.



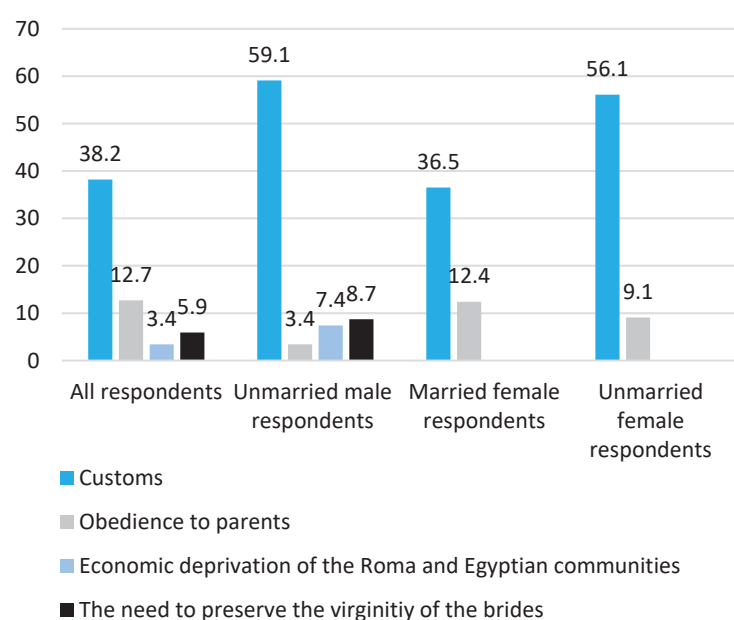
Young Roma girls aged 13, 14 or 15 are seen as young women. They drop out of school to get married since their mothers, grandmothers, and sisters got married at a young age. Boys suffer the same fate.

By representative of police in Montenegro

The parents' decision on the child's marriage is not perceived as duress, but rather as a part of a desirable and long-lasting model that should be respected. Even if perceived as forced, child marriage is seen as justified by tradition, custom, as well as the obligation created by receiving an amount of money as 'bride price'.^{xxxvi} This is confirmed by CRI research: although in 60% of cases male and female respondents declared that they did not make a decision about their marriage independently, but with the involvement of their family and community, 79.6% of male and 63.7% of female respondents denied that any form of force had been exercised when they entered into marriage.

Those who have reported the use of some kind of force justified it by: having to do so; tradition; custom; duty stemming from indebtedness coming from the bride price. According to the research, bride prices ranged between 200 and 4000 euros, and in one fourth of the cases the sum was higher than 4000 euros.^{xxxvii} A bride price was reported in 60.2% of the responses by males and 61.6% of the responses by married females. In addition, strict demands regarding **virginity** can lead to pressure to marry early. This has been correlated to higher drop-out rates among Roma and Egyptian girls after reaching the age of 11.^{xxxviii}

Figure 3: Reason for entering early marriage, responses by Roma and Egyptian men and women in %



Source:

Centre for Roma Initiatives, 2014, 'Arranged Marriage is Stronger than the Law'

“When a girl who is not a virgin gets married, and it had been claimed that she was a virgin, the money [bride price] must be returned. Girls get constantly beaten up, by everyone in the family, if it turns out that they were not virgins’

A married Roma woman from Berane, aged 20, quoted in the CRI research 'Arranged Marriage Stronger than the Law'

Non-enrolment and drop-out from schools

In some communities or societies, parents, teachers, and girls themselves have lower expectations with regard to the academic abilities of girls, often leading to low attention or value being placed on their educational achievements or needs.^{xxxix} Girls with no education are three times more likely to marry before 18 than those with a secondary or higher education.^{xl}

In **Montenegro**, while primary education is compulsory for all children aged 6-15,^{xli} according to the MICS 2013^{xlii} only 58 percent of Roma and Egyptian children of primary school age are attending school. There is almost no difference in school attendance between boys and girls at the primary school level. Roma and Egyptian children who do attend often perform poorly, and dropout rate dramatically increases after the age of 11. According to the MICS 2013, only 5.5 percent of children of secondary school age (15–18 years) from Roma settlements^{xliii} are attending secondary school. Boys attend somewhat more than girls (7% compared to 4% respectively). The percentage of Roma and Egyptian children attending first grade who attended preschool in the previous year was only 24% according to the MICS 2013, compared with 46% in the general population.

As it emerges from the 2013 UNICEF study, there are complex and multidimensional risk factors that hinder the participation of Roma and Egyptian children in schools. Key ones include the language barrier, social isolation, stigma and discriminatory attitudes towards these students, the poor socio-economic conditions of the family – including

hygiene conditions – and dismal employment opportunities beyond schooling. Studies conducted in Southeast European countries report that some teachers have low academic expectation from Roma girls, and both expect and accept that they will eventually drop-out of school.^{xliv}

The cessation of education often paves the way to child marriage and early childbearing. According to the UNFPA study^{xlv} on child marriage in Serbia with a focus on Roma and Egyptian community, Roma girls are often withdrawn from school due to their parents' belief that they need to prepare for marital life and motherhood. Similarly, all Roma and Egyptian mothers interviewed in a 2013 study conducted in Montenegro mentioned spontaneously how they 'fear that their daughters will fall in love and be tricked', regardless of whether their children went to school or not.^{xlvi} Due to low educational and economic attainment among their community members, girls (and boys) have very limited '**alternative role models**' to emulate.

In line with global statistics, in Montenegro there is a negative correlation between the percentage of women aged 20–49 who got married before the age of 18 and their level of education. A higher percentage of women this age with primary education (19.9 percent) married before the age of 18, compared to those with secondary (6.8 percent) or higher education (0.5 percent). Similarly, in Roma settlements a higher percentage of young women aged 15–19 with no education are currently married or in a union, compared to women with primary education (35.9 and 21.5 percent, respectively). Similar trends were observed in men.^{xlvii}

Poverty, low economic conditions, and lack of opportunities

Globally, the prevalence of child marriage is directly proportional to existing poverty and poor economic conditions. Such prevalence is higher in those societies where the practice of bride price and dowry exist. Poverty is therefore seen both as a driver and as an outcome of child marriage. **Girls from the poorest 40% of households are much more likely to marry before the age of 18 than the girls from the richest households.**^{xlvi} In poverty stricken households, early marriage is often seen as an opportunity to have one less mouth to feed or provide for, since daughters are seen more as an economic burden than assets in patriarchal societies. In communities where dowry is practiced, poor parents tend to marry off their daughter at an early age, because the lower the age of the girl the lesser is the dowry they have to pay to the groom's family. Conversely, in cultures where bride price is practiced, the lower the age of a girl, the higher the bride price demanded by some parents.

In Montenegro, there is a correlation between poverty and child marriage among the general population. According to the MICS 2013, a higher percentage of women aged 20-49 in the poorest

households (14 percent) married before the age of 18 compared to those in the richest households (4 percent). Roma and Egyptian communities are generally more deprived and have higher prevalence of child marriage than the rest of the population. However, the correlation between poverty and child married was missing within Roma and Egyptian communities, where a somewhat higher percentage (60%) of women aged 20-49 in the richest 40% of the population married before the age of 18 compared to those in the poorest 60% of households (54%). A Roma NGO confirmed that wealthy families practice child marriage as well as bride price, and the sums can be astronomical. This could be related to the prestige of wealthy families in the community; however, further research on this issue would be needed.

A study of child marriage in Zambia revealed that child marriage can be a response to a lack of opportunities and alternative options, and that sometimes the choice to marry is pursued by boys and girls against the wishes and advice of their parents.^{xlix} Examples of this were found in several case studies in Montenegro (one of them is presented in case study 1 below). Understanding children's agency in child marriages is also crucial for future interventions.

Case study 1: A child marriage as an escape

Maria was born as a first child within a common law marriage. Her family is living in a wooden shack: quite inadequate for living, but that is all they have. Her father and mother admit that social benefits are not enough, not even to feed them; as a result, her father occasionally does hard labour jobs when he manages to get hired. Her father says that he is having a hard time finding a job and thus making additional revenues, because as a member of the Roma and Egyptian population he is often discriminated against and deemed unsuitable for work.

The Centre for Social Welfare (CSW) had occasional communication with the family, because children are not attending school regularly – sometimes not at all. The parents justify this by saying that their kids do not have proper clothes, shoes, or stationery – which are necessary for their kids to regularly attend school – and also cite the fact that they are incapable of maintaining their basic hygiene. They also point out that they feel sorry for their children for forcing them to beg, but this is the only way they can feed themselves.

Maria fled the home for the first time, for three days, when she was 13, with a boy, also from

Roma community, who was an adult at the time (19). Her father filed a missing person report to the police. After three days, Maria came back home by herself. It was decided then that the CSW would carry out increased supervision over the girl, and an agreement was reached with her parents to continue her schooling.

Two months after this event, Maria went to the Police Station and reported her father, who, she claimed, tried to arrange her marriage with some people living outside of Montenegro in exchange for €8,000. Maria gave her statement in the presence of a social worker/case manager and a Shelter's volunteer, after which she was placed at the Trafficking Victims' Shelter. The girl believed that her father was in fact taking revenge on her for fleeing the home the first time, because according to Roma customs the act of fleeing the home had brought disgrace and dishonour on her family.

Maria's explanation for fleeing her home was that she was fleeing misery and poverty, because the boy she fled with was from a well-off family, where she could have enjoyed good living conditions. She also said that she loves the boy, although he already has a wife with whom he has children. After

leaving the Shelter, the girl was reintegrated into the community. Until the completion of the court proceedings, she was placed at her grandmother's home (temporary guardian) in another town, where she continued her schooling. She was also placed under increased supervision by the CSW, and for a while it seemed like things were moving in the right direction.

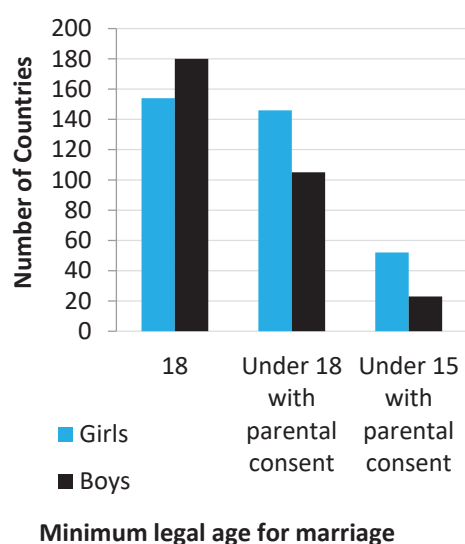
However, one day near the end of the school year Maria did not come back from school, and her grandmother was informed that she intends to live with the boy with whom she had previously run away. The social worker, the Police, and members of the expert team were also informed. The girl was then returned to her grandmother's home. During the following year, the girl fled two more times, was returned, and finally placed in the Centre for children with behaviour problems. After spending six months there, Maria fled the Centre to be reunited with the same boy. She wanted to become his second wife, give birth to his children, but not to be poor (in her own words). At the time she was already 16, and with the consent and signatures of her parents, she went to become a second wife of that adult boy (he was 20 years-old at the time).

A case study from the Montenegrin Women's Lobby

Shortcomings in the legislation and in its enforcement

Keeping in line with their international commitments (*CRC and CEDAW have been ratified by 196 and 189 countries, respectively*¹⁾), a large majority of low- and middle-income countries have established a minimum age for marriage at 18: a legal protection that provides concrete tools to help protect girls' rights. In addition, the

Figure 4: Global inequality in the minimum legal age for marriage.



Source:
UNFPA 2012

legislation also provides guidance and legitimacy for action to the stakeholders. However, despite the existence of legislative safeguards, child marriage continues to be prevalent in most countries due to legal loopholes, low prosecutions, weak punitive measures, and poor enforcement. Some countries lack resources, trained staff, and clear protocols to effectively implement the law. Child marriage predominantly takes place with the permission and involvement of the parents. In many countries, the minimum age for marriage (particularly with

parental consent) is lower for girls than for boys. Thus, legal exceptions that permit child marriage at earlier ages based on the approval of the child's parents most likely do not provide protection against the marriage, especially for girls.

As indicated above in the Definitions section, Montenegro's legislation has some yet insufficient legal safeguards against child and forced marriage. Such insufficiency was also felt by the respondents, and will be discussed in more detail further on in the report. Furthermore, in Montenegro, most child marriages among Roma and Egyptians seem to be customary marriages, meaning that they are not registered under the civil code. Due to this fact, such unions escape the existing legal safeguards.

Specific vulnerabilities of the Roma and Egyptian minorities in Montenegro

Roma and Egyptians communities are faced with specific challenges that increase their vulnerability to child marriage. It has been mentioned above that most Roma and Egyptians live in segregated conditions, whereby 'the mechanisms and factors of social marginalisation are reproduced'¹ⁱ and child marriage can persist without much outside control. In addition, some Roma and Egyptians do not have personal documents; among them, the majority are displaced persons from Kosovo who fled from military action, while the rest are domiciled. As a consequence of this situation, establishing the identity and the age of a girl and boy at the time of marriage can represent a serious challenge. Several of the case studies involved cross-border marriage transactions (with Germany, Kosovo, at times aided by web-

based social networks), which reflect the ties between communities in these countries, but place girls at additional risk.

Consequences of child marriage

Child marriage is not only accepted as a human rights violation but also as a barrier to development and entitlement. The negative consequences of child marriage are many, and adversely impact the girls as well as their children and families. These include: early drop-out from schools; limited mobility and access to economic opportunities; poorer health conditions including maternal and newborn mortality and morbidity and higher risks of contracting HIV; vulnerability to family and intimate partner violence.

Child marriage equals to drop-out from schools and 'traps girls and their families in a cycle of poverty'^{lii}

For many girls in developing countries, child marriage means an abrupt end to their education. Education is considered as 'of no consequence' in their married life, and child brides take on the domestic responsibilities in their husband's household.^{liii} Dropping-out early from school has a far-reaching impact on their lives: it limits the opportunities to acquire knowledge and build skills, to develop social networks, and gain economic

independence. ***Thus, child marriage reinforces feminine and household poverty.*** In many countries, schools often restrict the re-entry of girls, especially due to early childbearing and motherhood – which usually follows early marriage.



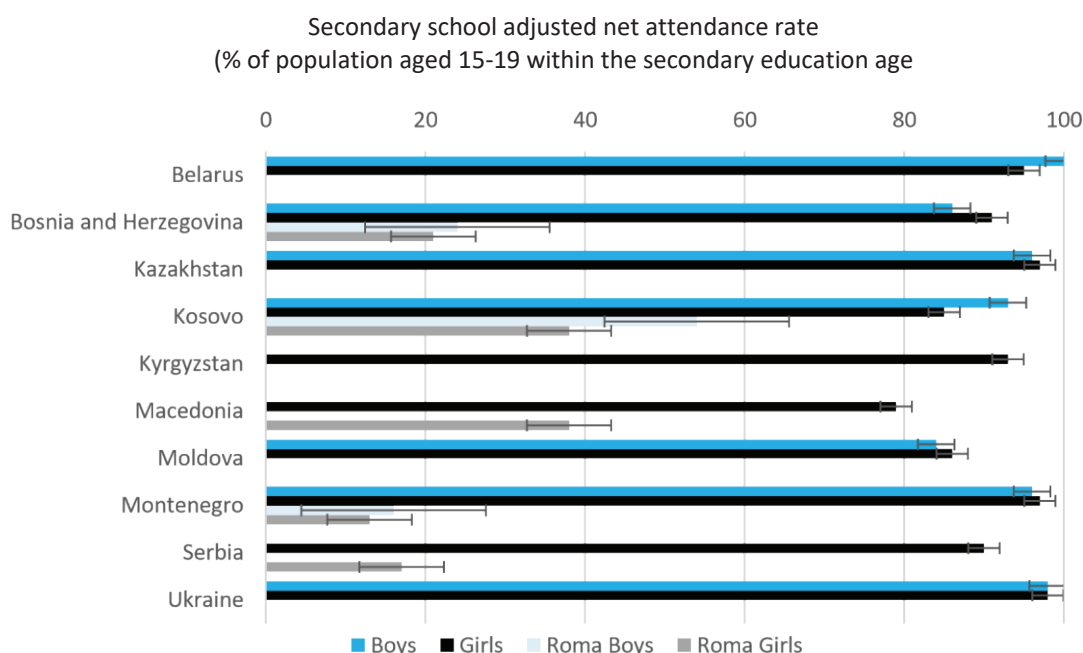
Child marriage has an inter-generational impact. Daughters of young, uneducated mothers are especially likely to drop out of school and marry young, thus repeating the cycle of poverty.

*Plan International, 2013,
'A Girl's Right to Say No to Marriage:
Working to end child marriage
and keep girls in schools'*

As discussed above, according to MICS data, Roma and Egyptian children – both boys and girls – have much lower rates of secondary school attendance compared to the national average, and Roma and Egyptian girl's rates are lower than those of Roma and Egyptian boys – in Montenegro as well as in some other countries in the Balkans (Figure 5).

As mentioned above, in 2013 approximately 58% of Roma and Egyptian children of primary school age in Montenegro were attending primary school. In contrast to the general population, in which 93% of children attended secondary school, ***96% of Roma and Egyptian girls and 93% of boys were out of secondary school (according to national classification).***^{liv} When this data is analysed in conjunction with data on the prevalence of marriage under the age of 18 – that is, 28,1% of girls and 16,5% of boys aged 15-19 were married or in a union as reported in the MICS 2013 – it is clear that, regardless of which leads to the other, there is an important link between school drop-out and child marriage.

Figure 5: Secondary school attendance rates in selected countries in Europe and Central Asia, showing both national and Roma samples (data from the MICS, rounds 4 and 5)



SOURCE:

LSE Institute of Public Affairs, Master of Public Administration and UNICEF, 2016.

Poor maternal and newborn health status

“ I know girls in my immediate surroundings who are forced by their parents to get married and enter an arranged marriage. They want to complete their schooling, but their fathers and mothers are getting them married. They don't ask you whether you want it or not. You simply must, you can cry as much as you want, it is all in vain. It happens that the girl wants to complete her schooling at all costs, but that creates an even bigger problem. She is expected to behave like an adult woman...

*A quote from a Roma girl
Ministry of Human and Minority Rights
'Arranged Marriage: Testimonies of Roma
and Egyptian Women from Montenegro'*

Given the importance placed by the community on virginity and on the reproductive role of females, girl brides often become adolescent mothers. Even if they would want to delay the pregnancy, they face the challenge of having limited information on reproductive health or little ability to negotiate family planning with their partners.^{lv} Early childbearing has serious health consequences for girls. They face higher risk of miscarriage, maternal mortality, obstructive labour, and pregnancy-induced hypertension, as their bodies are ill-prepared to give birth.^{lvi} Childbirth is a leading cause of death among adolescent girls in developing countries.^{lvii} Early childbearing leads to frequent childbirths which are often unplanned. It also poses high risks for their

infants, who are likely to be stillborn, premature, and under-weight. **According to the World Health Organisation (WHO), stillbirths and newborn deaths are 50% higher among the infants of adolescent mothers than among the infants of women aged 20-29.**^{lviii}

In Montenegro, Roma and Egyptian girls who get married under the age of 18 are exposed to the risk of early, unplanned, and frequent childbirth. As reported in the MICS 2013, 23% of women aged 15-19 had begun child bearing, while 20% had already had a live birth. The use of contraception for family planning is very low, at 4% among Roma and Egyptian women in reproductive age (15-49 years). Though there are very few studies to corroborate this, based on international research it can be inferred that most of the married young Roma and Egyptian women either have limited information on contraception and/or are unable to negotiate family planning options with their partners. This unmet need within this group is as high as 48%, which is double in comparison to the national data.



Girls between the ages of 10 and 14 are five times more likely to die during pregnancy and birth compared to women aged 20 to 24.

Source- IPPF, UNFPA, 2006, 'The Global Coalition on Women and AIDS, Ending Child Marriage: A Guide For Global Policy Action'

Girls aged 15-19 are twice as likely as those over 20 to die in childbirth or pregnancy.'

Source- UNFPA, 2005, 'State of World Population 2005 – The Promise of Equality: Gender Equality, Reproductive Health and the MDGs'

Domestic and intimate partner violence

Adolescent girls who marry early are more highly susceptible to domestic and intimate partner violence than the girls who marry later, because of the vulnerability associated with their age. They often lack the position, autonomy, and power to decide or negotiate with their partners and other adult members within their marital household. According to a WHO study, married girls aged 15-19 are more likely to experience domestic violence than older married women.^{lix} Girls who marry young are more likely to believe violence is justified.^{lx} Deprived of appropriate opportunities to grow and develop, young married girls are physically, psychologically, and emotionally unprepared to take on the role and responsibilities of married women.



The consequences for the girls who flee from forced child marriages are very severe. They are severely reprimanded by their families. I know of cases where the girl fled from her marriage and, upon returning back home, was punished by her parents and was remarried.

By a Roma NGO member

As reported in the MICS 2013 survey for Montenegro, within the Roma and Egyptian community the acceptance of domestic violence (from the father, brother, husband, father-in-law) is as high as 41% for women and 53% for men. Such acceptance is more prevalent among women living in poorer and less educated households.^{lxi} The results of the research on domestic violence that was conducted by the Centre for Roma initiatives in 2014 confirmed that Roma and Egyptian women and girls consistently face violence within their own ethnic

communities (by the father, brother, husband, father in law, and even mother in-law). Interviewees emphasised tradition as the most common reasons for domestic violence. In the survey, 50% of female respondents said that arranged marriage is bad for them: women mostly face violence; there is no love; it is forced labour for a woman; the woman is mostly not respected and has no rights.^{lxii}

“ The I had two kidney inflammations, both kidneys were malfunctioning because of the beating, my ribs were injured and many other body parts, but I said, ‘It doesn’t matter, I won’t report him, God will be his judge.’ At the hospital, doctors asked: ‘How come you are so young and with both kidneys malfunctioning?’; I said ‘I don’t know’, I spoke to nobody about it.

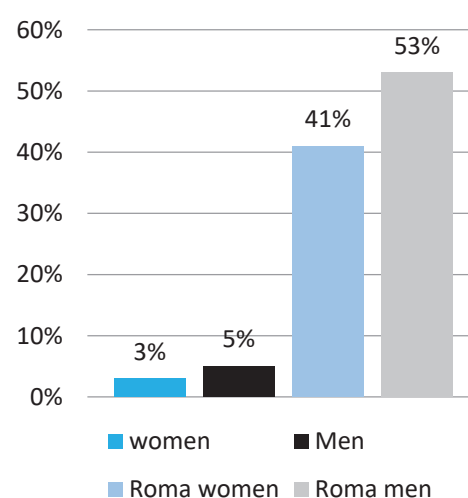
*Testimony of a Roma girl in the Ministry of Human and Minority Rights
‘Arranged Marriage: Testimonies of Roma and Egyptian Women from Montenegro’*

Women survivors of domestic violence often have limited recourse of protection from violence, both within their communities and from official institutions. The social tolerance for violence against women in Roma and Egyptian communities encourages the community members to consider it as a ‘normal behaviour’, thus leading to a wide acceptance of domestic violence even among Roma and Egyptian women. On the other hand, Roma and Egyptian women are particularly isolated from the majority of the population, which limits their access to public institutions and services dealing with violence against women. In cases where the accessibility to such services is not an issue, the quality of the services and the attitude of the providers with regard to violence against women, especially domestic violence,

tends to create barriers and lowers the level of confidence among the victims in approaching the service agencies.

According to the ‘Multi-country study on violence against women support services, National Report: Montenegro’ of 2016, despite some improvement in the past years in the way public institutions officials deal with victims of violence, harmful practices such as doubting women’s testimonies, making decisions on behalf of the women, and resenting the victims if they do not act according to the experts’ advice, are still widely present in the work of the institutions. The victim’s feeling of fear is often not taken seriously by the institutions’ representatives, which results in a small number of protective measures being put in place, a mild penal policy, and the continuation of the violence she experiences – often even after leaving the violent union. Rather than treating the abuse as gender-based violence and a chosen model of behaviour by a man, the institutions often treat the

Figure 6: Acceptance of domestic violence, Montenegro MICS 2013



*Percentage who feel that a husband
Has the right to hit or beat his wife For
atleast one of a variety of reasons*

violence as a conflict between partners, often caused by alcohol, poverty, and other stressful situations, or consider violence against women as being exclusively the result of men losing control rather than the product of systemic gender inequality.^{lxiii}

Divorce and remarriage

There is no data on the frequency of divorce and remarriage, but the case studies and the testimonies of Roma and Egyptian women indicate that neither divorce nor remarriage are uncommon. Just like most marriages remain unregistered, most divorces are too, again

evading the legal safeguards. As recognised in the study "Arranged marriage stronger than the law", bride price, in case of domestic violence and abuse against the young women (girl) becomes a major obstacle which stands in the way of her escaping the violence and returning to her parents' home.^{lxiv} Depending on the situation, in case of divorce the bride's parents may be requested to return the money to the groom's family, which can lead to remarriage (and new bride price) in order to collect money to repay the 'debt'. One Roma woman testifies about this: 'My second husband gave 1,500 EUR for me and we gave this money to my first husband and his family.'^{lxv}

GLOBAL TRENDS IN ADDRESSING CHILD MARRIAGE

International standards on child marriage

Child marriage is established as a human rights violation in international law. Several international instruments contain provisions on child marriage. The key standards that have been ratified by the largest number of countries are described below.

The right to enter marriage only with free and full consent is recognised in the **Universal Declaration of Human Rights (1948)** with the recognition that consent cannot be ‘free and full’ when one of the parties involved is not sufficiently mature to make an informed decision about a life partner. Article 16.2 underlines that *‘Marriage shall be entered into only with the free and full consent of the intending spouses’*. This right to consent to marriage is re-affirmed in the Convention of Consent to Marriage, Minimum Age for Marriage and Registration of Marriage (1964, Article 1); the International Covenant on Civil and Political Rights (1966, Article 23); and the International Covenant on Economic, Social and Cultural Rights (1966, Article 10.1).

The **UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979)** sets out obligations for States to address harmful practices that predominantly affect girls and women.^{lxvi} The CEDAW considers practices including forced marriage as forms of gender based violence. Article 16.1(b) specifies that States Parties shall

take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and, in particular, shall ensure, on a basis of equality between men and women, the same right freely to choose a spouse and to enter into marriage only with their free and full consent. Article 16.2 of the CEDAW mentions that the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory. The Committee on the Elimination of Discrimination against Women recommends this age to be 18 and calls upon the States to set a minimum age for marriage.^{lxvii}

The Committee on the **UN Convention on the Rights of the Child (CRC, 1989)**, in its **General Comment No. 4**, strongly recommends that *States Parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years*, for both girls and boys. In its General Comment No. 13, the CRC Committee includes child marriage in a list of acts that are considered as falling within the category of ‘traditional practices’ referred to in Article 23. The Committee has also stressed that in setting the minimum age for marriage, States must adhere to the entire Convention and its general principles, including the principles of non-discrimination (Article 2), the principles of the best interests of the child as the primary consideration (Article 3), the right to life

and maximum survival and development (Article 6), and the respect of children's evolving capacities (Article 5). Article 24 (3) of the CRC requires States to 'take all effective and appropriate measures with a view to abolish traditional practices prejudicial to the health of children'.^{lxviii}

With the growing recognition of the need for urgent action to address the global menace of child marriage, in 1995 **the Beijing Declaration and Platform for Action** called upon the governments to '*enact and enforce laws to ensure that marriage is only entered into with free and full consent of the intending spouses and, in addition, enact and enforce laws concerning the minimum legal age for consent and the minimum age for marriage and raise the minimum age for marriage where necessary*'.^{lxix} Currently, a very large majority of low and middle-income countries have established minimum age for marriage at 18, in line with international obligations.

Recognizing child, early, and forced marriage as a serious human rights violation issue, **the Council of Europe (CoE)** passed a Parliamentary Assembly resolution (No. 1468/2005) on forced and child marriages, and expressed deep concern 'about the serious and recurrent violations of human rights and the rights of the child which are constituted by forced and child marriages'.^{lxx} The CoE Parliamentary Assembly urged the national parliaments of the CoE member states to adapt their domestic legislation, if appropriate, so as to:

- 1 Set at or raise to 18 years the minimum statutory age for marriage for women and men;
- 2 Make it compulsory for every marriage to be declared and entered by the competent authority in an official register;

- 3 Institute an interview between the registrar and the bride and groom, prior to the celebration of the marriage, and allow a registrar who has doubts about the free and full consent of either or both parties to summon either or both of them separately to another meeting;
- 4 Refrain from recognizing forced marriages and child marriages contracted abroad except where recognition would be in the victims' best interests with regard to the effects of the marriage, particularly for the purpose of securing rights which they could not claim otherwise;
- 5 Facilitate the annulment of forced marriages and possibly automatically annul such marriages.

In addition, resolution no. 1740/2010^{lxxi} of the Parliamentary Assembly of the CoE on the situation of Roma in Europe urged states to 'ensure that Roma girls are given equal opportunities in education, in particular secondary education, which too many Roma girls are obliged to end prematurely because of parental and /or community pressure linked to early marriage, teen pregnancies, and household and family responsibilities'; to 'as a priority, address the problem of domestic violence within the Roma community, in particular violence against women and girls, as well as the human rights violations constituted by forced and child marriages'.^{lxxii}

The Council of Europe Convention on preventing and combating violence against women and domestic violence recognises and prescribes civil consequences for forced marriages, and states that 'parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled, or dissolved without undue financial or administrative burden placed on the victim'.^{lxxiii} Also, states are required

to take measures to ensure the criminalisation of forced marriages.

Research and best practices

In past decade, with growing international concerns there has been considerable focus on the issue of child marriage. This led to legislative changes, policy initiatives, interventions, and research to understand and address the issue. However, such initiatives have not been uniformly distributed across various countries, but were more concentrated in the ‘hotspot regions’, namely Africa and South Asia,^{lxxiv} where the prevalence of child marriages is very high. In addition, the bulk of the studies has focused on the prevalence, consequences, and reported reasons for early marriages rather than on what strategies are effective in preventing child marriage. However, thanks to recent wide-ranging studies undertaken by leading research organisations, UN institutions, and other international and national agencies, we now know much more than before about the promising strategies to address child marriage. The challenge lies in identifying promising practices that have worked effectively in the past, since there is limited documentation on the programmes being evaluated and the results achieved through the various interventions.

According to a USAID 2007 study,^{lxxv} under which 66 programmes were identified and studied through a web based scan,^{lxxvi} the focus of most interventions was on changing the underlying social norms that perpetuated child marriage. The programmes reviewed used multiple entry points to directly and indirectly address child marriage. The bulk of the programmes targeted families and community members for normative

change and to promote the education of girls. There were few that included creating economic opportunities for families and girls (income generation and cash incentives for the families) as well as safeguarding rights (creating shelters and safe spaces for girls; enforcing birth and marriage registration, etc.). The programmes used behaviour change communication (BCC) and community involvement for sharing customised messages to promote risk-reducing behaviour, the education of families, communities, and girls, as well as influencing law and policy. Interventions on community sensitisation and awareness raising, social marketing and edutainment, life skills building among the girls were widespread across most of the programmes. However, there were very few programmes that focused on married girls and their needs, thus indicating that the priority of the programmes was more on the prevention of child marriage. To address the adverse impact of child marriage, which includes high adolescent birth rates and maternal mortality, it is critical to put in place targeted interventions for both unmarried and married girls. There is a need for programmes that facilitate the access of married girls to information and services on family planning, to maternal health services, and to HIV prevention and treatment.^{lxxvii}

The 2012 UNFPA report ‘Marrying Too Young: End Child Marriage’, which draws its inferences from child marriage data from multi-country household surveys – especially the Demographic and Health Survey (DHS) and the Multiple Indicators Cluster Survey (MICS)^{lxxviii} – and from the systematic analysis of programmes, policies, and strategies to tackle child marriage, identifies five key approaches that are being implemented and the valuable lesson that can be learned from them.

Empowering girls by developing their social and economic skills

Providing girls at risk of child marriage with knowledge, skills, and a safe space represents an empowering change for them. Promising interventions include life and vocational skill building, providing information on their rights and opportunities, creating safe social spaces that encourage girls to come together, discuss their lives – including sexual and reproductive health – and develop social networks. The development of additional skills empowers girls to make informed choices, while vocational training increases their ability to provide for their livelihood. Safe spaces protect girls from social isolation and facilitate interaction with their peers and mentors. They learn how to collectively address challenges and work together to solve problems. *Researchers have highlighted the efficacy of interventions that motivate girls to aspire for alternatives to early marriage.* As girls gain confidence and self-esteem through these interventions, they learn to

Berhane Hewan (Ethiopia)

Strategies: The project targeted married and unmarried girls aged 10-19 in Ethiopia's Amhara region. It also engaged with families and community members. The programme's strategies to end child marriage and support married girls included promoting schooling, functional literacy, life skills, forming girls' groups, providing school materials, holding community discussions about child marriage, and involving adults as mentors to support the girls. The project also provided families with livestock in exchange for keeping their daughters in the programme.

Results (2004-2006): 10 to 14 years old were 90% less likely to be married than girls in comparable control village. The project was extended to other regions in Ethiopia.

Organizations: Ethiopian government, Population Council, UNFPA, UN Foundation, Nike Foundation.

Source: ICRW, 2011, 'Solutions to end child marriage'

make better decisions, communicate, and negotiate effectively; for their part, their families and communities come to value their abilities. Such communities have shown greater resilience to question prevalent social norms and re-shape their traditional practices that negatively impact the girls.

Improve girls' access to quality formal education

Global data indicates that the average 'tipping point age' for child marriage corresponds with the period when girls transition to higher secondary school, at the age of 14 to 15. Therefore, promoting the education of girls, especially at the secondary level, is strongly associated with later marriage. *Research has suggested that girls with secondary schooling are up to 6 times less likely to marry as children compared to girls with little or no education.*^{lxxix} Being in school provides numerous protection benefits to girls: they continue to be perceived as children; school helps them develop social networks, take decisions, and gain required knowledge and skills that help them to succeed in life. For girls to remain in school, it is critical to make secondary education free and compulsory. Incentives like free books, uniforms, transportation, and scholarships have proved to be effective in increasing the enrolment and continued attendance of girls. The schools should be girl-friendly, i.e. safe, inclusive, and relevant. The education system should not discriminate against pregnant and married girls. Teachers trained on the factors that make girls vulnerable to dropping out are more sensitive. Continuous teacher-parent interaction helps the latter being involved in school activities. Alternative educational programmes for girls who are unable to return to schools enable them to continue their learning.

Mobilise communities to transform negative and harmful social norms

Elders, especially the men in the families and communities, are critical stakeholders in bringing about any change in the attitude towards child marriage, since they are the key decision-makers regarding whether, when, and with whom the girl will marry. Interventions aimed to create an enabling environment through attitudinal change include activities like community dialogue, information and education sessions, male engagement along with messaging through local and mass media.

Taps into traditions to prevent child marriage, Tostan (Senegal)

Strategies: Tostan, a Senegal based international NGO uses a combination of non-formal education and social mobilization to empower communities, reduce the practice of child marriage, and reduce female genital mutilation (FGM). Local facilitators teach education sessions which include child marriage issues, such as sexually transmitted infections, HIV, birth control, and birth spacing. Public discussions are held and support is sought in denouncing harmful practices, including child marriage. The programme taps into African tradition of dance, poetry, song to convey the message and gain the buy-in of the stakeholders.

Result: The programme was able to bring about change in knowledge, attitudes, and behaviours in 90 intervention villages; these were reinforced by a public declaration by approximately 300 villages against child marriage and FGM.

Organizations: Tostan, Centre for Research in Human Development, Population Council, UNICEF, Macro International Inc.

Source: USAID, 2007,

'New Insights on Preventing Child Marriage-A Global Analysis of Factors and Programmes'

A review of the evidence suggests that community mobilisation is most effective in shifting norms when it is used in combination with other interventions.^{lxxx}

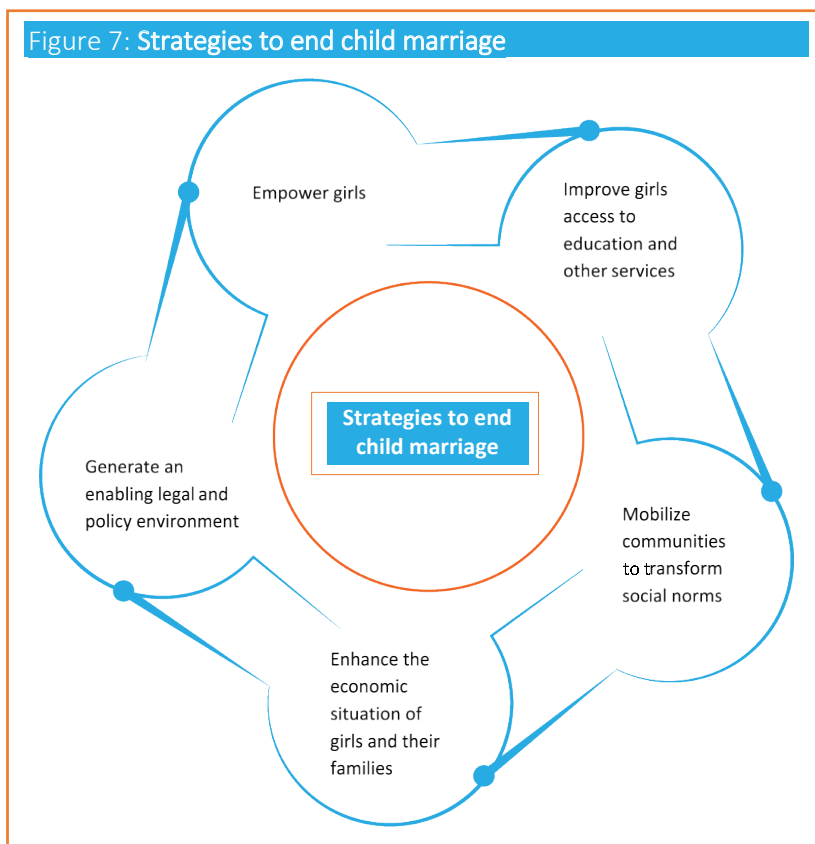
Enhance the economic situation of girls and their families

Due to the practice of dowry or bride-price, parents may benefit by marrying their daughters off early, specifically in economically impoverished families. Programmes promoting economic security and providing incentives have been useful in motivating families to keep their daughters in school through the post-primary and secondary level, and delay the age of marriage. Incentives like loans, scholarships, conditional cash transfers, technical and vocational skills building, and income generational opportunities provide relief to the families and can generate viable alternative to child marriage. Girls with valuable income generation skills can be seen as adding value to the family, which may elevate their economic standing. This may empower the girls to have greater control over their lives. For instance, the abovementioned Berhane Hewan programme in Ethiopia awarded livestock to families as an incentive to keep their daughters is the programme.

Generate an enabling legal and policy environment

A large majority of low- and middle-income countries with a high prevalence of child marriage have established minimum age for marriage at 18 for both boys and girls, a legal protection that provides concrete tools to help protect girls' rights. However, **legal loopholes, low prosecutions, weak punitive measures, and poor enforcement ensures the continuation of the current rate of child marriage.** By 2014, only 16 countries around the world (9%) maintained an absolute minimum age of at least 18 for the marriage of girls and did not allow loopholes that facilitate early marriage.^{lxxxi}

Figure 7: Strategies to end child marriage



Legislation provides not only a framework for legal protection, but also guidance and legitimacy for the action of the stakeholders. All the laws and criminal code of the country must be in conformity with constitutional safeguards and the legal protection assigned to children. The enforcement of laws and the development of well-resourced policies, strategies, and action plans is critical to realizing the rights of girls and their protection from child marriage. It is essential

Ghana's draft National Strategic Framework for ending child marriage (2017-2026)

In 2014 the Ministry of Gender, Children, and Social Protection spearheaded the development of the Child Marriage Unit to coordinate government effort on child marriage. In 2016, the government of Ghana launched the African Union campaign to end child marriage at the national level. Since then, the Ministry of Gender, Children, and Social Protection has developed through the Child Marriage Unit a National Strategic Framework, using a participatory process. The strategic framework includes a monitoring and evaluation framework; an operational plan for 2017-18 and an accounting framework. Ghana has been considerably active in leading child marriage work in the region, with plans to take the lead in engaging the Economic Community of West African States (ECOWAS) on child marriage. Ghana is the focus country for the UNICEF – UNFPA Global Programme to Accelerate Action to End Child Marriage.

Source: Girls Not Brides, 2016, "Lessons learnt from national initiatives to end child marriage"

to challenge customary laws, traditional practices, and beliefs that do not comply with human right standards, and to establish social programmes that stimulate public debate, through the enforcement of legislative and administrative provisions. Religious leaders and community influencers must be involved through advocacy, so that they can become a voice for change towards the development and protection of girls in their communities.

Various multi-country studies have shown that since child marriage is a complex issue with multi-causal and consequential factors associated with it, a **multi-pronged approach** across sectors should be considered in order to encourage delaying the age of marriage. However, the most promising programmes combined asset-building approaches for the girls with community mobilisation activities. Investment on girls has a wide-ranging multiplier effect at individual, family, and community level.

ADDRESSING CHILD MARRIAGE IN MONTENEGRO

National commitments

Recognizing the prevalence of the practice of child and forced marriage, especially among the Roma and Egyptian communities, due to complex and interlinked factors, and upholding the human rights standards guaranteed by the Constitution and legal system of Montenegro, the State has undertaken multiple steps to counter the problem. Various strategies have been developed under the control and responsibility of multiple ministries, through a participatory and multidisciplinary approach. These strategies either directly target early, child, and forced illegal marriages, or address the causes or consequences associated with it.

The four key strategies under review in the current study, that address to the low social status of the Roma and Egyptian population and especially the vulnerability to illegal child marriage and violence are: 1) *Strategy for the Social Inclusion of Roma and Egyptians 2016-2020*; 2) *Strategy for the protection from family violence 2016-2020*; 3) *Strategy for the prevention and protection of children from violence 2017-2021 (with Action Plan)*; and 4) *Strategy for Combating Trafficking in Human Beings for the period 2012-2018*.

Strategy for the Social Inclusion of Roma and Egyptians 2016–2020

The Strategy was developed in compliance with the ‘EU Framework for National

Roma Integration Strategies’ (NRIS) under the leadership of the *Ministry of Human and Minority Rights*. The strategic approaches of comprehensiveness, realistic/achievable measures, participation of the Roma and Egyptian civil society, evidence-based policy, gender and child-sensitive approach were adopted in the document. The Strategy targets comprehensive social inclusion of the RE population by covering **7 key areas**: Housing, Education, Health Care, Employment, Legal Status, Social Status and Family Care, and Culture, Language, and Identity.

The prevention of child marriage among Roma and Egyptian girls is one of the objectives under the area ‘Social Status and Family Care’. The interventions include initiatives at the national as well as local level, such as: capacity building; campaigns on compulsory legal measures to prevent the conclusion of illegal child marriage; setting up support structures in the form of Roma and Egyptian Support Teams; strengthening the role of the Social Inclusion Associates and Multi-disciplinary teams; and prioritizing the inclusion of Roma issues in Local Action Plans.

The Strategy clearly underlines the high vulnerability of Roma and Egyptian women and girls, due to the dual discrimination existing within their community (patriarchal norms subjugating their position to men) and within the larger population (social alienation linked to prevalent prejudice). Therefore, there is a general acceptance of the existence of a **Gender Gap** in every sphere of these women’s lives. However, gender-sensitive

measures aimed at the development and empowerment of these women and girls as a minimum standard have been applied to few sectors that have an explicit link to women and girls.

Under the **Education** objective, there are two gender-sensitive instruments: measures to increase the level of enrolment of members of the Roma and Egyptian population in secondary school and university with a special emphasis on girls, and a special measure for the prevention of child marriage within the prevention of drop-out section. The responsibility of the institutions in promoting enrolment, preventing drop-out, and facilitating the reintegration of Roma and Egyptian girls have been outlined; however, the education of girls who are already married is not clearly articulated.

There is only one measure related to reproductive health under the **Health** objective, and it refers to **information campaigns** – even though the statistics on reproductive health indicators for RE women are very poor, for instance on early child bearing (36.9%), low usage of contraception (4.1%) and high unmet needs (47.6%).^{lxxxii}

Strategy for the protection from family violence 2016-2020

The Ministry of Labour and Social Welfare (MLSW) together with partners from different ministries like the Ministry of Interior, the Ministry for Human and Minority Rights, the Ministry of Education, and the Ministry of Health are implementing the strategy.^{lxxxiii} This has **5 key objectives**: an enhanced legislative framework; strengthened administrative and professional capacities and multidisciplinary approach; an increased public awareness; an improved system of institutional protection and an enhanced

access to justice and legal protection. Under each objective there are corresponding activities, with their own specific timeframe and responsible ministry. **The Action Plan covered 3 Roma and Egyptian-centric interventions**, 1) capacity building of Roma and Egyptian activists to provide confidant services (a person that the victim confides in and who attends to all protection procedures and actions) to the Roma and Egyptian communities; 2) outreach programme in the communities for sharing information on violence against women (VAW) and available services, including institutional protection; and 3) in consultation with Roma NGOs, the development of guidelines and protocols for procedure and for processing cases of forced marriages for the police, social work centres, schools, courts, and health centres.

The latter document^{lxxxiv} is currently being finalised; it lists the responsibilities of the competent authorities and defines coordination mechanisms with respect to the identification and protection of a child at risk of child marriage. In addition, the document should identify a specific role for Roma mediators in addressing child marriage, who otherwise closely interact with the Roma and Egyptian communities on the issues of education, health, social inclusion, and housing. For example, Associates/Roma Mediators can assist in the identification and reporting of children at risk of early marriage; they can initiate community dialogue on the adverse impact of child marriage and support centres for social work in follow-up activities. The Guidelines would benefit from specific measures for the inclusion of already married girls into the schools, while counselling on contraception and family planning for sexually active young girls and safety planning for the survivors of domestic (family) violence could also

be included, under the responsibilities of the health sector.

Strategy for the prevention and protection of children from violence 2017-2021

The Strategy applies to all children aged 0–18, regardless of their gender, nationality, level of functional abilities, sexual orientation, or any other personal characteristic, and is coordinated by the Ministry of Labour and Social Welfare (MLSW). It contains measures to step up the protection and all other forms of assistance to children who experienced violence. **Six strategic objectives** relate to improvements in the legislative and institutional frameworks, strengthening the judicial system, changing social norms, developing life skills and resilience in children, and the set-up of a monitoring and evaluation system. The Action Plan is very comprehensive and details activities with clear Performance indicators. One notable activity among many is media training and reporting on all types of violence against children (VAC), that will help in sensitizing and educating the people and increasing the quality and volume of the public debate. Child marriage is identified as one of the harmful traditional practices among the Roma and Egyptian community; nevertheless, there is no context-specific activity or performance indicator aimed at addressing the issue. However, the detailed plan to develop the capacities of the professionals dealing with children across various sectors to deliver child sensitive services will contribute to supporting the survivors of child marriage.

Strategy for Combating Trafficking in Human Beings for the period 2012-2018

Keeping in line with international standards,^{lxxxv} the Strategy was developed in order to adopt a comprehensive legislative, institutional, and organisational approach in addressing the issue.^{lxxxvi} It focuses on strengthening the coordination and partnership at local, national, and international level for an efficient and timely identification of potential victims of trafficking, and provides quality and comprehensive support. The Working Group^{lxxxvii} for monitoring the operationalisation of the Strategy comprises multiple ministries, the Supreme State Prosecutor's Office, the Supreme Court, local bodies, NGO and international organisations, with the Office for Combating Trafficking in Human Being (hereafter Office, presently under the Ministry of Interior) acting as the coordinating body. Within the framework of the Strategy, an integrated and comprehensive mechanism has been established to provide legislative, judicial, administrative, and institutional support to the potential victims and victims of trafficking. One of the key mechanisms for ensuring inter-institutional cooperation with clearly defined operating procedures is the Memorandum of Cooperation signed between the Office and various service providers.^{lxxxviii}

The Strategy recognises an association between the trafficking of young girls (and boys to a lesser extent) within the Roma community with the practice of illegal marriages and exchange of bride-price. *Such cases can be prosecuted under Article 444 of the Criminal Code (trafficking of Human Being).* The role of local bodies and NGOs has been recognised as vital in designing Local Action Plans and protection programmes

to address illegal marriages and improve the condition of the Roma and Egyptian population.

However, its impact has been insufficient. As noted in the reports and concluding observations of international bodies (The UN Committee on social, economic, and cultural rights,^{lxxxix} the State Department 2017 Trafficking in Persons Report),^{xc} the number of court proceedings relating to trafficking offences has gradually decreased over the years, as well as the number of people identified as victims of this criminal offence. Until 2013, statistical data only mentioned formally identified victims of human trafficking, while since then they have registered potential victims as well. In 2014 and 2015, five potential victims were registered, two in 2014 and three in 2015 – all of them Roma and Egyptian girls under the age of 18. The prosecution qualified one case as labour exploitation in the household, and the other four as unlawful marriage.^{xcii} This means that **not a single prosecution was initiated for human trafficking**, resulting in the fact that in the period from 2014 to June 2017 there were no formally identified victims of human trafficking. Another major problem remains the rehabilitation and reintegration of victims, due to very limited resources being available for these programmes.^{xciii}

Local action plans (LAPs)

In addition to the national strategies, there are Local action plans (LAPs), developed and adopted by the municipalities for the inclusion of the Roma and Egyptian population – especially children. Among other areas, LAPs cover measures and activities aimed at improving the position of children from the Roma and Egyptian population in the domains of education, protection, and their integration into the local community.^{xciii} According to the

country study contained in the ‘Multi-country study on violence against women support services’,^{xciv} twenty-one municipalities out of twenty-two (not including Petnjica and Gusinje) developed Local plans for enhancing social inclusion and developing the services of social protection – with each of them recognizing victims of violence as one of the priority groups. Local plans for gender equality adopted in several municipalities have also recognised this target group, and planned a set of measures for improving the situation in this thematic area. However, not many LAPs have identified and prioritised the issue of forced marriage, and this is recommended in the Strategy for Social Inclusion of Roma and Egyptians.

Some **common shortcomings across the various strategies** and guidelines include their limited reference to disaggregated quantitative and qualitative data, based on evaluations or researches in strategic documents. This creates a challenge for an evidence-based strategy as well as for programme planning and development. Most of the indicators are set at input or output level, and leave scope for the development of outcome and impact indicators.



Certain ministries and public bodies will not keep the data. You will hear from different

sources that here in Montenegro you shouldn't ask people about their ethnicity. It is politically incorrect. Some ministries do keep data, for example the Ministry of Education keeps data since they distribute free books to Roma and Egyptian children. Whereas the Ministry of Labour and Social Welfare won't keep any data. So, there is no uniform approach.

By a representative of INGO

The national and local strategic plans are developed in consultation with key

stakeholders; nevertheless, there is little evidence of engagement with community influencers and, most important, with the children who are directly impacted by this issue. Communities are targeted more as the recipient of services rather than allies in the process of social change. The role of media in certain strategies and action plans have been envisaged, for example in the Strategy for the prevention and protection of children from violence 2017-2021; however, media advocacy and public campaigns on women and girls' issues such as child marriage among Roma and Egyptians need to be more prominent.

In terms of resource allocation, the annual action plan includes a budget and sources of funding; however, there is a disproportionate dependence on international resources and donations for child marriage prevention or family violence.



The problem is that there are very limited funds to sustain the capacity building of the stakeholders.

By a representative of a NGO

International committees' observations and recommendations

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee expressed concern on both the periodic reports of Montenegro,^{xv} by stating that the practice of arranged and forced early marriage is still prevalent within Roma, Ashkali, and Egyptian communities. It further mentioned that the high prevalence of child and/or forced marriages within those communities is often resulting in early

pregnancy. The Committee also noted with concern that a significant number of girls who are victims of child and/or forced marriage or forced cohabitation with adult men are victims of sexual exploitation. The Committee is concerned that the State party has made limited efforts to identify child victims and adequately prosecute and sanction the perpetrators of such crimes.

In 2017, the Committee recommended the State party to: strengthen its efforts to raise awareness among Roma and Egyptian communities about the prohibition of forced and child marriage, as well as on the harmful effects on girls' mental and reproductive health; identify, rescue, and protect victims of forced cohabitation or child and/or forced marriage, as well as those exposed to sexual exploitation following their marriage; strictly enforce the prohibition of forced cohabitation or child and/or forced marriage in particular in cases of further sexual exploitation of the victim, as well as adequately prosecute and sanction the perpetrators of such acts; and raise the minimum age for marriage to 18.

While in 2010 *the Committee on the Rights of the Child* appreciated the various steps taken by the State party to harmonise the national legislation in order to ensure greater consistency with the Convention, it also expressed concerns on the existing shortcomings and made various recommendations.

With reference to **article 1 of the Convention**, one of the key concerns expressed by the Committee regarded the absence of a definition of the child in the domestic legislation, and the lack of clarity therein in the use of the terms of child, minor, and juvenile. The Committee recommended the State party to adopt a clear provision on the definition of the child. The Committee expressed concerns that the State party did not explicitly

criminalise the sale of children, child prostitution, and child pornography, as defined in articles 2 and 3 of the Optional Protocol. The Committee recommended to the State party to revise its Criminal Code, bringing it into full compliance with articles 2 and 3 of the Optional Protocol, and ensure that all children under the age of 18 are fully protected by the Optional Protocol.

While noting that the State Party had introduced the principle of the ‘best interests of the child’ (article 6 of the Convention, under General Principles) into some of its legislation, it noted that this principle was not yet sufficiently reflected in all legislative and policy matters affecting children, and that it is not well applied by the judiciary and administrative authorities. The Committee recommended that the State party take all appropriate measures to ensure that the principle of the best interests of the child, in accordance with article 3 of the Convention, is adequately integrated in all legal provisions and implemented in practice in judicial and administrative decisions and in programmes, projects, and services which have an impact on children (So far, this has been done in the Family Law, thanks to the amendments introduced in 2016).

Under articles 28, 29, and 31 of the Convention – covering education, leisure, and cultural activities – the Committee welcomed the State party’s education reform, as well as the efforts undertaken to better integrate Roma children in mainstream schools. The Committee was however concerned by the limited results achieved through these measures. The Committee recommended the State party to increase the quality of schools and ensure that education is de facto free of charge; strengthen its efforts to integrate Roma, Ashkali, and Egyptian children into the general school system through

enhanced teacher training, curriculum revisions, and appropriate teaching and learning methods as well as intensified parental education and participation; undertake measures to effectively address the comparatively higher drop-out rates among Roma and Egyptian children and ensure that Roma and Egyptian children are adequately prepared for higher education and vocational training; and collect adequate statistical data on education.

While noting the legislative efforts undertaken in order to combat human trafficking, the Committee pointed out the prevalence of national and cross-border trafficking – especially of Roma and Egyptian children and refugee children – and the weak implementation of the existing legislation. One of the key recommendations made by the Committee was to strengthen the protection granted to the victims of trafficking, including prevention, social reintegration, access to health care, and psychological assistance, as well as free access to legal aid.

With regard to data collection, the Committee recommended the State to establish, with the support of all relevant partners, a consolidated system for the comprehensive collection and analysis of data, in order to effectively analyse, monitor, and assess the impact of laws, policies, and programmes. The committee stressed that data should include all children up to the age of 18, and be disaggregated by, inter alia, age, sex, ethnic or social origin, urban/rural areas – with special attention being devoted to children who have the right to special protection measures.

In October 2017, the Committee on the Rights of the Children published a list of issues in connection with the combined second and third periodic reports of Montenegro, in which it requested information on the efforts undertaken to

adopt a clear provision on the definition of the child in all national legislation – especially with regard to the exceptions for marriages under the age of 18, information on measures undertaken to reach universal birth registration and to ensure inclusive and equitable quality education for all children – as well as updated statistical data disaggregated by age, sex, ethnic origin, national origin, geographic location, and socioeconomic status, for the past three years, on issues including child marriages.^{xcvi}

The legal framework

As a candidate for accession to the European Union (EU) and a signatory of international treaties such as the CRC, CEDAW, Lanzarote and Istanbul Convention, Montenegro has undertaken a major effort of reform aimed at safeguarding the human rights of its people, including child rights. The country's legislative framework is now broadly harmonised with international human rights instruments, thanks to the adoption of important laws such as the Law on Gender Equality (2007, amended in 2015); the Law on the Prohibition of Discrimination (2010); the Law on the Protector of Human Rights and Freedoms (2011, amended in 2014); the Law on Protection from Family Violence (2010); and the Family Law (2007, amended in 2016). All these legislations guarantee the equality of women and men, and grant special protection to the child from psychological, physical, economic abuse and any other form of exploitation.

Between 2010 and 2016, Montenegro put significant effort in strengthening the legal framework related to domestic violence. This includes the *Law on the Protection against Domestic Violence*, and amending and adopting new legislation to enable the

full implementation of the aforementioned *Law*. In 2015, the Parliament of Montenegro adopted the *Law Amending the Law on Free Legal Aid*. The amendments granted free legal aid to the victims of domestic violence under the Law on the Protection against Domestic Violence, similarly to the victims of the criminal offences of domestic violence or human trafficking. The *Law on Social and Child Protection* was adopted in 2013,^{xcvii} introducing more encompassing measures for child protection and access to services. *Amendments to the Criminal Code* from July 2013^{xcviii} introduced two new protection orders, namely the restraining order (Article 77a) and the barring order (Article 77b). The *Law on Compensation for the Victims of Violent Crimes* – which stipulates monetary compensation for the victims allocated from the state budget – was adopted in 2015, but will come into force upon Montenegro's accession to the EU.

Despite the constitutional safeguards put in place and the legal framework related to the protection from violence, family violence and child, arranged, and forced marriages persist within the Roma and Egyptian communities. This issue has been raised by most of the local NGOs, particularly the Centre for Roma Initiatives, and by international bodies monitoring and reviewing the status of women and children in the country. It is important to understand how the law defines and applies to issues such as forced and child marriage.

Marriage, family relations, and child rights are regulated by the Constitution and the Family Law, although some provisions can also be found in other laws – notably the Criminal Code. Marriage is based on the free decision of a man and a woman to enter into marriage before a state body, and on their equality, mutual respect and assistance (Article 3 and Article 25,

Family Law). A marriage shall be null and void if the spouses have not given their wilful consent, or if the marriage has not been concluded before a competent body (Article 46). A common-law union is equal to marriage by law with respect to the rights to mutual support and other property law entitlements, if the union lasts for at least three years – or less if a child is born (Article 12, Family Law).

A child is defined as any person under the age of 18 (Article 5), after which full legal capacity is obtained (Article 13, Family Law). ***The law states that the rights of the child shall be indivisible, mutually related, and exercised in their entirety***, and that the state is obliged to respect and enhance the rights of the child and undertake all necessary measures to protect the child from neglect, abuse, exploitation, and discrimination (Article 5). Everyone has as obligation to act in the best interests of the child, in all actions directly or indirectly concerning the child. The definition of child is framed differently in the Criminal Code. According to the Article 142 of the Criminal Code, a person who has not reached the age of 14 is considered a **child**; a **juvenile** is a person who has reached the age of 14, but not yet the age of 18; and a **minor** is a person who has not reached the age of 18. The definition of child in the Criminal Code, when interpreted in conjunction with other provisions or laws, may create confusion and increase the vulnerability of children. For example, Article 206 of the Criminal Code referring to the commission of sex acts against a child, criminalises sex acts or other acts of equivalent nature committed against a child, envisaging more severe punishments when a sex act resulted in a serious bodily injury to the child, pregnancy, or death, or when the offence was committed by several people. The age of consent is thus implicitly set at 14, which is lower than the age of consent in

most EU countries^{xcix} and most countries in the ECA region (covering Eastern and Southern Europe, Caucasus and Central Asia), where most frequently consent is set at 16.^c The purpose of establishing a minimum age of consent is to protect adolescents from sexual abuse and from the consequences of early sexual activity on their rights and development.^{ci} In cases of child, early, and forced marriages, this legal definition may have far-reaching impact. Furthermore, paragraph (4) of the same article provides that the perpetrators of sex acts against a child shall not be punished provided that there is only a minor difference between the perpetrator and the child in terms of their mental and physical development. The criteria for comparing the abilities and development of a perpetrator and a child victim are not clearly articulated.

While there is no clear definition of child marriage in Montenegro's Family Law or Criminal Code, Article 24 of the Family Law (Section on 'Entering into marriage/Conditions for full validity of a marriage') specifies that ***a person under the age of 18 may not enter into a marriage; however, by way of exception, the court may allow the marriage of a child aged above 16***. The procedure is described in the Law on Non-contentious Proceedings. It is worth doing further research on the application of the Law on Non-contentious Proceedings, as this is beyond the scope of the present study.

The practice of child marriage has been referred to by different terms in strategic documents and legal frameworks, such as arranged marriage, forced arranged marriage, juvenile marriage, illicit or prohibited marriage, void marriage. These terms are interlinked, even though each has specific implications. It would be useful to provide definitions in all policy and legal documents, in order to ensure clarity. To underline the vulnerability of

age and/or the violation of child rights, the global practice is to use child marriage as an umbrella term.

For the prosecution of marriages in Roma and Egyptian communities, most frequently **Article 216 of the Criminal Code** (Extramarital communion with a juvenile) is applied. This article incriminates an adult who cohabitates in an extramarital communion with a juvenile (para 1), or parents (or guardian) who allow a juvenile to cohabit with another person or instigate him/her into such extramarital communion (Article 216, para 2), with a punishment from 3 months to 3 years of prison. However, Article 216, of the Criminal Code (para 4), specifies that criminal prosecution will not be initiated if the marriage is concluded while in extramarital relation with a juvenile (according to the Criminal Code definition, 14-18 years of age),^{cii} or prosecution will be terminated if initiated. This provision is not in line with the Family Law of Montenegro, which stipulates that a marriage cannot be concluded prior to the age of 18, unless it is approved by the court in exceptional circumstances if the child is over 16, in accordance with a specific law.

Article 214 of the Criminal Code establishes safeguards against forced marriage, by incriminating anyone who uses force or threats to force another person into concluding a marriage, providing punishment in the form of a prison term ranging from six months to five years'. Interestingly, Article 214 paragraph 3 requires that prior to the prosecution, the marriage must first be pronounced null and void, which may limit the application of the provision in practice, and put an additional burden on the victim.^{ciii} In addition, the OSCE recommended supplementation of Article 214 in conformity with Article 37 paragraph 2 of the Istanbul Convention, in

order to criminalise the '[i]ntentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in, with the purpose of forcing this adult or child to enter into a marriage.'^{civ} This provision was added to the Criminal Code in the 2017 amendment. Furthermore, it is recommended to amend Article 138 of the Criminal Code, which deals with the prosecution of Montenegrin nationals or habitual residents who committed crimes abroad, to ensure that the rules governing the jurisdiction over crimes of violence against women (including forced marriage) are not subject to a request by the injured party. Instead, the article should be fully aligned with Article 44 of the Istanbul Convention, considering that the victims of forced marriage under duress may not give or are forced to retract their statements about the crime or against perpetrator(s).^{cv} Further measures should be taken to comply with Article 55 of the Istanbul Convention, which provides that investigations into or prosecution of certain offences (including forced marriage) shall not be wholly dependent upon a complaint filed by the victim. Moreover, proceedings should continue even if the victim withdraws the complaint.^{cvi}

Article 53 of the Family Law stipulates that the annulment of a marriage entered into under coercion or through misleading may be sought only by the spouse who was coerced or misled into entering the marriage. However, annulment of a marriage may not be sought if one year elapsed from the day when coercion ceased or when misleading was noticed, and the spouses lived together during that time. In practice, it may be difficult for a victim to prove that coercion has not ceased and the time-limit of one year may be unduly restrictive. International good practices suggest that abolishing or extending time limits for filing annulment

petitions in order to protect the victims of forced marriage is recommended, since many victims may lack the confidence to challenge their situation in the first years of marriage, or may not be able to prove that coercion had not ceased – which would prevent them from petitioning for an annulment.



From 2014 to 2017, 40 cases (as anonymous) of intended, planned, and potential arranged child marriage were reported to the police and the Centre for Social Welfare, leading to these cases being prevented. Unfortunately, none of these cases saw prosecution because it was very difficult to prove anything substantial which could be accepted by the court.

There is very little prosecution because there is very little proof [of a criminal act/offense], but this could be addressed if the prosecution is put in place for having the intention to commit the offense. By not tackling the intention, the wrong message is sent to the Roma and Egyptians. That is, they are free to do whatever they want to do.

By a representative of Roma NGO

Article 444 (Human Trafficking) of the Criminal Code, which carries a more severe punishment, is applied in cases where minors are trafficked out of the country for ‘unlawful marriage’; however, no prosecution on this charge has taken place since 2014.^{cvi} Apart from the non-prosecution of many cases, there is a tendency to prosecute criminal offences involving the trafficking of human beings under articles 209 or 210 of the Criminal Code (Solicitation and making arrangements for sex act, i.e. mediation in prostitution), resulting in lower sentences than in human trafficking cases.



In 2013, the Criminal Code was amended (article 444 was revised to include the conclusion of unlawful marriages within the scope of persecution under this article). Unfortunately, lawyers try to identify the weak spots in the language. So we moved from the theoretical and legal point of view to linguistic issues. Because of such wording, we still do not have a single case convicted under this article in relation to trafficking (for unlawful marriage).

By a law enforcement official

There is problem of definition in the Family law and the Criminal code, especially the former, which does very little to offer a solution. The inclusion of the term ‘concluding unlawful marriages’ is a problem, because these marriages are not concluded and we are speaking of informal extra-communion between girls aged 13, 14 or 15 with older boys.

By a representative of Roma NGO

The case study 2 below provides useful insight into the weakness existing in the application of the law. Despite timely reporting, prompt action by the enforcement team across the municipalities through efficient coordination and communication, the criminality associated with the case could not be proven and thus did not reach the court, since indictment did not apply. Even though a criminal offense and possible misdemeanour was prevented, the offence against the perpetrator who had the intention to proceed with the offense could not be established or considered liable for punishment. It appears that there is limited scope in the legislation for punishing the intention of committing a crime (as in case of attempt to murder). Although the involved officials managed to avert this specific incident of marriage, one can only guess whether that acted as a deterrent for the family against trying to get the underage girl married again.

Most respondents, who directly and indirectly deal with cases of child and forced marriage, affirmed during the key informant interviews that it is extremely challenging to prove and incriminate cases of child marriage. Many of them attributed this to the lack of a single definition of child marriage within the legal system, as well as to the application of legal provisions which are either unclear or do not directly corroborate with the

phenomena. Thus, most of the cases fail to reach the conviction stage. Some of the respondents suggested that the ‘attempted criminal offence should also be considered liable for prosecution since the intention to carry out the act existed’. This is especially true for ‘prevented cases of child marriage’, since there is no deterrent for the families against arranging the marriage of their underage children again after their failed attempt.

Case study 2: A child marriage evades processing

The Centre for Roma initiatives (CRI) from Niksic was informed that in a family in the settlement of Talum in Berane, a common law marriage was arranged between a 13-yearold child and a close adult relative in Bijelo Polje (possibly a case of incest) with the consent of the girl’s mother, in exchange for approx. 1,000 Euros.

The CRI informed police officers from the Security Centre of Niksic of the existence of a criminal offense – Common-law marriage with a juvenile (Art. 216 of the Criminal Code) – as well as of the possible existence of another criminal offense or misdemeanour. Subsequently, the Security Centre of Berane was informed about the incident.

Based on the CRI’s report, the Security Centre of Berane took measures and actions to end the child contracted marriage, which they were able to do successfully. The Basic State

Prosecutor from Berane was informed about the event; however, no elements of criminal offense were found in the acts of the event.

Subsequently, the CRI requested that the Security Centre in Berane, in cooperation with the Centre for Social work, undertake measures to protect the child and, in accordance with article 37 of the Law on Protection from Domestic Violence, seek the opinion of the Centre for social work from Berane on the girl’s school attendance as well as the family situation. The CRI also requested that, in the event of any misdemeanour, the Security Centre submit the appropriate report to the relevant Misdemeanour court.

The CRI was later informed by the Security Centre of Berane that it had consulted the Basic State Prosecutor in Berane on the report. However, the latter

noted that, because of where it had taken place, the reported event was under the jurisdiction of the Basic State Prosecutor in Bijelo Polje. The Security Centre of Bijelo Polje was informed about the case.

The Security Centre in Berane could no longer find the child’s family in Berane. The Security Centre of Bijelo Polje found the child in Bijelo Polje, and interviewed the family in the presence of workers from the Centre for Social Work Bijelo Polje, during which both the mother and the child denied the reports, stating that the child was visiting her relatives. Eventually they returned to Berane.

The Security Centre in Bijelo Polje consulted the Basic State Prosecutor of Bijelo Polje; however, the latter concluded that there were no elements of criminal offense.

A case study by the Centre for Roma Initiatives

Institutional framework and implementation mechanisms

Judicial system and state prosecution



We always put the victim first and put an individual plan in place. We make them aware of the plan, but I am not sure all the institutions are thinking the same. As said before, the charges are made under the Criminal Code but no prosecution has taken place yet. They are always prosecuted as extra-marital communion with a minor, which has a very small fine.

*By a representative of a
Government department
By a representative of Roma NGO*

Judicial authorities act to effectively implement all legal possibilities, with the assumption that cooperation is urgently established between the competent authorities that participate in detecting and combating criminal acts in which a child appears as a damaged party. In such cases, they are guided during the process by the best interests of the child – with reference to the Family Law, article 5 –and are bound to act as urgently as possible. All statements by the child are expected to be taken in the presence of a psychologist or a professional worker from the Centre for Social Welfare, who should possess specialist knowledge about working with minors. Following the proposal of a prosecutor, guardianship authority, or acting in official capacity, the court of law shall appoint an attorney for the victim, in accordance with the law.

One of the key challenges associated with child marriages is the very low indictment and prosecution. There is limited use of protection orders, and usually lenient

sentences are imposed on perpetrators.^{cvi} Many respondents in key informant interviews suggested that proving the criminal liability associated with various aspects of child marriage is very challenging, and that the defendant's lawyers often find loopholes in most of the cases and in the victims' testimonies. Considering the challenges associated with cases of forced child marriages in reaching the prosecution stage and obtaining indictment under the criminal liability of the act, the experiences of dealing with such cases might be limited. It would be beneficial to make available to the judiciary for reference the documentation on the litigation and judgments of prosecuted cases of Violence Against Women and Girls (Domestic Violence, Violence against children, Child Marriage and Trafficking in Human Beings).

As per the Multi-Country Study on Violence against Women Support Services, the judiciary lacks monitoring and feedback mechanisms for identifying obstacles and shortcomings in the judicial system and/or creating proposals for a better harmonisation of the legislation with the Istanbul Convention. With regard to receiving free legal aid under the Law on Free Legal Aid (2011), the representatives of CSOs – representing the rights of victims of violence – mentioned in the study that victims are not sufficiently informed about this right and that some lawyers are not motivated to dedicate work to these cases. One of the reasons is the low remuneration for these cases, since lawyers receive only 50% of their compensation to provide free legal aid. There is urgent need to introduce and strengthen child-sensitive procedural measures, including a duty for the police, prosecutors, and courts to keep the child informed and seek his/her views at all stages of the investigations, prosecution, and court proceedings.^{cix}

The police

The police, upon receiving information on the existence of an illegal child marriage or on the intent to conclude one, undertakes all the measures and actions to verify the information, and collects additional information and evidence, in order to detect criminal acts as well as to identify the victim and the perpetrator. They inform the Centre for Social Welfare, the public prosecutor and, in case the person is a victim of human trafficking, they inform the Office for Fighting against Trafficking in Human Beings.

The Roma and Egyptian community is very careful and closed about sharing information on the conclusion of child marriages. The police usually receives the information from Roma/Egyptian activists and NGOs working in the communities, and there is a potential risk for the informer from the community in sharing the information with the police (see the case study below). Since child marriages are common-law marriages, which are concluded usually in collusion between parents and community members, the biggest challenge for the police is to collect material and documentary evidences of the act. In absence of ‘satisfactory’ and sufficient proof of marriage, most cases do not reach the stage of prosecution, or perpetrators get acquitted.

There is scope for incorporating sessions on implementing a gender-sensitive and

victim-centric approach, and for working with Roma and Egyptian communities on the capacity building programme for enforcement teams. There is a need to increase the frequency of training for developing socio-legal knowledge, building case management skills, and understanding protocols and procedures for tackling child forced marriage. In addition, opportunities for peer to peer sharing and learning about the prevention of child marriage are limited. Child marriage is generally seen as a traditional practice and a personal matter of the Roma and Egyptian community, and is not closely associated with the violation of child rights.

The case study 3 is a fine example of successfully preventing an incident of child marriage due to timely reporting by an alert NGO member to the police and prompt action by the latter. The police official followed legal procedure by taking along the social worker who tried to counsel the girl. The presence of mind by the police in taking away the girl’s passport prevented the potential risk of her travel to Belgium to cohabitate with the man. While this specific case was handled deftly due to the efficient coordination and personal/professional commitment of those involved in the case, many other girls may not be so fortunate, since child marriage does not usually rank high among the competing priorities for the departments’ handling of cases of violence and protection.

Case study 3: Prompt action prevented a child marriage

A coordinator from the Centre for Roma Initiative (CRI) was informed about the impending engagement of a girl from the Roma settlement in Niksic, who had not yet turned 16. She filed an official report of the crime to the Police, but she did so anonymously.¹ The Ministry of Interior immediately responded in accordance with the regulations, and directed the police in Niksic to investigate.

Without losing any time, a social worker and the officer in charge, along with four uniformed police officers reached the house of the family of the girl to talk to her and her father. It was critical for the police officer to bring along the social worker, since according to the Criminal Procedure Code the police may not enter alone and uninvited in the house without a warrant. The celebration-engagement was expected to be held that night, a tent was set up in the yard and everything was prepared for the arrival of the

guests. The social worker talked privately with the girl about the proposed engagement. Both the daughter and her father gave the same statement, that the girl wanted to get married even if she had never met the bridegroom – who lived in Belgium – and had only seen him on Skype.

The father of the girl denied any transaction of money as a bride-price; although this fact was not officially confirmed, members of the CRI and the Women RAE network 'FIRST' heard in the community that the girl's father should have received EUR 3,500 from the groom's parents. The social worker and the police officer in charge of the case explained to the father that the marriage of a minor is illegal; subsequently, acting in the best interest of the child and in order to prevent the girl's travel to Belgium, the police seized her passport. As a consequence, the engagement was ultimately cancelled.

The following day, the parents and the girl visited the police officer in charge of the case at the police station and made a last effort to reclaim the girl's passport. The father claimed that the girl threatened to kill herself if the police did not return her passport. The officer explained that in that case he would have to send the girl to a psychiatric hospital for examination and possible treatment and hospitalization. Only when they heard this, the parents gave up any further pressure to reclaim the passport.

Although officially the informant of this episode was anonymous, the community members in the settlement found out who it was. The CRI coordinator and her family were threatened of adverse consequences for their action. She and her family managed to cool down the tempers by talking to the girl's family.

A case study from the Centre for Roma Initiatives

Social Protection System-Centre for Social Welfare

The Centre for Social Welfare undertakes activities to ensure the implementation of adequate forms of social and child protection in accordance with the law.

The Centre for Social Welfare (CSW) has a critical role in the prevention, protection, and reintegration of the victims of violence. As the guardianship authority, it has the power to control the exercise of parental rights; in that

sense, the law prescribes its right and obligation to take all legal protection measures when the rights and best interests of the child are endangered. (Family Law, Art. 82). The CSW coordinates the work of the local level Operational Multidisciplinary Teams for the Protection from Family Violence and the Protection of Children from Violence. However, there is generally insufficient awareness or acknowledgement of the institution's responsibilities in preventing child marriage.

There is limited information available on field-based outreach activities in Roma and Egyptian community for the BCC to sensitise people on the causes and consequences of child marriage, stimulate community dialogue, and build support networks.

Since the Centre is focused on social support services across all age categories (children without parental care; children with disabilities; children victims of violence; abuse and neglect; children in conflict with the law; prevention of family breakdown and dealing with divorce related cases; people with disabilities, elderly, cash allowances etc.), some representatives from the government department mentioned that the CSW is understaffed and often overburdened with work. There could be an issue of prioritizing child marriage, which is usually packed together within interventions related to the protection from violence, abuse, and neglect. Psychosocial rehabilitation and reintegration of the victims is a challenge, due to very limited resources available for these programmes; the lack of state-run shelters;^{cx} and the limited support for NGOs in providing assistance to women victims of violence.^{cx} The CSW's outreach to Roma and Egyptian settlements is limited; however, the recently started piloting of Roma/Egyptian mediators in the social protection system is promising.

Education System - School

Educational institutions work very closely with children, since the latter spend a substantial amount of time in schools and closely interact with their peers and teachers. One KII respondent from a school with a significant number of Roma and Egyptian pupils stated that teachers in this school usually get to know about the potential risk their pupils are facing within families and communities, especially child marriage – either because students share such information with their peers and to some extent with their teachers, or because the children, especially girls, stop coming to school or drop-out. According to the

recently drafted guidelines on the prevention of school drop-out, in the event of a reasonable suspicion, educators will be encouraged to undertake actions to protect the rights of the child, in cooperation with competent institutions. The standard operating procedures mandate that teachers inform the authorities (Education Inspection and CSW) when there is a risk of a child dropping-out of school or there is a suspicion of child marriage. A multidisciplinary team for the prevention of drop out exists in Podgorica, and its establishment is envisaged in the rest of the municipalities. Apart from educators, Roma mediators have a very critical role in engaging with the families and act as a link between them and the schools. Due to their presence in the community, they can assess the risks faced by the pupils. While their job description has entered the national classification system, so far there are very few mediators and their turnover is high. Data collection through Montenegro's Educational Information System has been improved: a module for early warning about the risk of drop out (warning alert) will facilitate the timely reaction of competent institutions once it is rolled out in 2018.

Identifying the number of children who are out of school and keeping an accurate record is particularly difficult given that the majority of them belong to hard-to-reach, marginalised, hidden, and vulnerable groups, including Roma and Egyptian children, refugees and DPs', and children with disabilities.^{cxii} With regard to Roma and Egyptian children, the MICS provides a good basis. In cases where children from Roma and Egyptian communities do attend school, the schools organise engagement activities with the parents for their sensitisation and awareness on some of the social issues. However, these activities are few and do not necessarily cover issues like child

marriage. One pertinent need highlighted by the UNICEF study about the obstacles to education, was the necessity to increase the ability of the teachers to understand and respond to the concern among Roma and Egyptian parents regarding the preservation of their daughters 'virginity' before their marriage, because this might become a strong driver for early drop-out and child marriage. In addition, inclusion of reproductive and sexual health education in the school curriculum is very relevant for early adolescent children. There is a strong need to instil a sense of accountability among the teachers to report cases of violence against girls, including child marriage.



What I know from the field is that Roma children are not segregated in schools. They go to general schools. When you enter the classroom, you will see half and half; half of Roma children and half of children from general population. More girls attend school now than before and their drop-out rate has declined with the introduction of Roma education mediators. These mediators now monitor Roma children at risk, and the school is bound to report any case of a child dropping out... We need to expand their presence to other towns.

By a representative of INGO

Schools will benefit from closer communication with Roma NGOs. These organisations have field experience and more open access to the Roma and Egyptian community – which is impossible to achieve for the school. This collaboration can also lead to more cases being identified and reported. It could be a mediator who is respected within the Roma community that can help schools to establish a two-way communication.

*By a representative from
an educational institution*

There are financial incentives for schooling, such as scholarships for high school and university students and the

distribution of free textbooks for the first three grades of primary school. It would be beneficial to examine the impact of such measures, in order to consider increasing this form of support.

Health Care System

Health institutions are obliged to provide comprehensive health care, including the prevention and treatment to all victims of child marriage. They are also obliged to immediately notify the Police and the Centre for Social Welfare on suspicion of violence and child marriage. However, health workers rarely report violence, and their involvement is mainly limited to the documentation of injuries and to advising the victim to seek help from CSOs providing support to the victims of violence.

Women who are not in possession of identity documents – mostly Roma and Egyptian women and girls and refugee and asylum-seeking women and girls – can only access emergency medical assistance.^{exiii} This makes most medical treatment unaffordable for poor Roma and Egyptian women and girls who do not have any document.

On the other hand, the use of modern forms of contraception as well as the awareness about sexually transmitted diseases such as HIV/AIDS is very low among women and girls from the Roma and Egyptian community. As is the case in the education system, a good practice is represented by the work of Roma and Egyptian Mediators in the Health system (which again faces similar challenges related to the number of mediators and their retention). Yet there is an urgent need to work harder to raise awareness and provide women with greater control and decision-making power in deciding about the size of their family and in prioritizing their health issues.

Coordination and multidisciplinary working

The Multidisciplinary Teams (MDTs), set up by the Centre of Social Welfare in most municipalities, and the Roma and Egyptian Population Support Team, established in Podgorica by the Security Centre at the behest of the Centre for Roma Initiative, have the potential to work effectively in providing a comprehensive response to ‘entering into illegal marriage’. As previously mentioned, draft guidelines have been developed for the procedures of competent institutions vis-à-vis their roles and responsibilities in cases of exposure of children to child marriages.^{cxiv}



We are developing a resource directory that will have the names and contact of experts and will be connected with the central unit and will be available 24/7 to the coordinating body.

A representative from office dealing with combating trafficking in human beings

The scope of the MDTs’ work to address child and forced marriage is immense, yet there is a ***need to strengthen inter-departmental coordination and communication*** at all levels, including at the national level. Some of the representatives of government departments declared during the interviews that the information sharing and case conferencing to assess the nuances of specific cases of child marriage during MDT meetings is not a standard practice – despite it being critically needed. During the interviews some of the respondents expressed their concern about the limited scope for peer to peer sharing and learning inter- and intra- institutions and municipalities.

The Protector of Human Rights and Freedoms (Ombudsperson)

The Ombudsperson in Montenegro was established by a special law in 2003. Its jurisdiction is regulated by the Law on the Protector of Human Rights and Freedoms of Montenegro, and includes the protection and promotion of human rights and freedoms, as well as cooperation with organizations and institutions dealing with human rights and freedoms. The representative of the office informed during the KII that they have not dealt with a single case of child, forced, and illegal marriage. However, in their report to the Committee on the Rights of the Child in 2017, the Ombudsperson’s institution highlighted the issue of child marriages and proposed a set of recommendations to the State Party, to sanction child marriages, educate parents about its harmfulness, and develop support programmes for the children who are in child marriage, as well as in the cases of marriage ‘divorce’.^{cxv}

Services

With regard to services, the victims can access general and specialised services. General services for victims of violence are mainly provided by networks of centres for social welfare, functioning at the local level in coordination with the police, the courts, and health institutions.

Many if not most specialist services are provided by civil society organisations (CSOs) who provide emergency response, feminist-approach support, free legal aid and often psychological support, and empowerment through self-support groups, economic empowerment programmes, etc.. There is no administrative support given on an annual basis for their programmes and services,

and services are financed on a project basis. One exception is the regular multiannual support provided to the only state-funded shelter for victims of trafficking, which is managed by the women's NGO 'Montenegrin Women's lobby'. A pilot project currently exists for a national SOS helpline for victims of violence, which is supported by the Government – specifically the Ministry of Labour and Social Welfare – and managed by an NGO, SOS telephone for women and children victims of violence Niksic.^{cxvi} There are few NGOs, such as the Centre for Roma Initiatives, that are dedicatedly working on the issue of forced arranged marriages within Roma and Egyptian communities, but their numbers is slowly increasing (Red Cross, Montenegrin Women's Lobby etc.). Almost all the respondents acknowledged and appreciated the commitment and work of NGOs. The government's initiatives are closely linked with the technical expertise and skills brought in by the NGO members. Nevertheless, the NGO representatives felt the need for greater coordination between their own work and the state's in order to achieve impactful outcomes. They strongly felt that the government must invest more resources in addressing the issue, and treat them (NGOs) as equal partners in the process of change, including during the strategic planning phase.



The state's approach is the generalization of services, which neglects the tailor-made services required to address the issue. The state regularly takes more of a family approach, instead of a gender-based or specialised approach.

By a CSO representative

Community engagement



It is mostly the Roma activists, civil society, and NGOs who speak about the phenomenon (child marriage). I must say many that the stakeholders – especially the Roma Council, a specific body dealing with the protection and rights of Roma people – haven't mentioned anything about this issue, at least in last 3 years that I am aware of.

A representative of an independent body

CSOs and NGOs are predominantly doing the heavy lifting on putting the spotlight on child marriage issues and working with communities to provide specialised services and support to the victims of violence and child marriages. During the interview, some of the respondents mentioned that, while most of the work in this area is being done by the NGOs, with funding from international organisations, the contribution and support of the state is limited.

CSO interlocutors assessed as weak the performance, monitoring, evaluation, and learning component of the projects managed by the government. However, even in relation to the work done by CSOs, only few records are available in the public domain of evaluated projects, assessing their results in terms change in behaviour or impact. This is important to ensure that the interventions and intended messages are received as intended and yield concrete results.

Community mobilisation initiatives regarding child marriage have been carried out by a handful of CSOs, which has involved speaking in public in various Roma and Egyptian settlements,

performing forum theatre, running workshops for Roma and Egyptian women, men, and young people as champions of change. According to the national report of the Multi-country study on violence against women support services, many NGOs working with Roma and Egyptian communities are not very open to discuss the issue of child marriage, due to their concerns that it might impact their acceptance and work within the community.



We motivate Roma women to share their experiences, opening up the issue for discussion in the society. We try to engage those Roma girls who are not able to get involved due to patriarchy. We use a good loud speaker system, so that they can hear the messages from the theatre and play. When it comes to child marriage, we involve children from secondary school to communicate about this issue with many stakeholders.

By a representative of Roma NGO

RECOMMENDATIONS



It has got to be a three-pronged approach; where there is education coupled with training, you have to have more people aware of the issue, understand the plight and struggle of a disadvantaged group and be their advocates. Have them integrated within the different elements of the society and be better off than they are.

By a representative of INGO

The consequences of child marriage can be long lasting, including: dropping out of school; health risks that result from early sexual activity and pregnancy, including sexually transmitted diseases and maternal mortality; being prevented from taking advantage of economic opportunities; and if they have children, child malnutrition and mortality. These situations are exacerbated for marginalised ethnic communities like the Roma and Egyptians, who are socio-culturally isolated from the general population. Roma and Egyptian women and girls are further marginalised and face double discrimination due to their vulnerable position within their community. Looking at the complexity and inter-sectionality of the issue, the elimination of child marriage requires a comprehensive, integrated multi-sectoral response which targets: poverty reduction; working in communities; state support in the provision of services but also prosecution; efforts to reduce social distance between Roma and Egyptians and the general population. Based on the desk review of global best practices, the concluding observations of international bodies, findings contained in strategic documents, the evidence from the case studies, and the shared experiences of the respondents of key informant interviews, the following are the recommendations for

strengthening the strategies and the intervention to address child marriage among the Roma and Egyptian community. The recommendations are clustered under key impact areas, which adhere to the principle of '*the best interest of the child*'.

1. Generate an enabling legal and policy environment which will represent an expression of strong commitment by the state to ending child marriages

A well-harmonised (with international standards), cohesive, and inclusive legislative and policy environment facilitates the elimination of child marriage. Comprehensive and holistic strategies and action plans operating at all level of influence on the life of Roma and Egyptian girls can be more effective in reducing the prevalence of child marriage within the Roma and Egyptian community than multiple isolated programmes. Child or forced marriages are the subject of multiple strategies, but are not dealt with in a systematic manner. The government could consider developing a separate multi-sectoral Action Plan for addressing child marriage, with the participation of Roma and Egyptian communities, using a multi-pronged approach, with performance indicators to be able to clearly measure progress, and with adequate budgetary allocations.

With respect to the legal framework, it is recommended to **raise the minimum age for marriage to 18, with and without court and parental consent**. This is the key recommendation by the CEDAW

Committee with reference to the prevalence of child and/or force marriage, based on the second periodic report on Montenegro. Considering that many Roma and Egyptian marriages are customary marriages, it would be important to mandate for every marriage to be officially registered. Full harmonisation of the domestic legislation with the standards of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is required to facilitate the access to justice by the victims of violence, especially child and forced marriage. This should lead to: an increase in prosecution and conviction; issuance of protection orders and stringent punitive measures according to the law, improving the victims' (of domestic violence, trafficking, and child marriage) access to free legal aid and confidant services, victim compensation, identity protection, legal representation, and psycho-social counselling. This will facilitate reporting violence and seeking services for more women and girl victims.

While enhancing the legal framework is important, it is not sufficient by itself, and has to be combined with other prevention strategies, in order not to drive the practice of child marriage further underground.

Definition Matters! Most countries committed to child marriage prevention have developed one definition of the phenomenon for common understanding of all and is used as a standard practice.

2. Enhanced institutional mechanisms for the enforcement of the legal and policy frameworks

Based on learning from the good practices of multi-disciplinary teams (MDTs) functioning in some municipalities, it is

essential to strengthen their structure and function across all the municipalities with a clear scope of work, including roles and responsibilities with respect to the prevention of child marriage. It is worth considering incorporating a gender and victim-centric approach in the stakeholders' training, which focuses on the socio-economic determinants of child marriage, national and international legal provisions, case management skills, protocol and SOPs that underline the message that 'child marriage is a violation of a child's human rights and not a cultural and customary practice'. It is important to strengthen inter- and intra-departmental coordination and collaboration at all levels.

The expansion of the community based activities of the Centre for Social Welfare will improve the reach and contact planning with Roma and Egyptian people. **Continuous engagement and training of Roma mediators** in addressing the issue of child marriage in all municipalities would bring positive results. Their role could be envisaged in building awareness, initiating community dialogues on child marriage, and creating community-based networks of support groups aimed at normative changes and at the identification of girls (and boys) at risk. Effective community-based surveillance and policing will improve the monitoring of children at risk or potential incidence of child marriage. This should also include establishing stronger ties with the community-based change agents.

It is vital to strengthen training for judges, prosecutors, and police officers on the application of appropriate articles from the Criminal Code, including article 444, and the Witness Protection Law to prosecute reported cases of child marriage. A study on litigation and judgments documentation should be realised, and examples of good practice shared with the judiciary.

Strengthening vital registration systems (birth registration, identity cards etc.) of Roma and Egyptians will pave way for the community's access not only to social and health services, but also to justice.

3. Improve girls' and boys' access to quality formal education, paying special attention to the academic (under)achievements of Roma and Egyptian children in order to make formal education meaningful and putting in place special measures to effectively prevent dropout

It is important to strengthen the capacity of the schools' staff and of Roma and Egyptian mediators to support Roma and Egyptian children – boys and girls alike – with school attendance. It is also worth considering making secondary education compulsory for children (until the child reaches the age of 16 to 18) like in Belgium, Hungary, Germany, Former Yugoslav Republic of Macedonia, etc. Affirmative action measures need to be enhanced to promote girls' (and boys') enrolment, retention, and higher education – for example financial support and incentives (conditional cash transfers for parents and families or scholarships); coaching and access to residential education (schools with hostels). It is important to increase girls' agency by promoting life-skills education, financial literacy, and reproductive and sexual health education. Services should be available in schools to provide Roma and Egyptian girls with information, knowledge, and skills. These actions will require a sufficient allocation of resources. Equally important, a better and more sensitised education of boys creates spaces

for their empowerment, and the possibility to break from harmful traditional practices.

The training and sensitisation of schools' staff and educators needs to be expanded on the issues of child and forced marriage and its adverse impact of education, Roma and Egyptian parents' sensitivities about the virginity of their daughters and the development of guidelines to address them. Improving girls' and boys' access to education will also require improving the quality of education, addressing the attitudes and stigma among teachers, creating an inclusive environment in the classroom and in the school, promoting the value of diversity, focusing on Roma and Egyptian children so they can catch-up – especially if they did not attend pre-school education. Schools should be encouraged to organise open-house events to engage with students and parents on themes like child marriage, violence against children, career counselling etc. The impact of interventions at the education level will also benefit from corresponding actions and cross-sectoral support from other areas such as the social, health, judiciary ones.

Last but not the least, promoting the enrolment of Roma and Egyptian children in preschool is of vital importance to improve school readiness and social inclusion.

4. Empower girls and boys by strengthening their agency through the development of their skills and the enhancement of their social assets

It is recommended to expand initiatives that assist Roma and Egyptian girls, married, divorced, and unmarried, with knowledge, skills, and opportunities for interaction through school and community-based spaces, to encourage them to engage with their peers and

mentors, develop social networks, and learn vocational skills. It is critical to ***empower Roma and Egyptian girls to develop aspirations and have alternatives to early marriage***. As girls gain confidence and self-esteem through these interventions, they learn to make better decisions, communicate, and negotiate effectively. Their families and communities will ultimately value their abilities and show greater resilience to traditional practices that negatively impact girls.

Keeping in mind the vulnerability of age and the risk of unplanned and forced pregnancies among girls – especially married ones – it is worth reinforcing maternal health and family planning programmes that promote reproductive and sexual health education, the use of contraceptives to delay teen pregnancies and promote spacing. Encouraging the adoption of family planning methods among Roma and Egyptian women and men can have a positive influence in delaying early pregnancies. Efficient outreach activities through health associates (Roma mediators) are needed on these issues.

5. Improve the economic situation of girls and their families to achieve emancipation and access wider choices for advancement in life

The integration of gender considerations (gender transformative measures and indicators) within the strategies that focus on improving the situation of the Roma and Egyptian community (for example the ‘Strategy for Social inclusion of the Roma and Egyptian community’) and the continual implementation and design of new programmes to develop livelihood skills and income generating opportunities

(microfinance, self-help groups, market-based technical skill training) for Roma and Egyptian women will lead to their economic emancipation.

6. Mobilise communities to transform negative social norms and increase the value of girls

More programmes are required in the area of community mobilisation, based on intensive cooperation with community leaders, considered as agents for change in bringing about a shift in the community’s attitude towards gender stereotypical roles, child marriage, and violence against women and girls. This requires coordinated efforts and partnerships, participatory approaches, community dialogue, information and education sessions, engagement of males and elders through inter-personal communication, local media and mass media. The campaigns and BCC tools need to be appropriate for the targeted audience in terms of the language, message, and mode of communication; the tools need to be tested and their effectiveness monitored to insure the intended results. The involvement of sensitised change agents in multidisciplinary team meetings will increase their accountability and commitment.

Engagement with Roma and Egyptian men and elders is essential and must be continued since in most cases they are the decision makers in the family. Showcasing positive examples from the community creates role models for community members. Strengthening community-based child protection mechanisms that include young people will facilitate the early identification of children at risk, and the reporting of impending child marriages within the community.

It would be important to further promote the engagement of Roma mediators in addressing the issue of child marriage, by involving them in building awareness, initiating community dialogues on child marriage, and creating community-based networks of support groups aimed to realise normative changes and identify girls (and boys) at risk.

7. Work on reducing the social distance between the general population and Roma and Egyptians

The social isolation of the Roma and Egyptian community is one of the critical factors for their adverse economic and development situation. This also contributes to the ghettoisation of this ethnic community, with limited opportunities for integration within the general population. The social isolation of Roma and Egyptians also limits the scope of winning the community's trust and accessing information on child marriage, as well as of accessing services. Therefore, it is essential to work towards eliminating the social distance both on the side of the general population and of the Roma and Egyptians, in order to reduce the negative attitudes, misconceptions, and stereotypes about Roma and Egyptians found among the general population and professionals alike, and to strengthen the inclusion of Roma and Egyptians.

8. Strengthen programmes and evidence base

It is essential to increase public awareness (especially in schools) on the role of the

Ombudsperson and to bring to their attention cases of discrimination and gender-based violence – including child marriage. In addition, strengthening the role of civil society is very essential, since it plays a vital role in managing development projects, undertaking research, and creating evidence of the effectiveness of their programmes. Creating platforms for CSOs to learn from others and to strengthen partnerships with other CSOs is a smart strategy to create a stronger voice. This strategy also applies well to the objective of achieving a stronger donor coordination in the country.

Learning from other countries and regions that have made progress in creating an enabling environment to prevent child marriage and have evidence to show it will inform well the country programme. Collaboration and networking with other nations where brides come from or go to (for example Kosovo in the case of Montenegro), would also be of key importance. At the national level, selecting demonstration sites for implementing pilot projects on child marriage prevention would help to create evidence for the expansion of successful models.

A committed investment in a robust **performance, monitoring, evaluation, and knowledge management system** will produce qualitative and quantitative data that will enable the development of evidence-based strategies and policies, with better targeting and planned outcomes. In addition, contextualised studies are required to better understand the root cause of the practice of child marriage within the Roma and Egyptian population – affecting girls and boys alike.

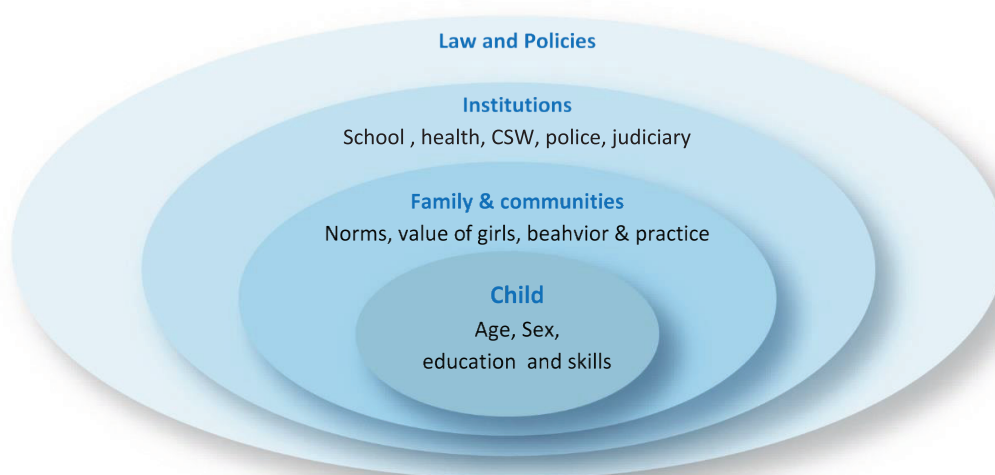
The Framework for a Theory of Change

The Government of Montenegro's commitment to end child marriage among the Roma and Egyptian community is reflected in the various laws, strategies, and action plans developed to address the issue. While the government stakeholders, as the primary duty-bearer, have established some institutional mechanisms to translate the laws and policies into action, there are other players who are vital in the success of the initiative. The community-based interventions by non-governmental and community-based organisations complement and supplement the government's efforts, by acting as a bridge between the government and the people. Last but not the least, the role of the community in preventing child marriage and their ownership of the whole process of change is critical for the sustainability of the positive results, since

the given practice is often defended on the basis of entrenched norms and beliefs relative to the institution of marriage, socio-economic compulsions, and the value of girls in a society.

Obviously, as detailed in the previous section, child marriage among the Roma and Egyptian community in Montenegro is the result of complex and inter-linked factors operating in the micro and macro environment of a child. ***Therefore, there can be no linear solution to this complex issue.*** The interdependence of these determinants can be easily understood by employing an ecological framework, where a girl's life impacts and is impacted upon by factors that operate at various levels. The key drivers, consequences (of child marriage), and influences on a girl's life can be considered as the pillars of the Theory of change (ToC), that intends to prevent and end child marriage: ***child; family and community; institutions; policies.***

Figure 8: Determinants of child marriage, an ecological framework



THEORY OF CHANGE

Impact	Roma and Egyptian girls and boys are increasingly able to delay child marriage, grow up free from violence and avail of opportunities to better their lives			
Outcomes	Enabling environment promotes human rights, protection of women and children from violence and prevention of child marriage			
	Decreasing social distance between Roma and Egyptians and the general population			
	Strategies and programmes achieve planned results	Roma and Egyptian girls (and boys) benefit from improved prevention, reporting, and response services	Families have greater social and economic stability	Girls (and boys) empowered to exercise their right to education and healthy life and have more opportunities and alternatives to child marriage
	Better legal protection of Roma and Egyptians from child marriage, simplified access to justice		Communities change practices related to child marriages, and value education for children, including daughters	
Outputs	<p>Comprehensive evidence-based policies developed that ensure coordination</p> <p>Comprehensive evidence on child marriage built (root causes, evaluations of interventions etc.)</p> <p>Legal framework enhanced</p>	<p>Institutional response to CM strengthened through MDT working</p> <p>Capacity of professionals strengthened</p> <p>Availability of and access to services increased (incl. Roma mediators)</p> <p>Stronger mechanisms for registration of Roma and Egyptians and marriage registration in place</p>	<p>Communities mobilised through regular, coordinated, evidence-based outreach actions to transform negative social norms and increase the value of girls and identify risks of CM</p> <p>Increased income generation opportunities for Roma and Egyptians, including women</p> <p>Initiatives for reducing social distance between Roma and Egyptian and general populations have significant outreach</p>	<p>Girls and boys included in regular, coordinated, evidence-based actions to empower girls and boys, to help them to develop positive aspirations in life, to pursue education etc.</p>
Drivers	<p>Gaps in Legislative and Policy framework</p> <p>No legal definition of CM, prosecuted under Art 216 (Criminal Code), Art 444 (Criminal Code) rarely applied, harmonization with standards, strategies based on limited evidences, researches and data, strategies fragmented, gender lens not applied across all the policies.</p>	<p>Gaps in Institutional mechanisms</p> <p>CM considered as Roma and Egyptian tradition, lack of prosecutions, limited use of protection orders, lenient sentences imposed, limited access to free legal aid, legal representation and counselling, insufficient priority of CM in school activities & LAPs, insufficient linkage with associates, insufficient availability of context specific training, suboptimal inter-departmental coordination and sharing (MDTs), low community and child engagement and surveillance, limited media's role. Low focus on married and divorced girls.</p>	<p>Family & Communities follow patriarchal norms; poverty & social isolation</p> <p>CM is rooted in social norms that strictly assign domestic role for women and girls, do not value their education and promote a culture of silence and acceptance of family violence. Strict demand for virginity and practice of bride price fuels forced child marriage. The situation is compounded by poverty, insecurity, low social and economic opportunities, and social isolation that limit access to services.</p>	<p>Roma and Egyptian girls (and boys) lack opportunities</p> <p>No decision-making power, lack of educational and economic opportunities, schools do not cater to their needs, safe space to build social networks, have very few local 'alternative role models' to CM or mentors to emulate, low academic expectations, limited career aspirations, early childbearing, limited options of second chance schooling and access to services by married girls.</p>

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ANNEXES

Annex 1:

List of Stakeholders for Key Informant Interviews

Sr. No	Stakeholder	Location
1	Police Administration, Security Centre	Niksic
2	Prosecutor's Offices	Niksic
3	Centre for Roma Initiatives	Niksic
4	SOS telephone/Hotline for women and children victims of violence	Niksic
5	Municipality of Niksic- Marriage Register	Niksic
6	Police Administration, Security Centre	Berane
7	Prosecutors' Offices	Berane
8	Centres for Social Work	Berane
9	NGO NVO Ruza	Berane
10	Police Administration, Security Centre	Podgorica
11	EU Delegation	Podgorica
12	US Embassy	Podgorica
13	Ombudsperson's Office	Podgorica
14	Office of the National Coordinator for Combating Trafficking in Human Beings	Podgorica
15	Montenegrin Women Lobby	Podgorica
16	NGO Young Roma	Podgorica
17	Elementary School: 'Bozidar Vukovic Podgoricanin'	Podgorica
18	Ministry of Education	Podgorica
19	NGO HELP	Podgorica
20	Prosecutor's Office	Podgorica
21	UNICEF	Podgorica
22	UNHCR	Podgorica
23	UNDP	Podgorica

Annex 2:

Outline of research questions

Sample Questionnaire

INTERVIEW SCHEDULE IV: NGOs

Introduce yourself and the study, gain informed consent. Ask the respondent for permission to reference his/her 'title' or 'position' in the research report.

Town / region:

Job title (including length of time in role):

Section 1: Role and responsibilities

1.1 To start can you tell me a bit about your role and responsibilities in 'X' organisation?
What does your organisation work on? What are your priority areas at the moment?

1.2 Do you have any programmes related to child marriage?

- If yes, could you tell me about these? What are some of the challenges you have experienced working on these issues? What have you found to be most effective and why?
- If no, are you aware of any efforts to prevent child/forced marriage? Whose role is it? How effective are these efforts, and what are some of the challenges? Why? Can you give an example?

Section 2: Child Marriage, community practices/ prevalence

2.1 What would you say are the main reasons that child marriage happens in your target areas, especially in Roma and Egyptian (RE) communities? What are the underlying causes? Who decides on child marriage in a family/community? Are people aware of the consequences of child marriage on children? Please explain.

2.2 What would you say are the trends and patterns in child marriage at the moment? Are there any specific groups within the RE population among whom the practice of child marriage is more widespread? Are child marriages increasing or decreasing? Why? Is there a comprehensive database on children getting into arranged child marriage or at risk?

2.3 What is the process for getting married? Are marriages officially registered? How do most marriages happen? Are there any official procedures that are followed when people get married? Do they have to prove their identities or age in any way? Do Roma and Egyptian communities have easy access to these marriage registration services? Do they often access them? If not, why not?

Section 3: Child marriage: law, policy, and national efforts

3.1 Are there any laws (traditional, religious, official) on the age for marriage in your country/municipality/area? Do you think people know about the law? Why/why not? What happens if a person is married under the minimum legal age (Probe: when do you term a marriage as a child marriage?)? Are there any consequences? Does your organisation have any role in intervening in these cases? Please explain.

- 3.2 Are there differences in the definition of child marriage between statutory, religion, and customary laws?** What are they? Which type of ‘law’ is most influential? Why? What are the implications of this in terms of child marriage?
- 3.3 Do you think that the definition of child marriage as per Montenegro’s Family law is well aligned with international instruments like UNCRC and CEDAW?** If not, what are the gaps areas?
- 3.4 How is child marriage different from forced/illegal marriage?** Please explain. Does the law make it illegal to get married when one party does not consent to the marriage? In your roles, is there anything you can do if you learn that someone is being forced/ pressured into marriage?
- 3.5 Does the government have any national policies/programmes in relation to child marriage?** What are these? How effective are they? Why? What level of interest/support would you say exists among government bodies for reducing child marriage? Please explain your answer.
- 3.6 How is child arranged/forced marriage perceived by the general public, civil society, and officials responsible to prevent it:** as a criminal offence or a traditional practice entrenched within the cultural beliefs of RE communities?

Section 4: Services: child marriage, responses, and prevention

- 4.1 Are there any services available to help people who are forced into marriage/ victims of child marriage?** What is your role in providing these services, if any? Have you known anyone that has used these services? If so, what was their experience like? If not, why not? Do people know about the help that is available?
- 4.2 Does your program/the community receive any information/assistance from the government or other organizations about child or forced marriage?** If yes, where does it come from? What is this assistance? What does it involve? Is it helpful? Why/ why not? (If any) what more/other assistance do you think would be beneficial?
- 4.3 Does the national and local Action Plans acknowledges the prevalence of CM** and have clearly defined expected outcomes, supported by well laid-out implementation, training, monitoring (MIS), and evaluation plans? Please explain.
- 4.4 What are the key barriers and challenges faced in preventing child marriage among vulnerable communities?** How effective is the prosecution of cases with respect to child/illegal marriage? If not, what are the gaps areas?
- 4.5 Are there any inter-departmental task forces created at the local level committed to specifically address child/forced marriage and VAWG?** If yes, can you specify the nature of these task forces and their efficiency? Is your organisation a member of it?
- 4.6 Are service providers like teachers, health care workers, and community-based professional considered as potential resources** for the early identification and reporting of impending child marriage or children at risk? Please elaborate.
- 4.7 Is the role of informal and non-institutional players like the community influencers, children, and community-based surveillance groups, if any, recognized in the prevention of child marriage?** Are they involved in any government initiatives?

- 4.8 Do you have any suggestions regarding how child/forced marriages can be prevented more effectively?** What are they? In your view, what is the best way to respond when this occurs? Why?
- 4.9 Can you name some promising evidence-based practices that have been effective** in preventing child marriage, identification of ‘at risk children’ and their mainstreaming, and attainment of desired development standards?
- 4.10 Are there any alliances and networks of NGOs, CSOs, and government institutions existing at local and national level for the eradication of child marriage?** Are the representatives of the Roma and Egyptian community part of these efforts? If yes, in what capacity? If not, why not?
- 4.11 Do you have any advice/recommendations on how the government can effectively eradicate child marriage within the** Roma and Egyptian population and respond to the consequences of child marriage? Please explain.
- 4.12 Would you like to add anything further?**

WRAP UP. Will thank the respondent for his/her time, and ask him/her if they have any questions to ask. Will address any final queries or concerns about the research and what it will be used for.

Annex 3:

Informed consent

CONSENT FORM	
Date of interview: ____ / ____ / ____ (dd/mm/yy)	
Name of interviewee:	
Job Title:	
Office:	
Location of interview:	
Informed Consent	
<p>My name is Tanushree Soni and I am commissioned by the Centre for Roma Initiative to conduct a study. The study is undertaken as part of the '<i>Coordinated action to combat violence and child marriage in Roma and Egyptian community</i>' implemented by the Centre for Roma Initiative with the support of UNICEF. This programme is part of the initiative 'Protecting Children from Violence and Promoting Social Inclusion of Children with Disabilities' in Western Balkans and Turkey and is being implemented by UNICEF in partnership with the European Disability Forum (EDF), the European Union, and seven countries/territories in the process of joining the EU.</p> <p>The purpose of this research is to develop a greater understanding of the gaps and challenges in the system, and to be able to propose recommendations to improve services and develop a Theory of Change to guide future interventions.</p> <p>We would like to ask you some questions. It will take about 60-75 minutes. You can decide to leave at any time, although it would be helpful to stay to the end of the meeting.</p> <p>The information you give us will be kept strictly anonymous. You do not have to speak to us if you do not want to, and you can choose not to answer any or all of the questions.</p> <p>Would you like to speak with me? YES / NO</p> <p> </p> <p>We will not write down your name in any reports and all information will be safely stored in a computer or cupboard.</p> <p>I have communicated the above information to the participant and she/he has agreed to participate.</p> <p> </p> <p>Signature of the researcher: _____ Date: _____</p> <p>— —</p>	

NOTES

- ⁱ Girls Not Brides website. (NB: For a full reference refer to the Bibliography).
- ⁱⁱ According to the 2013 Montenegro Multiple Indicator Cluster Survey - MICS (MONSTAT and UNICEF, 2014), 28% of young people aged 15-19 are currently married or in union.
- ⁱⁱⁱ The Committee is concerned that the State party has made limited efforts to identify child victims and to adequately prosecute and sanction the perpetrators of such crimes. CEDAW's 'Concluding observations on the second periodic report of Montenegro', 2017.
- ^{iv} UNFPA, 2012, 'Marrying Too Young: End Child Marriage'.
- ^v UNFPA, 2012, Ibid.
- ^{vi} UN Convention on the Rights of the Child (1989), Article 1.
- ^{vii} Family Law of Montenegro, 2016, Article 5.
- ^{viii} Family Law of Montenegro, 2016, Article 5.
- ^{ix} W. Haviland, H. Prins, B. McBride, D. Walrath, 2011, 'Cultural Anthropology: The Human Challenge'.
- ^x Family Law of Montenegro. Article 5.
- ^{xi} CEDAW, 1994, General Recommendation No. 21.
- ^{xii} International Covenant on Civil and Political Rights, 1966, Article 23 (2).
- ^{xiii} Criminal Code. 2015, Article 214.
- ^{xiv} New World Encyclopaedia, 2016.
- ^{xv} This and the following definitions relating to gender have been taken and adapted from UN Women Training Centre, 2011-2017, "Gender Equality Glossary".
- ^{xvi} Law on Domestic Violence Protection (*Official Gazette*, 2010), Article 12.
- ^{xvii} Girls Not Brides website.
- ^{xviii} The OSCE-supported analysis was being finalised when this publication went to press: Milić S., S. Perišić Bigović, A. Radoman Kovačević, 2017, 'Mapping analysis of Montenegrin municipalities: Podgorica, Cetinje, Nikšić, Berane, Bijelo Polje i Herceg Novi'.
- ^{xix} UNFPA, 2012. Ibid.
- ^{xx} UNICEF, 2014, 'Ending Child Marriage-Progress and Prospects'.
- ^{xxi} UNICEF, 2014, Ibid.
- ^{xxii} UNICEF, 2011, 'State of the World's Children'.
- ^{xxiii} Girls Not Brides website.
- ^{xxiv} UNFPA, 2012. Ibid.
- ^{xxv} UNICEF, 2014, Ibid.
- ^{xxvi} Ministry of Human and Minority Rights of Montenegro, 2016, 'The Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2016-2020'.
- ^{xxvii} Government of Montenegro, 2017, 'The Strategy for the Prevention and Protection of Children from Violence with Action Plan, 2017-2021'..
- ^{xxviii} Ministry of Human and Minority Rights of Montenegro, 2016. Ibid.
- ^{xxix} Information received from UNHCR office, Montenegro in KII.
- ^{xxx} UNICEF Country Office in Montenegro, 2015, 'Mid Term Review of UNICEF Montenegro Country Programme 2012-2016'.
- ^{xxxi} MONSTAT and UNICEF, 2014, Montenegro MICS 2013.
- ^{xxxii} Regional Cooperation Council, 2017, 'Roma Integration 2020 -Action Plan for Social Inclusion of Roma and Egyptians in Montenegro'.
- ^{xxxiii} Save the Children, n.d., 'Spotlight on Northwest Balkans: Bosnia and Herzegovina, Montenegro and Serbia'.
- ^{xxxiv} Centre for Roma Initiatives, 2014, 'Ugovoreni brakovi — Jači od zakona'(cited in UNICEF Belgrade, 2016, 'Child Marriage in Serbia- An Analytical Report').).
- ^{xxxv} Centre for Roma Initiatives, 2014, Ibid.
- ^{xxxvi} Centre for Roma Initiatives, 2014, Ibid.
- ^{xxxvii} Centre for Roma Initiatives, 2014, Ibid.
- ^{xxxviii} UNICEF Country Office in Montenegro, 2013, 'Study on obstacles to education in Montenegro- Focus on Roma and Egyptian children'.
- ^{xxxix} UNFPA, 2012, Ibid.
- ^{xl} UNFPA, 2012, Ibid.
- ^{xli} UNICEF Country Office in Montenegro, 2013, Ibid.
- ^{xlii} MONSTAT and UNICEF, 2014, Montenegro MICS 2013.
- ^{xliii} In the 2013 Montenegro Roma Settlements MICS, if at least one member of the household was found to be Roma or Egyptian that household was classified as a Roma household.

- ^{xliv} MONSTAT and UNICEF, 2014, Montenegro MICS 2013.
- ^{xlv} UNFPA, 2012b, 'Child marriage in Serbia (An Overview)'.
- ^{xlvi} UNICEF Country Office in Montenegro, 2013, Ibid.
- ^{xlvii} MONSTAT and UNICEF, 2014, Montenegro MICS 2013.
- ^{xlvi} UNFPA, 2012, Ibid.
- ^{lix} Child Frontiers, 2015, 'Qualitative Study of Child Marriage in Six Districts of Zambia'.
- ^l As reported in the OHCHR database 'Status of Ratification – Interactive Dashboard' updated on 6 November 2017.
- ^{li} Ministry of Human and Minority Rights of Montenegro, 2016. Ibid. P. 12.
- ^{lii} Girls Not Brides website.
- ^{liii} Save the Children, 2004, 'Children having children: State of the Worlds Mother's'.
- ^{liv} Reference to education indicators by sex following the national education system classification, MONSTAT and UNICEF, 2014, Montenegro MICS 2013.
- ^{lv} Mathur, Greene and Malhotra, 2003, 'Too Young to Wed: The Lives, Rights and Health of Young Married Girls'.
- ^{lvi} Save the Children, 2004, Ibid., Mathur, Greene and Malhotra, 2003, Ibid.
- ^{lvii} World Health Organization - WHO, 2016, 'Fact Sheet, Maternal Mortality'.
- ^{lviii} World Health Organization - WHO, 2014, 'Fact Sheet, Adolescent Pregnancy'.
- ^{lix} World Health Organization, 2005, 'Multi-country Study on Women's Health and Domestic Violence against Women: Initial Results on Prevalence, Health Outcomes and Women's Responses: Summary Report'.
- ^{lx} UNICEF, 2005, 'Early Marriage: A Harmful Traditional Practice. A Statistical Exploration'.
- ^{lxi} MONSTAT and UNICEF, 2014, Montenegro MICS 2013.
- ^{lxii} On the other hand, only 3.8% of male respondents explicitly labelled arranged marriage as something bad and as devoid of love. Centre for Roma Initiatives, 2014, 'Ugovoreni brak jači od zakona'.
- ^{lxiii} Aleksandra Gligorović, 2016, 'Multi-country study on violence against women support services. National Report: Montenegro'.
- ^{lxiv} Centar za romske inicijative, 2014, Ibid. P. 37.
- ^{lxv} Ministry for Human and Minority Rights, CRI, Prva, 2012, 'Ugovoreni brak: Ispovijesti Romkinja i Egipćanki iz Crne Gore'. P. 35.
- ^{lxvi} CEDAW, 1992, General Recommendation No. 19 on violence against women, para 11.
- ^{lxvii} Article 16 (2).
- ^{lxviii} CRC, 1989, Article 24 (3).
- ^{lxix} Beijing Declaration and Platform for Action, Adopted at the Fourth World Conference on Women, 4-15 September 1995. In UN Women, 2000, 'Beijing Declaration and Platform for Action: Beijing+5 Political Declaration and Outcome'. P. 169
- ^{lxx} Parliamentary Assembly of the Council of Europe, 2005, Resolution 1468 (2005) on Forced marriages and child marriages.
- ^{lxxi} Parliamentary Assembly of the Council of Europe, 2010, Resolution 1740 (2010) on the situation of Roma in Europe and relevant activities of the Council of Europe.
- ^{lxxii} Parliamentary Assembly of the Council of Europe, 2010, Ibid. p. 3.
- ^{lxxiii} Council of Europe, 2011, 'Convention on preventing and combating violence against women and domestic violence'. Article 4.1.
- ^{lxxiv} USAID, 2007, 'New Insights on Preventing Child Marriage-A Global Analyses of Factors and Programmes'.
- ^{lxxv} USAID, 2007, Ibid.
- ^{lxxvi} USAID, 2007, Ibid. Since the programme scan was internet-based and searched only for those written in English, it identified child marriage as one of its efforts, it excludes programmes without a web presence or those that did not turn up in keyword searches, or those that, while not being described as one of the outcomes, were influencing the rates of child marriage.
- ^{lxxvii} UNFPA, 2012. Ibid.
- ^{lxxviii} Demographic and Health Surveys are sponsored by the United States Agency for International Development (USAID), www.measuredhs.com; Multiple Indicator Cluster Surveys are sponsored by UNICEF, www.childinfo.org.
- ^{lxxix} UNICEF, 2007, 'Progress for Children: A World Fit for Children Statistical Review'.
- ^{lxxx} Malhotra et al, 2011, 'Solutions to end child marriage — What the evidence shows'.
- ^{lxxxi} Arthur, M., 2014, 'Legal Protections against Child Marriage around the World'.
- ^{lxxxii} Percentage of women age 15-19 who have begun childbearing.
- ^{lxxxiii} Ministry of Labour and Social Welfare, Ministry of Interior, Ministry of Human and Minority Rights, Ministry of education and Ministry of Health.
- ^{lxxxiv} Ministry of Interior, 2017, draft Guidelines for processing cases of child marriage for competent institutions, in draft form.
- ^{lxxxv} UN Convention against Transnational Organized Crime (UNTOC), CoE Convention on Action against Trafficking in

Human Beings, UN Convention on the Rights of the Child.

^{lxxxvi} Office for Combatting Trafficking in Human Beings.

^{lxxxvii} Government of Montenegro Strategy for Combating Trafficking in Human Beings for the period of 2012-2018.

^{lxxxviii} The Supreme Court, Supreme State Prosecutor's Office, Ministry of Interior-Police Administration, Ministry of Health, Ministry of Education, Ministry of Labour and Social Welfare, Red Cross, Public Institution 'Centre for Child and Family Support-Bijelo Polje' and NGOs.

^{lxxxix} Committee on social, economic and cultural rights, 2014, Concluding Observations (no. 18, 19 and 20) on the Initial Report of Montenegro issued on 12th December 2014. As quoted in Women's Rights Centre 2017 NGO Shadow Report on the implementation of CEDAW in MNE (submitted for the 67th CEDAW Committee Session).

^{xc} According to the 2017 USA Department of State 'Trafficking in Persons Report 2017', 'The government [of Montenegro] did not prosecute or convict any traffickers for the second consecutive year and tried several potential trafficking cases as lesser crimes. The government identified fewer victims overall and did not identify any sex trafficking victims. The lack of convictions prevented victims from obtaining restitution from their traffickers. Therefore, Montenegro was downgraded to Tier 2 Watch List' (p. 287).

^{xci} The Family Law of Montenegro provides that marriage cannot be established with a person under the age of 18. In exceptional cases and under special conditions prescribed by a special law, a court may permit the marriage of a

child older than 16, in accordance with a special law (i.e. the Law on Non-contentious Proceedings). A minor under 16 is not allowed to marry. Amendments to the Criminal Code of Montenegro modified the definition of human trafficking by adding 'conclusion of an illicit marriage' and 'slavery or other similar position' as a form of exploitation.

^{xcii} As quoted in Women's Rights Centre, 2017, Ibid.

^{xciii} UNICEF Country Office in Montenegro, 2013. Ibid.

^{xciv} Aleksandra Gligorović, 2016. Ibid.

^{xcv} CEDAW/C/MNE/I considered at 1002nd and 1003rd Meetings on October 2011 and the Committee considered the second periodic report of Montenegro (CEDAW/C/MNE/2) at its 1512nd 1513rd meetings on July 2017.

^{x cvi} Committee on the Rights of the Child, 2017, 'List of Issues in relation to the combined second and third periodic reports of Montenegro'.

^{xcvii} Law on Social and Child Care Protection, *Official Gazette of Montenegro* 27/13, 1/15, 42/15, 47/15 and 56/16.

^{xcviii} Criminal Code, *Official Gazette of Montenegro* 40/13.

^{xcix} AgeofConsent.net, 2017, 'Legal ages of Consent by Country in Europe'.

^c UNICEF and Youth Policy Labs, 2016, 'Age matters! Age related barriers to service access and to the realization of rights of children, adolescents, and youth'.

^{ci} UNICEF, 2016: 'Legal minimum ages and the realization of adolescents' rights'

^{cii} See also the Act on Treatment of Juveniles in Criminal Proceedings, *Official Gazette of Montenegro*, Article 3, where a juvenile is a

person who at the time of commission of a crime is at least 14 but under 18 years of age.

^{ciii} OSCE/ODIHR, 2014, 'Opinion on the Impact of the Ratification of the council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on Legislation in Montenegro'.

^{civ} OSCE/ODIHR, 2014, Ibid, p. 26.

^{cv} OSCE/ODIHR, 2014, Ibid.

^{cvi} OSCE/ODIHR, 2014, Ibid.

^{cvi} OSCE Mapping analysis, January 2017, draft report.

^{cvi} Concluding observations of the CEDAW Committee on the initial report of Montenegro (CEDAW/C/MNE/1) at its 1002nd and 1003rd meetings on 6 October 2011 (CEDAW/C/SR.1002 and 1003)

^{cix} Aleksandra Gligorović, 2016, Ibid.

^{cx} Aleksandra Gligorović, 2016, Ibid

^{cxi} As quoted in Women's' Rights Centre, 2017, Ibid.

^{cxi} UNICEF Country Office in Montenegro, 2013, Ibid.

^{cxi} CEDAW Committee, 2017, Concluding Observations for Montenegro.

^{cxi} Ministry of Interior, 2017, Ibid.

^{cxi} Protector of Human Rights and Freedoms, 2017, 'Alternative report of the Protector of Human Rights and Freedoms of Montenegro Concerning the Second and Third Periodic Reports of Montenegro on the implementation of the United Nations Convention on the Rights of the Child'.

^{cxi} Aleksandra Gligorović, 2016, Ibid.

