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VOICE OF ROMA, ASHKALI
AND EGYPTIANS IN KOSOVO



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NATIONAL SURVEY ON EARLY MARRIAGES AMONG THE ROMA, ASHKALI AND EGYPTIAN COMMUNITIES IN KOSOVO

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Human rights are non-negotiable, especially the rights of children, with particular emphasis on vulnerable groups of the Roma, Ashkali and Egyptian communities.

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The opinions expressed in this research belong to the authors or interviewees and do not necessarily reflect the official position of VoRAE, TdH and HEKS/EPER.

Research on early marriages within the Roma, Ashkali and Egyptian communities, designed and processed by Prof. Assoc. Dr. Bedri Bahtiri, in his capacity as research team leader, Sonila Hasaj and others from UBO Consulting, as well as researcher Kaltrina Zhushi, addresses a sensitive issue not only within these communities, but also in Kosovo society in general.

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EXECUTIVE SUMMARY OF THE RESEARCH

This research represents an important step in inquiring on the phenomenon of early marriages¹ in the Republic of Kosovo, and constitutes a serious effort to bring to surface this sensitive topic for children in general, and in particular for children of the Roma, Ashkali and Egyptian communities. Through this research, we intended to conduct a detailed analysis of this disturbing phenomenon, and the manner in which the issue of marriage and de facto extramarital union is provided on by international legal norms and domestic legislation. So far, institutional mechanisms have been established in the Republic of Kosovo at the central level regarding the addressing of this issue. This is undoubtedly a valuable contribution to the cause of *“best interests of the child”*.

The main criticism of early marriages is that they constitute abuse of children and a violation of their fundamental rights and freedoms. This phenomenon hinders the emancipation of communities, as it limits minors (boys and girls) access to basic rights, such as education and sound development adequate to their age.

The problem of early marriage is not only an issue for the Roma, Ashkali and Egyptian communities, but also affects other communities in Kosovo, to a certain extent. In this regard, it should not be deemed that this phenomenon is only present in these communities, since the same phenomenon was present until the last century, to varying degrees, in other communities in Kosovo, while today it is encountered in fewer cases.

Early marriages deny children their right to freely express their desires and interests, as they do not have full capacity to make decisions, and if they express consent, it bears no legal standing due to their age.

From a legal perspective, early marriages cannot be considered unions regulated by legal norms, as they are prohibited. However, this phenomenon cannot be passed over in silence, by justifying it with cultural and traditional values. They should be treated as human rights violations, which create social inequality and contain elements of severe discrimination.

¹ For the purposes of this document, the term “marriage” will be used to include all forms of union between partners, regardless of whether the marriage is registered or not. This includes cases where the court allows the marriage of minors (16-18 years old), as well as traditional civil unions between persons under the age of adulthood. The goal is to avoid confusion among readers who may not have sufficient legal knowledge on the matter.

Preventing early marriages entails the necessity of taking concrete measures and actions that involve the family, the education system, social services, the investigation, the justice system, civil society organizations, and society in general. The media also have an important role in this regard, as they must address this issue in a professional and multidisciplinary manner, helping to raise awareness and build strong positions against the phenomenon of early marriage, against racism and anti-Gypsyism.

During meetings with members of the Roma, Ashkali and Egyptian communities, it was observed that their perceptions of women, sexuality, marriage and reproduction often reflect a tendency to protect cultural purity and preserve traditions.

This situation shows the need for continuous work in changing these perceptions and educating on respecting children's rights, as well as preventing early marriages. The clash of perceptions between communities indicates a contestation of each other's family and marital values.

Recognizing the inner diversity of Kosovar society, it is necessary to intensify efforts for mobilization and inter-ethnic solidarity, with the aim of improving the well-being and equality of all citizens.

■ In order to have a proper overview of the situation, this research was conducted in 19 municipalities with larger populations of Roma, Ashkali and Egyptian communities, such as: Deçan, Gjakova, Gjilan, Istog, Klina, Fushë-Kosovë, Kamenica, Mitrovica, Lipjan, Obiliq, Rahovec, Peja, Podujevo, Pristina, Prizren, Shtime, Suhareka, Ferizaj and Gracanica. The first questionnaire was conducted with 196 children aged 13 to 18 from these communities, while the second questionnaire included 178 men and women aged 18 to 40, who were married under the age of 18.

In this context, semi-structured interviews were also conducted, creating space for open discussions and adapting questions according to the information provided by each respondent. A similar process was followed for the focus groups.

The data collected and the report compiled from this research study shall serve as an important tool for a wide range of stakeholders in addressing early marriages in Kosovo. This research report also strives to provide practical guidance for the Inter-Agency Group on the Prevention and Reporting of Early Marriages, local and central public institutions, as well as civil society organizations working with the Roma, Ashkali and Egyptian communities. It shall also be a valuable resource for international donors in guiding their funding and support strategies, as well as for researchers and experts in the field of children's rights and social inclusion.

Through research-based data and recommendations, the report aims to support the implementation of concrete and well-informed measures to prevent and address early marriages in Kosovo.

The report highlights the fact that girls and women from the Roma, Ashkali and Egyptian communities often find themselves in a more disadvantaged position than boys, both in education and in other areas of life. Poor educational levels, and parental pressure for early marriage, remain among the main factors influencing this phenomenon.

In conclusion, the report offers concrete recommendations for addressing the phenomenon of early marriage. These recommendations include empowering girls through education, strengthening legal

mechanisms, raising awareness in the community, and providing socio-economic support to families. The proposed measures aim to create a safer and fairer environment for young people in these communities, thereby allowing them to make informed and independent decisions about their future.

Method of research

This research was designed upon a thorough analysis of primary and secondary data.

This research makes a call for reflection to all institutions and Kosovar society as a whole, with a view of raising public awareness and building approaches that enable the future development of persons and groups affected by this practice.

From the outset, this study highlights the importance of a comprehensive and reasoned analysis of early marriages, using analytical methods and real data. This way, the aim is to avoid generalization and identify specific cases within the cultural and social context.

The authors of this research are aware of the sensitivity of this issue and the risk of prejudice or stigmatization of the communities involved, especially the Roma, Ashkali and Egyptian communities. An erroneous approach may lead to irreparable consequences for these groups, thus this research has been conducted with special caution to avoid stereotyping and extend a fair analysis.

This study is based on the hypothesis that: ***“Early marriages infringe upon the individual rights of children and young people within traditional communities, favoring the collective rights of a community over individual ones.”***

The essential questions that arise from this hypothesis and that require answers and reflection are:

1. Does the continuation of a controversial cultural practice take precedence over universal human rights, in this case the rights of the child?
2. What decisions should be taken to address this phenomenon, being aware of the violations of fundamental human rights, with particular emphasis on children?
3. What role does the state play in preventing this practice in certain communities?

Viewed also from a comparative perspective, this issue cannot be fully tackled by a single research paper, limited to only a number of communities living in Kosovo. Continuous studies and detailed analyses on early marriages are necessary, to raise this topic to an open debate for the Kosovo society, to observe the movement of trends in this occurrence in a consistent manner, as well as to take adequate and continuous measures and actions.

The issues and reflections raised in this research are important for the entire society, given the clash between the legal aspects and cultural practices of early marriage.²

However, early marriages are not exclusively a phenomenon of the Roma, Ashkali and Egyptian communities, although they are more widespread among these groups. This phenomenon is also influenced by other factors, such as the role of marriage in preserving family wealth and as a mechanism to avoid poverty, especially in environments where alternatives for a better future are limited.

² https://kosovo.unfpa.org/sites/default/files/pub-pdf/KOSOVO-Albanian-final_0.pdf, pg. 6 and 10, accessed on 02.04.2025.

This research attempts to analyze early marriages comprehensively, exploring the intersection between gender and racial discrimination. It emphasizes that racism towards Roma, Ashkali and Egyptian communities, marginalization and gender relations within these communities have a major impact on women and girls. The lack of an appropriate response from the state means that this phenomenon remains a serious and worrying issue for all of Kosovo society.

What are the novelties brought about by this substantive and scientific research?

The main novelty of this research is the analysis and clarification of the differences between forms of child and minor marriage, such as: arranged marriage (over the age of 16 with court permission), forced marriage and early marriage.

The description of each type of marriage, supported by case studies and interviews, helps identify the mechanisms involved in these cultural practices. Thus, this research aims to serve as a precious starting point for further studies on early marriages.

The study's findings and recommendations highlight the need for joint action by the Roma, Ashkali and Egyptian communities, as well as by the authorities, to support children from these groups in realizing their legal rights. These rights are guaranteed by the Constitution of the Republic of Kosovo, the Convention on the Rights of the Child and other national and international legal instruments, as well as domestic legislation.

The research also highlights the importance of raising parents' awareness of the rights and well-being of their children. Every child should have the opportunity for healthy development and an independent social status, making decisions about marriage only after they have reached the age of adulthood, and the ability to make their own future.

Limitations and difficulties in conducting the research

One of the main challenges during the conduct of this research was the difficulty in obtaining data on cases of early marriage from the Kosovo police, for the last three years, and from all municipalities contacted. This has resulted from the lack of aggregated data by gender, age, ethnicity and residence, limited capacities for detailed reporting, and/or the reluctance of institutions to share the requested information.

Despite these challenges, the data collected provide important insight into the phenomenon of early marriage and the institutional challenges in addressing this phenomenon.

INTRODUCTION

Among other things, this research aims to foster discussion on the disturbing phenomenon of early marriage in general, and in the Roma, Ashkali and Egyptian communities in particular.

Furthermore, the purpose of this research is to gather information on this issue, including definitions, legal aspects and the responsibility of parties in society, as well as to address the conflict of values between the rule of law, cultural autonomy and the rights of women and children, who are most affected by this phenomenon.

Initially, we shall examine the different positions of institutional stakeholders and civil society, analyzing the lack of collective action to encourage the state to enforce the laws through relevant state and civil society mechanisms.

A key aspect is the duality of human rights protection activities in these communities, including organizations that promote gender equality and child protection, as well as state institutions that oversee the implementation of these rights. It is essential not to tolerate double standards in the protection of children of other communities in relation to children of Roma, Ashkali and Egyptian communities, as this can lead to stigmatization of children of these communities and discrimination.

Violation of children's rights can never be justified in the name of the cultural autonomy of the respective communities, as this creates a conflict between cultural values and individual rights, constituting a serious violation of fundamental human rights. In this regard, no culture or tradition that violates children's rights can be tolerated in any democratic society where law and order prevail, such as Kosovo.

Certain research has been conducted in Kosovo on the phenomenon of early marriage, but accurate and complete data on its prevalence and consequences are lacking. This is due to the fact that it remains a challenge for institutions to identify cases of *de facto* extramarital unions that begin at an early age, for which there is no accurate data, especially for female children.

To better comprehend this phenomenon, comprehensive research is needed that extends beyond the Roma, Ashkali, and Egyptian communities, as the rest of Kosovar society, albeit to a lesser extent, may also be affected, especially in rural areas.

Legally, the term "*marriage*" is used to describe legal marriage, registered with the consent of both parties, distinguishing it from forms of extramarital *de facto* unions, which often have no legal basis and may be

forced. However, in this research, the term “*marriage*” is also used for extramarital *de facto* unions of children who live or have lived in such *de facto* unions.

In the past, discussions on this issue took place mainly informally, but after the 1999 war in Kosovo and with the arrival of the international administration, awareness of the protection of children and the family as a state responsibility increased significantly.

Over the years, there have been efforts to minimize this problem through gender equality and equal access to education for girls and boys from communities, which may practice early marriage. Programs have also been developed to combat human trafficking and promote children’s rights.

Early marriages are linked to various factors, including economic status, patriarchal attitudes, and stereotypes about these communities. Girls in these groups have lower levels of education and often drop out of school due to family pressure to marry early. This shows that despite the progress achieved, a special focus is needed to enhance the education of girls and women from these communities,³ and it is also required raising awareness among parents about the importance of delaying the age of marriage and achieving a higher level of education.

■ The experience of girls and women from the Roma, Ashkali and Egyptian communities varies, depending on factors such as geographical origin, age, educational level and economic status. This research will examine these factors and more, to better understand their impact on early marriages.

Various studies in other countries have shown that the poor educational level of families is one of the main factors leading to early marriages and early pregnancies in these communities. Families often insist on early marriage of girls, pursuing a traditional model, where the role of women remains limited within the family. The influence of the community is often stronger than individual will, which pushes girls from the Roma, Ashkali and Egyptian communities to marry several years earlier than the majority population in Kosovo, and to give birth to their first child earlier. The age of marriage varies among communities, with differences between traditional and modern groups.

In any case, it is important to understand that the law must take precedence over all else and respect for children’s rights must be uncompromising on the part of competent state bodies above all else. Eliminating early marriage requires a coordinated approach between state institutions, civil society, and communities.

This research shows that early marriage is no longer a taboo topic, but the main problem remains the lack of accurate information and open discussion to address this phenomenon at the state and societal levels.

³ <https://www.rcc.int/romaintegration2020/files/admin/docs/ded1dbecbd2a639e8b47f82bab0500e1.pdf>, page 5, accessed on 02.04.2025.

I. DEFINITION OF THE PROBLEM OF EARLY MARRIAGE

1. Early marriages in the Roma, Ashkali and Egyptian communities

Roma, Ashkali and Egyptians are extremely heterogeneous groups, both in the Republic of Kosovo and in other European countries and beyond. Historically, they have faced persecution and discrimination from the majority in society for hundreds of years. Although exact figures are not available, it is estimated that over ten million Roma live in Europe today, who continue to face discrimination and deep poverty.

Girls and women from the Roma, Ashkali and Egyptian communities are particularly affected by double discrimination, both due to their gender and their belonging to a discriminated minority. They are also more at risk of early marriage, which usually occurs at a child age. Cultural expectations and traditions force girls to marry early, often to teenagers over 16 or even to adult men.

One of the most serious problems that puts girls and women in these communities at a disadvantage is the abuse of parental power, which exerts pressure on them to enter into early marriages. Parents often arrange marriage for their children, which constitutes a serious violation of parental rights and the laws regulating family relations. This practice is particularly prevalent among the Roma, Ashkali and Egyptian communities in Kosovo, while these communities also face this problem in countries in the region and Europe.

One of the main reasons why most girls from these communities marry under the age of 18 is social and family pressure.

An additional challenge for girls who marry early is the virginity test, a humiliating and degrading practice that in most cases constitutes great psychological and physical pressure. This practice has long-term consequences for the health and well-being of young girls, exposing them to violence and ongoing stigmatization.

Early marriages in the Roma, Ashkali and Egyptian communities are usually arranged unofficially, are not registered and are not reflected in official statistics, as they are not lawfully permitted.

One of the main factors driving early marriage is the belief that virginity is essential for a girl's esteem in the community. Failure to prove virginity can cause a girl to lose her status, as well as make it more difficult to find a husband. This often leads to stigmatization, isolation, and in extreme cases, girls can even become victims of human trafficking, one of the most egregious forms of human rights violations.

2. Types of early marriages

When talking about early marriages, one may consider several forms, which are distinguished mainly by the freedom of choice and the restrictions that accompany them. An important aspect is the legal definition of the age of adulthood, which affects the ability to make such decisions.

Based on this, several forms of marriage are identified: forced marriage, early marriage, and arranged marriage. The distinction between these types is not always clear, but there are specific elements that set them apart.

The state has an interest in protecting marriage, especially those of those persons who are unable to take care of their own rights and interests. As a result, the state has set a minimum age for marriage by law, a right that may vary from state to state; for example, in some jurisdictions, a man and a woman, starting at the age of 18, can marry without the consent of their parents. However, with the permission of the parents of a person younger than 18 years of age, or that of the guardian, and by court order, a person aged 16 or 17 may also marry,⁴ of course, if it also meets other legal requirements.

Forced marriage occurs when at least one of the spouses does not provide his/her free and full consent, or when that consent is not legally valid. This type of marriage may result from family pressure, threats, or other forms of psychological coercion. Statistics on this phenomenon are missing, due to reluctance to report it.

Forced marriages are currently practiced mainly within the Roma, Ashkali and Egyptian communities, but in the past this phenomenon had also been present among the majority community in Kosovo. Women are more often victims of this practice, although such cases have also been encountered in men.

Early marriage has existed in many cultures throughout history, but with industrialization and the advancement of children's and women's rights, this phenomenon has declined significantly. However, it remains present in some communities, especially the Roma, Ashkali and Egyptian communities.

Arranged marriage means a marriage between the ages of 16 and 18. There are cases where such marriages involve the intervention of parents or intermediaries to help find a spouse. Although this practice is on the decline, it is still encountered in certain cases. With increasing social emancipation, more and more young people are choosing their own life partner.

Bride kidnapping, or bride abduction, had been one of the most common forms of forced marriage.

In addition to cultural factors, early marriages are also influenced by factors such as social status, isolation, residence (urban or rural), parents' educational level, and family models.

It is important to note that traditions and culture are not always the only reasons for early marriage. In some cases, socio-economic factors and competition between families for the "fame" and reputation can be key drivers. Within communities where early marriage is practiced, girls' virginity and family reputation play a central role in the reasons for early marriages.

⁴ Robert E. Oliphant - Nancy Ver Steegh, "Family Law", Aspen Publishers, 2007, pg. 11

In arranging such marriages, large expenses are often incurred, regardless of the families' economic situation, to maintain their image and prestige in the community, which, thanks to social networks, also fall in the *"ears and eyes"* of state bodies, which must take action to prevent them.

All forms of underage marriage constitute a violation of children's rights, and consequently of legal provisions. Since the legal age for marriage is 18, early marriages are illegal, even if there is consent from both parties, unless there is a court decision allowing marriage for persons between 16 and 18 years of age.

II. POLICY ISSUES AND CAUSES OF EARLY MARRIAGE

1. Policies targeting the Roma, Ashkali and Egyptian communities

Regarding the measures taken by the state in the situation of the Roma, Ashkali and Egyptian communities, the Republic of Kosovo has in recent years undertaken government initiatives that address comprehensively the problems of these communities, which is also reflected in the **Strategy for the Advancement of the Rights of the Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2022-2026**.⁵ This strategy is a good example of an active involvement of communities in the design of public policies. The drafting process included a consultative and participatory approach, involving all relevant civil society organizations representing the Roma, Ashkali and Egyptian communities in Kosovo. The voice of these communities is reflected in the Strategy's objectives and concrete measures, demonstrating the institutions' commitment to inclusion and transparency.

Although the issue of early marriage is not addressed directly and thoroughly, as a specific measure within the Strategy, it is mentioned in several sections related to social protection and education. However, there remains a need to further deepen measures that address phenomena such as early marriages and pregnancies, disengagement from education, and the empowerment of girls and young women within these communities.

In addition to the Strategy for the Advancement of the Rights of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2022–2026, there are several additional documents and mechanisms that are important for addressing the issue of early marriage.

Human Rights Protection Program 2021–2023⁶, which as a program of the Government of Kosovo aims to strengthen the institutional system for the protection and promotion of human rights, including measures for protection against discrimination, and the inclusion of marginalized groups, such as the Roma, Ashkali and Egyptian communities.

⁵ <https://kryeministri.rks-gov.net/wp-content/uploads/2023/05/Strategjia-per-avansimin-e-te-drejtave-te-komuniteteve-rom-dhe-ashkali-ne-Republiken-e-Kosoves-2022-2026-dhe-Plani-i-veprimit-2022-2024.pdf>

⁶ https://www.google.com/search?q=%E2%80%A2%09Programi+p%C3%ABr+Mbrojtjen+e+t%C3%AB+Drejtave+t%C3%AB+Nje+riut+2021%E2%80%932023&client=safari&sca_esv=d2e7cdd0b004c888&channel=mac_bm&sxsrf=AHTn8zq0WPcMiYYG2A8UpnwPYtnVX4PQBg%3A1747295728742&source=hp&ei=8J0laL7bKrGI7NYP2sXxmQ0&iflsig=ACkRmUkAAAAAaCWsAPaWYV9tqUGTOiYKa66WR-vF2bPs

Education Strategy 2022–2026⁷ is a document adopted by the Ministry of Education. This strategy includes measures to improve access to education for the Roma, Ashkali and Egyptian communities, contributing to the prevention of abandonment of school and, consequently, early marriage.

National Platform for Protection against Discrimination for the Roma, Ashkali and Egyptian Communities⁸, established by the Office for Good Governance in 2022. This platform provides a mechanism for reporting cases of discrimination and has addressed cases related to early marriage and violations of children's rights in these communities.

Technical Group on Protection against Discrimination for the Roma, Ashkali and Egyptian communities⁹ is established by the Office of the Prime Minister. This group plays a key role in coordinating efforts to address discrimination and promote the rights of these communities.

Mechanisms for promoting employment of Roma, Ashkali and Egyptian communities¹⁰ are concrete measures and actions which the Government of Kosovo has taken as measures to encourage the employment of members of these communities, including decisions on employment quotas and training programs, which contribute to their economic and social empowerment, positively influencing the prevention of early marriages.

Including these documents and mechanisms in the analysis of policies for the Roma, Ashkali and Egyptian communities will provide a more complete and accurate picture of institutional efforts to address the issue of early marriage and promote the rights of these communities.

In order to prevent and report early marriages in the Roma, Ashkali and Egyptian communities, the Government of the Republic of Kosovo, by a Decision¹¹ established an inter-institutional working group, mandated to draft a plan and an agenda of ongoing activities in addressing this issue. This working group is operational, and has taken significant actions in coordinating various institutions and mechanisms for the prevention and reporting of early marriages.

2. The impact of human rights on child marriages in the Roma, Ashkali and Egyptian communities

Marriages involving at least one person under the age of 18 are prohibited by law in most European countries, including Kosovo, while by court decision, in exceptional cases, marriage between 16-18 years of age may be permitted. Often, to avoid criminal liability, children born from these marriages remain unregistered, especially when births occur at home and without the involvement of health institutions. This renders them even more vulnerable to human trafficking, as traffickers specifically target this category, due to the difficulty in tracking and identification by investigative and judicial bodies.

Furthermore, early marriages are not registered, as they are prohibited by law, and as a result, children born from these marriages are often not registered or are registered much later. This exposes them to numerous risks, including trafficking and abuse.

⁷ <https://masht.rks-gov.net/wp-content/uploads/2022/10/03-Strategja-e-Arsimit-2022-2026-Alb-Web.pdf>

⁸ <https://raportodiskriminimin.org/news/121>

⁹ <https://zqm.rks-gov.net/dokumentet/54/grupi-punues-antidiskriminim-per-rom-ashkali-dhe-egjiptian>

¹⁰ <https://www.raportodiskriminimin.org/news/137>

¹¹ Decision of the Government of the Republic of Kosovo, no. 41/178 dated 13.12.2023.

Although every state has the obligation to protect its citizens and respect international standards, women and girls from the Roma, Ashkali and Egyptian communities often remain victims of violations of their rights. These standards are not implemented to the appropriate extent and their problems are not handled with the necessary seriousness.

Providing data on early marriage remains a challenge worldwide, including in Kosovo. There is a significant lack of accurate statistics, despite the fact that this phenomenon is present. This lack of information also affects public awareness about the consequences of early marriage, especially for women and girls from the mentioned communities.

Research in this area, supported by discussions with human rights stakeholders and professionals, shows a distinguished lack of willingness to address this issue. This occurs due to the difficulty in accessing reliable data, which then further hinders understanding the problem and mobilizing institutions. To confront this phenomenon, broader engagement is needed from all parties, civil society, service providers, law enforcement officials and government authorities, to strengthen protective mechanisms and take effective steps to protect the rights of children from the Roma, Ashkali and Egyptian communities from early marriages and their consequences.

Early child marriages in the Roma, Ashkali and Egyptian communities create conditions for continued abuse and human rights violations. These marriages often lead to dropout from education and the inability to secure employment, due to high levels of illiteracy and lack of schooling. Also, early marriage has negative health effects, such as premature pregnancy, which are accompanied by physical, psychological, economic problems, etc. Girls from these communities are often exposed to sexual abuse and exploitation, depending on the situations, by the groom and his family, and also facing domestic violence. A major problem remains the fact that a child who becomes a mother has difficulty caring for her child.

The fight against early marriage is everyone's duty, as this practice occurs mainly among Roma, Ashkali and Egyptian families and in most cases, remains informal, bypassing state institutions. The exact number of these marriages remains unknown and is higher than reported.

Health authorities play a key role and must identify cases of pregnancy and birth for girls who are victims of early marriages, ensuring appropriate health care, especially reproductive health care. Likewise, health care personnel should be aware of the obligation to report such cases to the relevant social protection institutions and for protection from investigative and judicial bodies.

A serious problem remains the lack of commitment of institutions to addressing this phenomenon due to ethnic stigmatization. This perception must change urgently, including in social, educational, health services, investigative and judicial bodies, and society in general.

Early marriages cannot be justified as just being part of the tradition of the Roma, Ashkali and Egyptian communities, as they represent serious human rights violations and a form of discrimination that affects the lives of girls and boys from these communities.

A serious problem affecting Kosovar society, including the Roma, Ashkali, and Egyptian communities, is the deprivation of women and girls from inheritance rights. This phenomenon is a consequence of patriarchal customs and traditions, despite the fact that legislation provides for equal participation of legal

heirs, regardless of gender. However, many women and girls give up this right, thus reinforcing the cycle of discrimination from generation to generation. Regarding the inheritance rights of women and girls, problems are also encountered among the rest of the majority population in Kosovo.

Women's autonomy in Roma, Ashkali and Egyptian communities is limited in many aspects, including education, employment, family relations, and family planning. The Roma, Ashkali and Egyptian communities are dominated by a patriarchal mentality, which is reflected in the low status of women's inclusion in social life in general. Families are often large, with several generations sharing the same premises, while young married women often face violence not only from their husbands, but also from their father-in-law or mother-in-law, as well as other family members.

Women from the Roma, Ashkali and Egyptian communities face double or multiple discrimination, which is often not recognized or addressed by state institutions. As a result, effective mechanisms for their protection against discrimination, especially in the labor market, do not function sufficiently.

Early marriages stem from ineffective state policies, which keep these women and families in communities in poverty and isolation. The neighborhoods of these communities are often ghettoized, becoming hubs of social and economic inequality, which we encounter in all municipalities where there are members of these communities, which then leads to the naming of the neighborhoods of these communities with derogatory names in everyday slang.

Concrete measures to address early marriage have never been fully implemented, and this phenomenon continues to be a concern.

Human rights standards must always be observed, especially when it comes to children, as one of the most serious violations of children's rights is undoubtedly early child marriage.

3. Consequences of early marriages

Early marriages, as a worrying phenomenon, bring about serious consequences, which may include:

- a)** Domestic violence;
- b)** Deprivation of the right to education;
- c)** Negative impact on health;
- d)** The inability to seek or obtain justice for damages arising from these marriages;
- e)** The connection between early marriages and human trafficking.

Each of these consequences is discussed below:

a) Domestic violence

Early marriages expose girls to domestic violence due to their powerless position, lack of education, and employment restrictions. In Kosovo, especially in families of the Roma, Ashkali and Egyptian communities, cases of violence are rarely reported due to a number of factors:

- violence against women is accepted as normal in some families of these communities;
- there is a fear of isolation and a sense of shame from the community and their families, if reporting occurs;
- impunity for perpetrators of violence, a fact that discourages women from reporting cases and seeking legal assistance;
- fear of further victimization by the community, authorities, and society.

Furthermore, the lack of alternative housing, economic inadequacy, and the inability to find employment make it almost impossible for victims of domestic violence to leave their situation.

b) Deprivation of the right to education and impact on employment

Early marriages often prevent school attendance, depriving girls of their right to education and reducing their employment opportunities. Many girls married early do not pursue any form of proper formal education, which affects them throughout their lives.

Another reason for dropping out of school is the pressure on girls to preserve, as they say, their honor until marriage, which forces them to leave school settings to prepare for marriage and starting a family, as well as to perform household chores. In addition, children from these communities are often segregated into separate classes or schools, which exposes them to discrimination and harassment from both teachers and their peers.

Expanding educational opportunities is an important way to prevent early marriage. It is necessary to encourage children from the Roma, Ashkali and Egyptian communities to attend secondary school and higher education, through affirmative measures such as scholarships and institutional support, which can help in this regard.

In Kosovo, there have been initiatives to include sexual and reproductive education in the school curriculum, but they are currently not part of the education system. The absence of such type of education leaves youth exposed to uncontrolled information from the Internet, with long-term consequences.

Early marriages are closely linked to school dropouts among girls from the Roma, Ashkali, and Egyptian communities. Parents often pull their daughters out of school, believing they should prepare for marriage and motherhood. Families fear that social activities at school could lead to girls' loss of virginity, which would be shameful for them personally and for the family's honor in general.

One solution could be a legal obligation to continue education until the age of 18, as in some EU countries, to prevent early marriages. The Ministry of Education, Science, Technology and Innovation should increase support for these communities, providing free books, meals and other facilities for children attending school.

This document addresses the urgent need for structured action to protect children's rights and guarantee a safer future for them.

c) health, physical and psychological impacts of early marriages

Early marriages bear serious negative impacts on the physical and psychological health of girls in the Roma, Ashkali and Egyptian communities. One of the most serious consequences is the increased infant mortality rate and the high risk of complications during pregnancy and childbirth, which can be fatal. Girls who marry at a young age become extremely dependent on their husbands and families, which puts them in a vulnerable and submissive position throughout their lives. Furthermore, they often face stigmatization from biological families, which also increases the risk of domestic violence, poverty, and exploitation, especially in cases of separation from their spouse.

Sexual intercourse at an early age, as well as virginity testing, often results in health problems, including serious bleeding that may require medical intervention. These experiences may cause psychological trauma, anxiety, and depression, negatively impacting girls' well-being.

d) The inability to seek justice for damages arising from early marriage

Women and girls from the Roma, Ashkali, and Egyptian communities face numerous obstacles in seeking justice for the harms caused by early marriage. Lack of education and awareness of their rights, as well as cultural norms that require them to obey their husband and his family, prevent them from taking legal steps. Furthermore, racial discrimination and lack of attention from state institutions often render their complaints worthless.

Human rights violations in these marriages remain unpunished in most cases, due to a lack of reporting, and therefore the statistics are inaccurate. Institutions that have direct contact with these children, such as schools, health services, and social services, have a responsibility to report cases, but in practice, claims for compensation for damage are very rare, despite the fact that the damages are often visible and documented.

e) Child marriage and human trafficking

Poverty, discrimination, and lack of education are the main factors that render the Roma, Ashkali, and Egyptian communities vulnerable to the phenomenon of human trafficking. Although early marriages are not trafficking in themselves, they may lead to the trafficking of a young woman and increase their risk of exploitation. Women and girls from these communities often find themselves in desperate situations, making them more vulnerable to trafficking, especially for prostitution.

In the Roma, Ashkali and Egyptian communities, there is talk and strong suspicion about the sale of girls in the context of early marriages, especially due to extreme poverty, but this is difficult to argue because no one agrees to be a direct witness. Another worrying problem is the abandonment of children born from these marriages, who then face legal challenges, but also often remain outside the care system and become a burden on society in general. Due to discrimination and stigmatization, they are rarely accepted for adoption within the country, making international adoption often the only alternative.

III. INTERNATIONAL AND DOMESTIC LEGISLATION RELATED TO EARLY MARRIAGE

1. International legal acts

Early marriages constitute a contradiction between legislation and legal theory on the one hand, and practice on the other. This means that the legal system, both at the local and international levels, establishes measures and actions to regulate and eliminate this phenomenon. At the same time, debates and reactions to early marriages, including civil society programs, support a clear stance that these marriages should be prohibited and not justified by culture or tradition. Illegal practices must be stopped with all available means and options.

The domestic and international legal provisions addressed in this research do not encourage or permit early marriages, regardless of their cultural or traditional basis. Every person under the age of 18 is considered a child and enjoys rights guaranteed by the Constitution, the Convention on the Rights of the Child, the Law on Child Protection and other relevant legislation. In addition, the entire society has an active role in protecting, promoting and respecting these fundamental rights.

Although the Republic of Kosovo is not a member of the Council of Europe, and cannot ratify the conventions and international legal instruments of this mechanism, it has decided to incorporate such instruments into domestic legislation through the Constitution. Pursuant to Article 22 of the Constitution, some of the most important international conventions and legal instruments that are directly applicable in Kosovo are:

- Universal Declaration of Human Rights;
- European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;
- International Covenant on Civil and Political Rights and its Protocols;
- Council of Europe Framework Convention for the Protection of National Minorities;
- Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Elimination of All Forms of Discrimination Against Women;
- Convention on the Rights of the Child;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence;

Child marriages, as a subset of forced marriages, are prohibited under international law, while the right to marriage is guaranteed.

Universal Declaration of Human Rights,¹² provides: *“Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses.”*¹³ The family is considered to be the *“natural and fundamental group unit of society and is entitled to protection by society and the State.”*

Convention for the Protection of Human Rights and Fundamental Freedoms,¹⁴ supplemented by Protocol 11, as well as accompanied by the Additional Protocol and Protocols 1, 4, 6, 7, 12 and 13, to Article 8, paragraph 1, which provides on the right to respect for private and family life, specifying that: *“Everyone has the right to respect for his private and family life, his home and his correspondence”*, while paragraph 2 states that: *“There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”*. Unfortunately, Article 8 is not entirely clear on the case when a girl betrothed by her parents moves to the home of her future husband’s family. However, state authorities are recognized as having the right to criminalize certain acts that refer to private life, such as the exploitation of vulnerable persons due to their age or physical and mental condition.

Article 10 provides on the freedom of expression, where in paragraph 1, it is provided that: *“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers....”*

The right to marry, according to Article 12, provides: *“Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.”*¹⁵

Also, according to Article 14 on the prohibition of discrimination, it is provided that: *“The enjoyment of the rights and freedoms set forth in this*

*Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”*¹⁶

To avoid any misunderstanding of the Convention, Article 17 on the prohibition of abuse of rights states that: *“Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention”*.

¹² https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/aln.pdf

¹³ Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly of the United Nations, by its Resolution 217 A (III) of 10 December 1948, Article 16.

¹⁴ https://www.echr.coe.int/documents/d/echr/convention_sqi

¹⁵ Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in Rome on 4 November 1950, Article 12.

¹⁶ Article 14 of the European Convention on Human Rights and Freedoms, accessed at https://www.echr.coe.int/documents/convention_sqi.pdf

International Covenant on Economic, Social and Cultural Rights,¹⁷ in Article 2, states that the signatory states shall guarantee that: *“the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”*, and also, in the Article 3, that the States would undertake to *“to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant”*.

The provisions of the Covenant and its signatory states recognize, in Article 10, that: *“the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.”* (Par. 1).

Also, paragraph 2 of Article 10 provides that: *“Special protection should be accorded to mothers during a reasonable period before and after childbirth”*.

Paragraph 3 of Article 10 requires that *“Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law”*.

States parties to the International Covenant on Civil and Political Rights,¹⁸ pursuant to Article 3, *“undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights...”*

Article 5, paragraph 1 underlines that *“Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant...”*, while paragraph 2 provides that: *“No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.”*

International Covenant on Civil and Political Rights (ICCPR),¹⁹ Article 23.3 calls upon the state parties to ensure *“free and full consent”* for people entering into marriage.

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages²⁰ is based on the provisions of the Universal Declaration of Human Rights, in which the United Nations General Assembly had declared that certain conventional customs, laws and practices relating to marriage and the family were not in accordance with the principles set forth in the Charter of the United Nations as well as in the Universal Declaration of Human Rights.

¹⁷ Adopted and opened for signature by United Nations General Assembly Resolution 2200A (XXI) of 16 December 1966, which entered into force on 3 January 1976, in accordance with Article 27. Accessible at: <https://hrrp.eu/alb/docs/CCPR-a.pdf>. This instrument is not directly applicable in Kosovo.

¹⁸ Adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 23 March 1976, available at: http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

¹⁹ <https://hrrp.eu/alb/docs/CCPR-a.pdf>

²⁰ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-consent-marriage-minimum-age-marriage-and>

The Convention reaffirms that states *“should take all appropriate measures with a view to abolishing such customs, ancient laws and practices by ensuring, inter alia, complete freedom in the choice of a spouse, eliminating completely child marriages and the betrothal of young girls before the age of puberty, establishing appropriate penalties where necessary and establishing a civil or other register in which all marriages will be recorded”*. This shows that the state must engage, with urgent and specific measures, in the prevention and elimination of early marriages. According to Article 1 of the Convention, which provides that *“full and free consent of both parties, such consent being expressed personally by them”*, it is required that the marriage be legally registered. Persons who have not reached the minimum age provided for by local legislation cannot legally enter into marriage, *“except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses”* (pursuant to Article 2). For these reasons, the absolute majority of marriages entered into by children of the Roma, Ashkali and Egyptian communities have no legal basis.

■ The preservation of cultures and traditions cannot take precedence over individual rights, such as freedom of choosing a partner, educational and professional development, physical, mental, spiritual and moral well-being. The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages requires states to take measures to abolish harmful customs and practices, ensuring full freedom in choosing a spouse and eliminating child marriage.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)²¹ provides on discrimination against women, providing a definition in its Article 1 of the Convention: *“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”*.

This convention condemns discrimination against women in all its forms, and in its Article 2, par. 6, it emphasizes that signatory states must *“take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women”*.

Also, Article 5a stipulates: *“States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”*.

Article 10 of the Convention requires states to ensure to women *“equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women”*. Further, in paragraph 1, it is stated that *“The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training”*. Among other things, paragraph 6 stipulates the obligation to take measures to aim for the *“reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely”*. Also, paragraph 8 provides for the right to *“access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.”*

²¹ <https://hrrp.eu/alb/docs/CEDAw-a.pdf>

The Convention reaffirms, in its Article 16, paragraph 1, subparagraph a), the right of men and women to: *“enter into marriage”*, while item b) provides on the right to *“choose a spouse and to enter into marriage only with their free and full consent”*. Also item c) provides on the *“same rights and responsibilities during marriage and at its dissolution”* and item d), which stipulates that *“same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children. In all cases the interests of the children shall be paramount.”*

Meanwhile, Article 16 of CEDAW provides: *“States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations”*. Furthermore, Article 16, paragraph 2 states 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”*.

In this regard, Article 24 stipulates that: *“States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.”*

Also, General Recommendation no. 21 of CEDAW provides: *“A woman’s right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being”*.

Framework Convention for the Protection of National Minorities²², in its Article 4, paragraph 1, requires signatory states to *“guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited”*, and also, in paragraph 2, it is stipulated that states must adopt: *“adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities”*. Paragraph 3 stipulates that: *“The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination”*.

Article 9, amongst others, provides that: *“the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media”*.

Article 20 of this Convention provides that: *“In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities”*.

Furthermore, Article 21 mentions that: *“Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States”*.

Article 22 says that nothing *“in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party”*.

²² <https://gzk.rks-gov.net/ActDetail.aspx?ActID=73766>

United Nations Convention on the Rights of the Child (CRC)²³ is the most ratified children's rights treaty (over 200 countries). Also, this Convention, upon its incorporation in the Constitution of the Republic of Kosovo, has become legally binding under Article 22 (7), part of the internal legal system of the Republic of Kosovo and has priority, in case of conflict, over the provisions of laws and other acts of public institutions.

It is important to mention Article 2 of the Convention on the Rights of the Child, which prohibits discrimination on the basis of ethnicity. Also, Article 3.1 of the CRC provides special protection for children, providing: *"In all actions concerning children [...] the best interests of the child shall be a primary consideration"*. Likewise, Article 24.3 emphasizes the necessity of abandoning primitive traditions that harm children, stating that: *"States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children"*. Meanwhile, the right to education is defined in Article 28 of this Convention.

This Convention, in fact, includes in a single place all the human rights that are recognized for a specific group of people (children), which represents a novelty in international law, which is placed under the umbrella of the United Nations. Thanks to this, the Convention has become the most important international treaty on children's rights, while all other international human rights instruments, whose specific provisions are dedicated to children's rights, are of a subsidiary nature. In fewer words, the United Nations (UN) Convention on the Rights of the Child is today the highest authoritative resource in the field of international children's law (pursuant to the provision of Article 1 of the Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier). The UN Convention on the Rights of the Child addresses in detail political, civil, economic, social and cultural rights from the perspective of the child.

■ This Convention, becoming legally binding in the Republic of Kosovo, as well as part of the domestic legal system, mandates compliance with this international document, but along with this, also the obligation to undertake, within the framework of state jurisdiction, activities related to the drafting of legislation and rules, but also of provisions that, more specifically, apply to juvenile delinquents, as well as to found institutions and bodies entrusted with juvenile justice functions, which aim to respond to the various needs of juvenile delinquents, while simultaneously protecting their fundamental rights, in turn responding to the needs of society and ensuring the basic and fair implementation of these rules.

The UN Convention on the Rights of the Child is divided into three parts. The preamble resembles the fundamental principles of the United Nations and the specific provisions of certain relevant human rights instruments. The Convention emphasizes that children, due to their sensitivity, need special protection and care, while in this regard, the key role of the family is also emphasized. The preamble reaffirms the necessity of protecting the rights, and ensuring other types of protection for children, before and after birth, the importance of respecting the cultural values of the community from which the child comes, as well as the vital relevance of international cooperation in protecting the rights of the child. A signatory state must do everything in its power to implement the rights listed in the UN Convention on the Rights of the Child.

The first part of the UN Convention on the Rights of the Child contains a catalog of rights recognized to children, but also several provisions that require the signatory states to undertake all measures to realize the rights from the Convention, as well as to respect the highest standards in this field, both at the international and national levels.

²³ UN Convention on the Rights of the Child (1989) – A/Res/44/25, 20 November 1989. – UN Convention on the Rights of the Child, adopted by the United Nations General Assembly on November 20, 1989, and entered into force on September 2, 1990.

Since children's rights are described in the UN Convention on the Rights of the Child, it should be noted that the Committee on the Rights of the Child (which is the supervisory body of the Convention) has adopted a special classification of children's rights, the help of which facilitates the Member States' reporting on the implementation of the obligations established by the Convention. Indeed, the Committee on the Rights of the Child initially establishes a definition of a child (a child is any human being up to the age of 18)²⁴, to then providing a set of fundamental principles, which consist of:

- a)** Rights, without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;²⁵
- b)** the right to observing the best interests of the child in all activities of organizations, public or private, dealing with children, should be of primary importance;²⁶
- c)** the child's right to life – to the greatest extent possible, the state must ensure the child's existence and development;²⁷ and
- d)** the right to participation, namely the child's participation, or simply put, respect for the child's views.²⁸

These rights are prerequisites for the realization of all other rights from the Convention, and represent conditions precedent in the realization of children's rights. After the above, civil and political rights ensure:

- a.** the right to identity, including nationality, name and family relations, namely connections;
- b.** the child's right to know who his or her parents are, as well as the right to their care;²⁹
- c.** the right to free expression of one's opinion and the child's access to information;³⁰
- d.** freedom of thought, conscience and religion;³¹
- e.** freedom of peaceful association and freedom of assembly;³²
- f.** Right to privacy;³³ and
- g.** the right to be free from ill-treatment or other cruel, inhuman or degrading treatment or punishment.³⁴

The family environment and alternative care for the child represent a separate sphere, in which there are still rights related to family life and maintaining relationships with parents and guardians.³⁵ In particular, the rights of a child deprived of their family environment are defined. The rights of the child in relation to alternative placement,³⁶ in particular adoption,³⁷ are recognized in special provisions. An integral part of this category are the rights of the child to protection against illegal border crossing, detention abroad and parental abduction³⁸, and the child's right to protection against violence, abuse and neglect by his or her

²⁴ Article 1 of the UN Convention on the Rights of the Child

²⁵ Article 2 of the UN Convention on the Rights of the Child

²⁶ Article 3 of the UN Convention on the Rights of the Child

²⁷ Article 6 of the UN Convention on the Rights of the Child

²⁸ Article 12 of the UN Convention on the Rights of the Child

²⁹ Articles 7-8 of the UN Convention on the Rights of the Child

³⁰ Article 13 of the UN Convention on the Rights of the Child

³¹ Article 14 of the UN Convention on the Rights of the Child

³² Article 15 of the UN Convention on the Rights of the Child

³³ Article 16 of the UN Convention on the Rights of the Child

³⁴ Article 37 of the UN Convention on the Rights of the Child

³⁵ Articles 9, 10 and 18 of the UN Convention on the Rights of the Child

³⁶ Article 20 of the UN Convention on the Rights of the Child

³⁷ Article 21 of the UN Convention on the Rights of the Child

³⁸ Article 11 of the UN Convention on the Rights of the Child

parents, or anyone else who cares for him or her.³⁹ A special group is constituted by the right to special health and social protection,⁴⁰ then the right to education, leisure, recreation and cultural activities (Articles 28 – 31).⁴¹

In a special set of rights, the Committee lists the rights of children who find themselves in specific situations, which includes the rights of refugee children;⁴² the rights of children in armed military conflict;⁴³ the right to protection against sexual, economic and other exploitation;⁴⁴ the right to due process within the juvenile justice system;⁴⁵ the right of children belonging to minority groups or indigenous peoples⁴⁶, and finally, the right of children who are victims of any circumstances that have contributed to the status of the child in a particular situation, to the physical and psychological improvement, as well as to the social reintegration of the child.⁴⁷

The second part of the Convention contains provisions that further elaborate on the obligations of member states and also regulate the establishment and work of a special supervisory body – the Committee on the Rights of the Child.

Part Three of the Convention regulates the issues of signature, ratification, entry into force, deposit of reservations, amendments, revocations and deposit of this instrument.

From the perspective of juvenile justice law, the provisions of the UN Convention on the Rights of the Child regarding juvenile justice, found in Articles 37, 39 and 40 of the Convention, are particularly important. Thus, Article 37 (a) of the Convention provides that the parties, namely the signatory states to the Convention, must ensure:

- that no child shall be subjected to abuse or other forms of cruel, inhuman or degrading treatment or punishment;
- prohibition of the application of the death penalty or life imprisonment without possibility of release;
- that no child shall be detained unlawfully or arbitrarily, or be deprived of their liberty in that manner;
- that the arrest, detention and imprisonment of a child shall be in accordance with the law and shall be applied as a measure or remedy of last resort, and for the shortest possible period of time, i.e. for an appropriate period of time (Article 37 (b) of the Convention);
- that every child deprived of liberty be treated humanely, respecting the inherent dignity of every human being, and in a manner that respects the needs of a person of his or her age;

³⁹ Article 19 of the UN Convention on the Rights of the Child

⁴⁰ Articles 24 -26 of the UN Convention on the Rights of the Child

⁴¹ Articles 28-31 of the UN Convention on the Rights of the Child

⁴² Article 22 of the UN Convention on the Rights of the Child

⁴³ Article 38 of the UN Convention on the Rights of the Child

⁴⁴ Articles 32-36 of the UN Convention on the Rights of the Child

⁴⁵ Article 40 of the UN Convention on the Rights of the Child

⁴⁶ Article 30 of the UN Convention on the Rights of the Child

⁴⁷ Article 39 of the UN Convention on the Rights of the Child

- that every child deprived of liberty shall be kept separate from adults, unless otherwise determined in the child's best interests and well-being, and that the deprived child shall have the right to maintain contact with his or her family through correspondence and visits, except in exceptional circumstances;
- that every child deprived of liberty has the right to prompt access to legal and other appropriate assistance, as well as the right for the child to challenge the lawfulness of the deprivation of liberty before a court or other competent, independent and impartial body, namely the right to appeal against a decision on detention, as well as the right to prompt decision in any such proceedings.

The provision of Article 39 of the Convention emphasizes the importance of the rehabilitation and social reintegration of the child, and requires contracting states to promote the physical and psychological recovery of the child, as well as to preserve the health, self-respect and dignity of the child during all efforts aimed at rehabilitation and reintegration.

On the other hand, the rights that must be observed at all stages of the criminal procedure, which are essential elements for a fair and just trial, are listed in Article 40 of the UN Convention on the Rights of the Child, the Beijing Rules (see rule 7) and other international documents, and they relate to:

- the right for the child to be told what he or she is suspected of;
- the right to not to state (to remain silent);
- the right to be declared innocent (presumption of innocence);
- the right not to be subject to forced admission;
- the right to legal aid in preparation for court proceedings;
- the right to the presence of parents or guardians;
- the right to effective legal remedies;
- the right to the implementation of proceedings "without undue delay";
- the right to cross-examine the witness on the other side, as well as to secure and examine own witnesses under the same conditions.

Also, the UN Convention on the Rights of the Child, in its Article 40 (3), requires contracting states to enact laws and establish procedures and institutions that must act in cases of children who come into conflict with the law, and further requires them to create programs for waiving judicial proceedings (so-called diversity procedures), then alternatives to the institutional treatment of minors, for the purpose of their protection and well-being.

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention),⁴⁸ in its Article 32 sets forth the civil consequences of forced marriages, specifically requiring 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."* Also, Article 37 of this Convention contains provisions on forced marriages, where in paragraph 1 it states that: *"Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised."* while in paragraph 2 it states that: *"Parties shall take the necessary legislative or other measures to ensure that the intentional 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 is criminalised"*.

⁴⁸ <https://awenetwork.org/media/646206ffddf6d.pdf>.

Resolution 1468 on Forced and Child Marriage, adopted by the Parliamentary Assembly of the Council of Europe in 2005,⁴⁹ is a very important document, in which the Council of Europe expresses its outrage regarding the violation of human rights, especially the rights of the child, by forced and child marriages. The Parliamentary Assembly defines child marriage as “the union of two persons, at least one of whom is under the age of 18”, Article 7.

The Parliamentary Assembly Resolution, in Article 3, draws attention to the fact that “*under the cloak of respect for the culture and traditions of migrant communities, there are authorities which tolerate forced marriages and child marriages although they violate the fundamental rights of each and every victim.*” This problem primarily affects girls and young women, so early marriage is a drastic violation of children’s rights. These marriages lead to a deterioration in the physiological and psycho-physical well-being of children, and in most cases, they face obstacles in attending school, thus causing obstacles to their intellectual and social development.

Resolution 2263 (XXII), dated 7 November 1967, of the United Nations General Assembly, sanctions discrimination against women, where in Article 1 it states that: “*Discrimination against women, denying or limiting as it does their equality of rights with men, is fundamentally unjust and constitutes an offence against human dignity*”⁵⁰.

Strategy for the Advancement of the Rights of Roma and Ashkali Communities in the Republic of Kosovo 2022-2026, and the Action Plan 2022-2024⁵¹ represent a continuation of the policies of the Government of the Republic of Kosovo for building a multi-ethnic society and creating a state of equal citizens, which will guarantee the rights of every citizen, civil liberties and equality of all citizens.

EU Framework for Roma Integration has set forth five areas of action, which are addressed in the Strategy, as: **education, employment and social welfare, health, housing and non-discrimination.** These areas represent the priorities that the implementation of the Strategy must address, and which also interact with each other. In most cases, there are also causes or consequences and effects of each other, and therefore, it is vital to work in each of the areas in order to achieve effective results. This Strategy contains certain sections that also mention early marriages, as well as sections that address the status of women, including recommendations aimed at improving the overall situation of women’s and children’s rights, including early child marriages.

Beijing Declaration and Platform for Action, Beijing +5 Political Declaration and Outcome,⁵² in its provisions under Articles 39 and 71, finds early child marriages to be a harmful, discriminatory practice in terms of access to the educational process, especially for girls, and recommends that specific measures be taken to improve measures for the protection of girls.

According to paragraph 259 of this Declaration, attitudes and practices regarding early marriage and pregnancy lead to early school dropout and poor academic performance of girls compared to boys, in most cases due to patriarchal attitudes, domestic chores of girls after early marriage, as well as the numerous obligations that marriage brings with it. Furthermore, as stated in paragraph 268 of the Platform for Action, early marriage is an obstacle to improving the educational, economic and social status of women in all parts

⁴⁹ <https://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=17380&lang=en>

⁵⁰ For more information on this and other international legal acts, all interested must refer to the following reading: Human Rights - a Compendium of International Instruments, Volume One, United Nations New York and Geneva, 1994

⁵¹ <https://kryeministri.rks-gov.net/wp-content/uploads/2023/05/Strategjia-per-avansimin-e-te-drejtave-te-komuniteteve-rom-dhe-ashkali-ne-Republiken-e-Kosoves-2022-2026-dhe-Plani-i-veprimit-2022-2024.pdf>

⁵² https://archive.unescwa.org/sites/www.unescwa.org/files/u1281/bdpfa_e.pdf

of the world. Taken as a whole, early marriage and early motherhood can significantly reduce educational and employment opportunities, and are likely to have a long-term negative impact on their own and their children's quality of life.

According to Article 274, paragraph (e), in order to eliminate all forms of discrimination against girls, signatory governments must adopt and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the spouses. In addition, states should adopt and strictly enforce laws regarding the minimum age for marriage.

Also, an important point is item 277, which states that in order to eliminate negative cultural attitudes and practices towards girls, governments and non-governmental organizations should *“develop policies and programmes, giving priority to formal and informal education programmes that support girls and enable them to acquire knowledge, develop self-esteem and take responsibility for their own lives; and place special focus on programmes to educate women and men, especially*

parents, on the importance of girls' physical and mental health and well-being, including the elimination of discrimination against girls in food allocation, early marriage, violence against girls, female genital mutilation, child prostitution, sexual abuse, rape and incest”.

2. Domestic legal acts

The presence of early marriages in the Republic of Kosovo, especially among the Roma, Ashkali and Egyptian communities, is unacceptable and concerning, violating human rights and, in particular, the right of the child to protection from forced marriages. This situation cannot be tolerated by state authorities and society in general, who in one way or another, with their silence, allow such a practice, hiding behind the justification of respecting culture and tradition, because this conflicts with the fundamental rights of children, in violation of Article 1 of the Convention on the Rights of the Child.

In this regard, public institutions mandated to implement the law against discrimination and for gender equality must act in accordance with the law, and cooperate with affected communities, as well as with organizations that promote minority rights and equal opportunities for women and men. Unfortunately, authorities often fail to intervene effectively to prevent or eliminate child rights violations that occur due to early marriages. The absence of an institutional response brings serious consequences, such as the lack of social protection for young couples and the denial of the support that the state should provide for the family.

The Constitution of the Republic of Kosovo recognizes the right to marry and found a family, as a fundamental human right. It explicitly sets forth: *“Based on free will, everyone enjoys the right to marry and the right to have a family as provided by law”*⁵³.

A uniform definition of the term *“children”* does not exist within the legal framework, but there is a general standing that a child reaches the age of majority when they reach 18 years of age, and though there may be differences in the use of terminology, the content is the same. Furthermore, the Constitution also uses the term child for all persons who have not reached the age of majority.

⁵³ Constitution of the Republic of Kosovo, Article 37.

Kosovo Law No. 06/L-084 on Child Protection⁵⁴ sets forth rules that protect the rights and interests of children. Thus, it is worth mentioning Article 3 of the Law on Child Protection, in its section of definitions section, paragraph 1, subparagraph 1.10., which provides on a child in need: *“Child in need of protection - shall mean the person under eighteen (18) years of age, irrespective of his/her capacity to act per applicable legislation, who may be a victim of abuse, negligence, exploitation, discrimination, violence or any criminal activity, and also the individual under the age of criminal responsibility, who is alleged to have committed or accused of the commission of a criminal offense, and the children in conflict with the law.”* Therefore, every child needs protection and this is their right, while parents, family, society and state institutions in general have the duty to protect and promote children’s rights, including protecting children from early marriage and various forms of abuse of their rights. From this definitional provision, it is clear how broad the field of child protection is.

This Law also describes the principle of the best interest of the child, where the Article 5, paragraph 1, states that: *“The best interest of the child shall prevail and have the highest consideration regarding all child-related actions and decisions that are taken by parents or guardians, institutions, child protection services, child protection professionals, courts, administrative authorities or legislative bodies.”* In line with this, paragraph 3 of Article 5 is also important, thereby stipulating: *“The best interest of the child requires a comprehensive effort to ensure the child’s physical, psychological, moral and spiritual integrity and promotion of human dignity, by taking into account the individual characteristics and the child’s social condition”*.

The obligation to respect the child’s point of view is also a legal obligation in the Law on Child Protection in Kosovo, where Article 7, paragraph 1 provides: *“In all actions and decisions that have to do with the child, taken by parents or guardians, institutions, child protection services, child protection professionals, courts, administrative authorities or legislative bodies, have the obligation to guarantee the child who is capable of having his or her views, the right to freely express such views on any matter pertaining to him/her, by assessing them in accordance with his/her age and degree of maturity, either directly, either through a representative or an appropriate body, in accordance with the rules of procedure of the legislation in force”*.

■ This means that all public and private authorities, including natural and legal persons, have the duty to involve the child in all decisions, actions and measures taken regarding their rights, while also providing support for the care, upbringing, development and education of children, while a child is considered anyone who has not reached the age of 18.

In the provisions of Article 8, this Law also provides on non-discrimination, where paragraph 1 states that: *“All children are entitled to the same rights recognized by the applicable legislation and the Convention and shall be guaranteed such rights without any distinction, regardless of race, color, gender, language, religion, political or other affiliations, national, ethnic or social origin, property, disability, family background or any other condition of the child or his parents or his/her legal representatives.”*

It follows therefore that these and many other provisions of this law promote equal opportunities, non-discrimination, and the protection of children’s rights, which should be considered sacred, just as every child is sacred, without any distinction.

According to the Constitution of the Republic of Kosovo, the Convention on Human Rights, the Convention on the Rights of the Child, as well as relevant laws containing provisions on human rights, the right to

⁵⁴ <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=20844>

freedom of expression is guaranteed to all persons, regardless of age. The child also has the right to freedom of expression and this right should be promoted and ensured in particular by parents or legal guardians, who should provide information, explanations and advice appropriate to the age and level of maturity of children, which then enables them to express their views, ideas and opinions. There is no doubt that the child has the ability to discern and the right to freely express his/her opinion on any matter that concerns him/her. The right to be heard gives the child the opportunity to seek and receive any relevant information, to be consulted, to express his or her opinion and to be informed of the consequences that his or her opinion may generate, if observed, as well as of the consequences of any decision involving him or her. The same rights as the legislation in force in Kosovo are also recognized for children belonging to an ethnic, religious or linguistic minority, who undoubtedly have the right to have their own cultural life, to declare their ethnic and religious affiliation, to practice religion, as well as the right to use each right recognized under applicable legislation.

Family law of Kosovo⁵⁵ contains substantive legal and procedural provisions on the family and family relations, including the protection of children's rights.

Marriages of children under 16 years of age, in addition to being illegal, also cause debates about their ability to discern, as well as regarding the fact of consent to marriage, as well as the determining role and position of parents in providing relevant information to children, and especially about the consequences that such actions may have.

It is a child's fundamental right to grow up with his or her parents. Parents must provide, in a manner appropriate to the development of the child's abilities, the necessary instructions and advice needed for the proper exercise of the rights set forth by this law.

Every child has the right to grow up in an environment and to have a standard of living that will enable the child's full physical, mental, spiritual, moral and social development, while parents have the duty to care for and supervise the child's growth and development, to cooperate with the child and to respect the child's personal and private rights to life and dignity. Also, the child has the right to receive an education that enables him or her to develop his or her capacities and personality, under non-discriminatory conditions. The child's parents have priority in choosing the type of education the child will receive, and must ensure the child's regular attendance at school.

Children enjoy protection against all forms of violence, including sexual violence, physical or mental injury or abuse, maltreatment or exploitation, abandonment or neglect, and also protection against early marriage. In the event of any violation, the legislation of the Republic of Kosovo grants the child the right to protection through measures that must be taken by public institutions, the private and non-governmental sector, as well as the entire society, which in any way come into contact with the child due to the exercise of their profession, or in other circumstances have suspicions regarding any possible case of abuse, neglect or mistreatment of children, must immediately notify the competent bodies mandated to protect children.

In this regard, early marriages directly lead to the violation of the child's rights to protection against exploitation and abuse, as well as protection against being forced to perform work that is potentially hazardous and likely to jeopardize the child's education, or be harmful to the child's mental and physical health, and all work that hinders the child's mental, spiritual, moral or social development is prohibited.

⁵⁵ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2410>

According to the Family Law, one of the conditions for entering into marriage is that the person must be at least eighteen (18) years old. Exceptionally, the court may allow a minor who has reached the age of 16 to enter into marriage if such person has the necessary physical and mental capabilities to fulfill marital rights and obligations.⁵⁶

The Kosovo Family Law also provides that a marriage is not valid if entered into against the will of the spouses, in any form (coercion, deception, threat, etc.).⁵⁷

While in Article 14, paragraph 1, of the Kosovo Law on Family, provides: *“Marriage is a legally registered union of two persons of different sexes, by which they freely decide to live together with the goal of creating a family.*

Extramarital union is a continuing *de facto* union, similar to marriage, entered into with the free expression of will between a man and a woman, which for a long time has not been regulated by legal norms, although it has had many elements of marriage, it has not been considered marriage, but has often preceded marriage.⁵⁸ A fundamental element of such cohabitation is the joint habitation of the spouses in this union,⁵⁹ where Article 4 of the Kosovo Family Law provides: *“All persons enjoy equal treatment of the rights and obligations provided for in this Law”.*

From an extramarital union arises the *de facto* family, which is created by persons who are not bound by marriage, however, it gives rise to a legitimate legal situation, which in many aspects is protected by law.⁶⁰

The Kosovo Family Law also recognizes extramarital unions, which expressly provides: *“De facto union (extramarital union) is considered the de facto relationship between a man and a woman living in a couple, characterized by a common habitation that represents a character of stability and continuity.”*⁶¹

Extramarital union as such is not binding before the competent state body and as such it is only a *de facto* union between a man and a woman, living as a couple.⁶²

The key flaw of such an extramarital union is that each of the cohabitants is free to make his/her own decision at any time,⁶³ without any formality or procedure, which negatively affects both the people living together, as well as the children born from this relationship.

The essence of cohabitation in the contemporary sense of family law is the joint realization by spouses of all the functions of marriage.⁶⁴ Cohabitation of spouses differs from spouses living in the same apartment, which means that they must perform all the functions of marriage, but in this specific case, early child marriages fail to fulfill all the obligations that arise from either marriage or *de facto* extramarital union.

Extramarital union is the continuous cohabitation between a man and a woman, grounded upon an

⁵⁶ LFK, Article 16.

⁵⁷ LFK, Article 18.

⁵⁸ Podvorica. H. E Drejta Familjare (Family Law), 2006, pg. 141

⁵⁹ Aliu., A & Gashi., H “E drejta familjare” (Family Law), Prishtina, 2007, pg. 187

⁶⁰ Galgano. F, “Private Law”, Luarasi, Tirana, p. 909

⁶¹ Kosovo Family Law, Article 39

⁶² For more, see: Group of authors “Family Law”, Tirana, 2006, pg. 118

⁶³ Galgano. F, “Private Law”, Luarasi, Tirana, p. 909

⁶⁴ For more, see: Group of authors “Family Law”, Tirana, 2006, pg. 248

effective mutual relationship, without being legally bound to each other, which is what one encounters in marriage.⁶⁵ This also creates a problem in itself, since children living in a *de facto* extramarital union are vulnerable, due to the fact that for a very small dispute, this union can be dissolved without any procedure, which does not happen in marriage, since in such case, observance of proceedings is required also in the case of marriage, and especially in cases of divorce.

The conditions for entering into marriage, as well as for establishing a *de facto* extramarital partnership, are elements with a positive charge, so they must be fulfilled by the future spouses.⁶⁶ The essential conditions for entering into marriage in contemporary matrimonial law are those that are specifically provided for by law,⁶⁷ the failure to fulfill which renders the marriage invalid. The conditions for marriage are:

- a) Free will expressed by future spouses, which means that the spouses must be free from any pressure to enter into marriage, with the exception of marital obstacles and prohibitions;
- b) Opposite sexes, meaning that marriage can only be entered into and have meaning if it is entered between two people of opposite sexes, because only in this way can the goals of marriage be achieved;
- c) Wedlock conclusion before a competent state body and pursuant to a form provided by law, means that all marriages must be concluded before the competent body authorized for this matter, in the form provided by law;
- d) Age of adulthood;
- e) Mental health (ability to act).⁶⁸

Law no. 05/L-021 on Protection against Discrimination (hereinafter referred to as the LPD), as well as the rest of the laws do not contain any specific provisions regarding the situation of girls and women of Roma, Ashkali and Egyptian communities, nor in relation to early marriages. In the integration processes in the EU and the Council of Europe, the Republic of Kosovo is in the approximation phase, and then it must fully harmonize its internal provisions, in accordance with the requirements of the European Union and the Council of Europe, where we find that the definition of multiple discrimination in the LPD includes any act of discrimination based on two or more forms of discrimination.

One of the legal instruments in implementing the provisions prohibiting discrimination, as found in the Constitution of the Republic of Kosovo, as well as in the European Convention on Human Rights and other international instruments, is the LPD. This law is part of an important legal package for the protection and guarantee of human rights and freedoms in the Republic of Kosovo, with particular emphasis on protection from discrimination.

The LPD regulates the area of protection against direct and indirect discrimination in general. Furthermore, non-discrimination is also one of the constitutional values which the constitutional order of the Republic of Kosovo is grounded upon.⁶⁹ Article 24 of the Constitution guarantees the right of everyone to enjoy equal legal protection, without discrimination. Furthermore, this Article stipulates that: *"No one shall be discriminated against on grounds of race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status."*⁷⁰

⁶⁵ Galgano. F, "Private Law", Luarasi, Tirana, p. 907

⁶⁶ Group of authors "Family Law", Tirana, 2006, pg. 93

⁶⁷ Kosovo Family Law, Article 16.

⁶⁸ Galgano. F., "Private Law", Luarasi, Tirana, 1999, p. 919

⁶⁹ See Article 7 of the Constitution of the Republic of Kosovo, accessed at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702> on 27.04.2023.

⁷⁰ Ibid, Article 24.

Even the European Convention on Human Rights and Freedoms, directly applicable pursuant to Article 22 of the Constitution of the Republic of Kosovo⁷¹, in its Article 14 also contains provisions regarding protection against discrimination, which stipulates that: *"The enjoyment of the rights and freedoms set forth in this*

*Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."*⁷²

One of the legal instruments in implementing these constitutional provisions, from the Constitution of the Republic of Kosovo, but also from the European Convention on Human Rights and other international instruments, is also the Law No. 05/L-021 on Protection against Discrimination. This law is part of an important legal package for the protection and guarantee of human rights and freedoms in the Republic of Kosovo, with particular emphasis on protection from discrimination.

As defined in its Article 1, *"The purpose of this law is to establish a general framework for prevention and combating discrimination based on nationality, or in relation to any community, social origin, race, ethnicity, colour, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and religious belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, wealth, health status, disability, genetic inheritance or any other grounds, in order to implement the principle of equal treatment"*.

Given the importance of this law in ensuring equal treatment before the law and non-discrimination, there are major challenges and difficulties in implementing this law, with particular importance for the protection of human rights and non-discrimination, including early marriages, therefore this situation should change by taking the necessary steps to strengthen its implementation.

Early marriages of children of Roma, Ashkali and Egyptian communities endanger the lives, health and prospects of the category of children who are in a position of inequality in relation to the majority of citizens due to identity differences with the majority, or face a behavior of rejection and marginalization.

Criminal Code of the Republic of Kosovo recognizes a criminal offense for an adult person to live in a *de facto* extramarital relationship, and of course also in a common marriage, with a child or minor.⁷³ However, in practice, extremely large problems are encountered in cases where child marriages exist, which to a much greater extent belong to Roma, Ashkali and Egyptian communities. In most cases, only one of the spouses, in this case the girl, is under the age of 18.

According to the Criminal Code of the Republic of Kosovo, the term *"child"* means a person who has not reached the age of eighteen (18) years,⁷⁴ while the term *"minor"* means a person who is between the ages of fourteen (14) and eighteen (18) years.⁷⁵

⁷¹ Ibid, Article 22, parag. 2. Part of Article 22 of the Constitution of the Republic of Kosovo, in which certain international conventions and instruments are directly applicable, including the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

⁷² Article 14 of the European Convention on Human Rights and Freedoms, accessed at https://www.echr.coe.int/documents/convention_sqi.pdf

⁷³ See Chapter XX, Criminal Offenses against Sexual Integrity, of the Criminal Code of the Republic of Kosovo, available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18413>

⁷⁴ Article 113, paragraph 22 of the Criminal Code of the Republic of Kosovo, accessible at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18413>

⁷⁵ Ibid., Article 113, paragraph 23.

The Criminal Code of the Republic of Kosovo has a special Chapter (XX) which sets forth criminal offenses against sexual integrity, such as:

- Rape - Article 227;
- Sexual services of Victims of Trafficking - Article 228;
- Sexual assault - Article 229;
- Degradation of sexual integrity - Article 230;
- Offering pornographic material to persons under the age of 16 - Article 231;
- Abuse of children in pornography - Article 232;
- Inducing sexual acts by false promise of marriage - Article 233;
- Facilitating or compelling prostitution - Article 234;
- Providing Premises for Prostitution - Article 235, and
- Sexual relations within the family - Article 236.

The very fact that the Criminal Code dedicates a special chapter, with several Articles, to the issue of sexual integrity, speaks best how the judiciary offers protection for the sexual integrity of every individual, since the sexual life of every person is inviolable, and everyone must decide for themselves and freely when and with whom they will have sexual intercourse, so that any violent act of a person having sexual intercourse with another person is considered a criminal offense, thereby establishing special protection to child victims of sexual violence, where qualifying forms and harsher punishments are also provided, depending on the age of the child. Individuals who instigate or incite these types of criminal acts are not exempt from criminal liability, including parents and family members of child victims.

Juvenile Justice Code (hereinafter referred to as the JJC), the most important legal act in the field of juvenile criminal justice, establishes in its **Article 108** a chapter on the protection of child victims of criminal offenses, providing on subject matter jurisdiction and listing criminal offenses committed by adults against children, which, among other things, includes criminal offenses against the sexual integrity of a child victim.

During the course of proceedings, the child victim or witness needs special care, their best interests must prevail, they must be treated without discrimination, their dignity must be respected, they must be treated in a friendly environment and manner, meeting their needs appropriate to their age, family circumstances, abilities and other circumstances, in order not to feel the consequences of the criminal offense.

The JJC stipulates that in cases where proceedings are initiated for a criminal offense committed against a child, ***institutions shall act with special care towards a child who has suffered injuries from a criminal offense***. Considering the consequences caused to the child victim of sexual violence, it is also very important ***maintaining confidentiality*** regarding the details and circumstances of the specific case, in order to prevent the victim, during the phase after the commission of the criminal offense and the phase of her rehabilitation in everyday life and in society, from experiencing the dissemination of information about the incident, so that the victim does not remember the circumstances of the event. For this reason, Article 115 of the JJC provides for the confidentiality of information, which states that in addition to the existing legal protection for the private life of child victims or witnesses, with the exception of paragraph 3 of Article 12 of this chapter, all persons working with child victims or witnesses must keep confidential all information about child victims and witnesses that they may have obtained in the course of their duties.

Regarding cases where we are dealing with criminal offenses against sexual integrity, specifically early marriages, ***proper implementation of legal provisions*** often presents a challenge for judges and prosecutors as well as other professionals who work with and for children. Therefore, it is very important that the application of the

legal provisions of the JJC, regarding **obtaining the victim's statement no more than twice during the criminal proceedings**, clarification or interpretation of legal provisions regarding the (non)consent of the child regarding the actions of the defendant towards the child, then during the course of the procedure, the presence of persons who must be present during the taking of the statement, improvement of institutional interaction and coordination for maximum safety for the victim throughout the legal process, development of knowledge in the implementation of the state protocol for handling cases of sexual violence by all participating professionals. It should also be taken into account, as provided in Article 227 of the CCRK, **the basic form of the criminal offense of rape is defined in paragraph 1, and further, the qualifying forms are defined in the following paragraphs, including the category of victims of sexual violence with diminished mental capacity**, as provided in paragraph 4 and the following subparagraphs, also providing for a harsher punishment compared to the basic form of committing this criminal offense.

Also, Article 117 of the JJC provides on the role of the Office for Victim Protection and Assistance, which has the obligation to ensure the protection of victims' rights in the justice system.

■ In criminal proceedings, for the purpose of establishing relevant facts, **depending on the specific case, different experts may be engaged** with appropriate qualifications, depending on the need for expertise. When it comes to criminal offenses against sexual integrity, or the criminal offense of rape, the moment of commission of the criminal offense is very important, namely the need to secure material evidence from the crime scene in general. One of the main ways of obtaining vital evidence is to **gynecological examination of the victim of sexual violence**, always with the aim of obtaining such evidence.

An important issue in early marriages is the fact that according to Article 225 of the Criminal Code, even if consent exists, this is utterly irrelevant, since the victim does not have the mental capacity to give consent to enter into marriage, or to have sexual relations. In this sense, the provision of Article 226 has determined as follows:

“ For the purposes of the Chapter, a mistake as to the age of the victim who is under the age of sixteen (16) shall not be a mistake of fact under Article 25 of this Code if the perpetrator was negligent in making such mistake.”

In this regard, the institute of factual error regarding the age of the victim does not come into play when the perpetrator, knowingly, has been reckless in placing himself in such an error. Therefore, what is considered the defendant's error regarding the victim's age may be inferred from the factual circumstances, the manner of conduct, the length of time the victim has known the defendant, the communications the victim may have had, as well as the defendant's manner of conduct against the victim, etc.

The child as a victim of a criminal offense must have an authorized representative at all stages of criminal proceedings, if not appointed by the child's legal representative, then the authorized representative must be appointed *ex officio*. This speaks volumes about the inability to undertake valid legal actions due to minor status, including the inability to enter into marriage.

Criminal Records Law has provided that perpetrators of criminal offenses against sexual integrity be included in the relevant database (Register of Child Sexual Offenders and Registry of Sexual Harassers and Violators), in accordance with this law. This ensures that the consequences of committing such a criminal offense fall directly on the perpetrator. At the same time, other persons shall be aware that if they commit such acts, in addition to punishment, they shall also appear in this database, where they remain even after serving their sentence.

IV. CAREFUL TREATMENT OF EARLY CHILD MARRIAGES AND INTERINSTITUTIONAL COOPERATION FOR ITS PREVENTION

To handle cases of early marriage in a professional and appropriate manner, it is essential that the responsible institutions have close and efficient cooperation from the moment of receiving information or presenting a case of early marriage. This cooperation is necessary not only to guarantee dignified treatment of the child who is a victim of early marriage, but also to offer them psychological and emotional support. Early child marriages are also considered an exercise of sexual violence, due to their young age, so an environment must be created for them where they feel safe and institutionally supported, with a friendly and calm environment that encourages them to testify without fear about what the real reasons for early marriage were.

Inter-departmental cooperation includes all links of the system, starting from the police authorities in the initial phase, continuing with the development of investigations in the prosecution offices and the judicial review in court, in criminal proceedings, while in order to be successful in their detection, there is also a need for cooperation with the education system, the health system, social and family services, victim advocates and other professionals. Special importance should also be given to the victim's medical and psychological treatment measures, with the aim of their rehabilitation and reintegration into society, which rarely happens in Kosovo. All these proceedings must be conducted in accordance with the principles of child-friendly justice and their rights in judicial and administrative processes, observing the standards that guarantee the best interest of the child, guaranteed by the applicable legal acts in Kosovo.

■ In treating child victims of sexual violence and early marriage, institutions must act with particular care due to the sensitivity of their age and the great psychological and emotional impact that these criminal acts bring. For this reason, the legal system and proceedings established must ensure full protection for the child and the avoidance of any type of re-victimization.

Also, in accordance with the Juvenile Justice Code, the child victim has the right to be supported by the Center for Social Work (CSW), through the provision of support services by responsible officials, in all proceedings, continuously communicating with the victim and thus helping to prevent the exercise of violence or re-victimization.

In legal literature, child victimization due to a criminal offense is considered primary victimization, while during the proceedings, due to harsh experiences, secondary victimization may also occur. For this reason, the legislator has set European standards for the conduct of the procedure, aiming to avoid re-victimization, and for this reason, multiple interviews of a child on the same issue are prohibited by the Child Protection Law. This includes taking the victim's statement with the assistance of a psychologist, and limiting the number of times testimony is taken to a maximum of two, to protect the child's well-being.

V. THE ROLE OF THE MEDIA ON EARLY MARRIAGE

In every democratic society, the media outlets have an extraordinary role and serve as guardians in reporting negative occurrences. In this regard, the Law on Child Protection, in its Article 45, has several provisions addressing the role of the media and the limitations they must abide by in reporting cases involving children, while this law does not have any provisions that refer to early marriages.⁷⁶ The media teaches us who our ethnic Roma, Ashkali and Egyptian fellow citizens are, what they do, where they are, how many they are, what they are like, why they are like that and what defines them as communities in the Republic of Kosovo. Why? This is due to the fact that schools and cultural institutions in the Republic of Kosovo have left this area untreated and insufficiently addressed.

The issue of early marriages, especially in the Roma, Ashkali and Egyptian communities, has not been adequately addressed in the media. They have been addressed in short reports, or only when information about early marriages was publicly revealed in various social networks and certain posts, but there has not been a proper series of broadcasts regarding this issue.

The importance of the media in addressing the phenomenon of early marriage is extraordinary, considering the way it reports on certain situations of early marriage, or on government initiatives related to early marriage in some communities traditional in this phenomenon, such as the Roma, Ashkali and Egyptian communities. It is worth noting that the presence of the Roma, Ashkali and Egyptian communities in the media is not negligible, as public broadcaster also has a few minutes of broadcasting in the Roma language, however topics related to early marriages and their prevention are generally absent. The only common theme of all publications is the direct link between ethnicity and criminality, which does not contribute to progress.

Although recently, the media has paid attention and controlled the language used in the presentation of news to be as correct as possible, while the civil society of the Roma, Ashkali and Egyptian communities has tried to develop more efficient communication with the media, through various programs, we still hear or read about the Roma, Ashkali and Egyptian communities: "children ...", "women ..." who "do not work, just bear children" in "the neighborhoods of...", "a minor from the Roma community arrested for theft at school in ..." ⁷⁷ etc.

⁷⁶ <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=20844>

⁷⁷ We only need to Google and find dozens of cases of reporting by various portals and media outlets, where these communications are published.

In most cases, early marriages impose on girls the loss of enjoyment of fundamental rights such as freedom of choice, freedom of expression, the right to harmonious physical and mental development, to educational and professional training, etc., and this aspect has often been captured by the media.

Child marriages represent a phenomenon over which state authorities lose control of this situation, which is chaotic for children who find themselves in this extremely difficult situation.

The publication of child weddings on social media should serve as an alarm bell for their prohibition, as well as urgent intervention so that the girl leaves the house where she marries, and immediately returns to her biological family, if conditions permit, otherwise adequate housing should be found by the competent authorities. This state intervention may also be considered a concern on the part of the family, as well as a form of pressure and one of the radical forms of intervention by state authorities, in the operation and implementation of the applicable legislation, in parallel with the programs and policies for the protection of this category of children.

Considering the fact that Kosovo is in a phase of integration processes in the EU and the CoE, each of the institutions, governmental and non-governmental mechanisms, as well as citizens in general, must try to change this mentality, these traditions, first of all because we are violating the law.

The media may be considered the “enemy” of early weddings. Furthermore, there are cases, but they are not disclosed, when the bride and groom are also cousins of a close blood relationship, after their grandparents. These cases may create serious health problems in the future.

Care must also be taken in using neutral, balanced and non-discriminatory language in informing public opinion about the prevention of early marriages, thus avoiding the promotion of negative stereotypes about the Roma, Ashkali and Egyptian communities.

Information disseminated through the media must respect equal opportunities and treatment for women and men, and must not contain, promote or provoke any form of discrimination, avoiding racist perceptions and attitudes.

However, regarding the debates in the media about early marriages in families of the Roma, Ashkali and Egyptian communities, such debates and positive participation should be intensified, as well as significantly increased in their openness and support, which implies openness towards an inter-cultural society, where there remains a need for a continuous effort of mutual recognition and understanding.

The need for understanding between communities remains an ongoing challenge for Kosovar society. Eliminating prejudices and racist perceptions requires a more equitable approach to the culture of the Roma, Ashkali and Egyptian communities, valuing their contribution to society. The media has an essential role in raising awareness about early marriages and their consequences, by providing accurate information and powerful arguments for changing mentality.

VI. CASE STUDY FROM FIELD RESEARCH AND STATISTICAL DATA RELATED TO THE PHENOMENON OF EARLY MARRIAGE

This research presents several case studies to illustrate the different forms of marriage in the Roma, Ashkali and Egyptian communities, also reflecting the diversity within these groups. In all cases, it has been recorded that the families involved face economic difficulties.

The economic aspect is central and continues to dominate as a cause of early marriages, accompanied by the prohibition of school attendance in the case of girls, as well as virginity, which is repeated as a central motif in all types of marriages.

Another essential factor that influences early marriages is the lack of access to authentic and reliable information on children's rights in general and on the rights of girls and women of these communities in particular. From research conducted in the field, it is seen that in most cases, young girls are not sufficiently informed about the options they have to build an independent life. Furthermore, state institutions often fail to effectively intervene in these communities to prevent early marriages, due to the lack of sufficient and well-trained resources to combat these phenomena.

Although the children's statements regarding the decision to marry, as well as the desire to celebrate their marriage, belong exclusively to them, the Police and the Prosecution are always mandated by the Criminal Code and the Criminal Procedure Code to conduct investigations into the case. In most cases, in early marriages, the man is of legal age and is considered to have committed the criminal offense of sexual intercourse with a minor, and therefore investigations must be conducted to determine whether there are elements of the criminal offense of rape or other criminal offenses. This also highlights the need for the girl to undergo an examination at the Institute of Forensic Medicine to confirm whether she had sexual intercourse.

Based on field research data, shortcomings are identified in the response of public authorities in preventing and stopping early marriages. Here one identifies belated intervention and weak implementation of the law in accordance with the circumstances, in the case of early marriage. In this regard, most appropriate measures to address the phenomenon of child marriages have not been either identified or implemented by authorities.

The need to change the situation that violates the fundamental rights of children is urgent. In this regard, working with children, especially women and girls from the Roma, Ashkali and Egyptian communities, is essential. This aspect has to do with guiding children in other directions that advance their knowledge through education and the importance of their gradual advancement in their professional careers, while avoiding early marriages.

The families of the young people must observe the decisions of the authorities (Center for Social Work, the Prosecutor's Office, and the Court) on the separation of the young people, because this is in the interest of both children, so that they have the necessary peace against any pressure or attempt to turn it into a traditional event for the Roma, Ashkali, and Egyptian ethnic group.

■ Lowering the age of children in marriage leads to a lower age of girls at first pregnancy. The decline in the age of children entering marriages arranged by their parents, without any data in this regard, comes as a result of the fear of parents of Roma girls about the decrease in the number of boys and the remaining girls without getting married. The situations of girls who also face financial compensation for marriage are not mentioned, while people are hesitant to talk about this phenomenon, but the conversations reveal the desire of parents to create wealth and better well-being for the family, while not excluding these serious forms of violation of children's rights.

Public interest in cases of early marriage is usually fueled by the media when girls are brought to the maternity ward to give birth. Investigation authorities must be immediately put into action to discover the situations of married girls, as in the Roma, Ashkali and Egyptian communities, in some cases, child marriage is treated as a normal way of life.

An extremely important role in preventing early marriages is also played by the Center for Social Work, which exercises its activity in protecting the rights of children at risk or involved in early marriages.

Public authorities, in their own legal competency, are obliged to exercise effective and joint control over the way in which parents fulfill their obligations in relation to their child. This also includes care if the physical health or development of the child is endangered by the non-exercise or improper exercise of parental rights, by abusive behavior or by gross negligence in the fulfillment of parental duties, or if the education, professional training and preparation of the child is not carried out in the spirit that is in the best interest of the child, where by a court decision, upon request of the custodian body, it would limit or completely remove parental rights.

There are frequent cases, where it is indisputably clear, and there have been cases reported in the media in Kosovo, where the lack of cooperation between authorities to take joint and coherent measures has become apparent.⁷⁸ Although in the case of early marriages in families of the Roma, Ashkali and Egyptian communities, there is a complex background (justification of tradition) and a significant lack of data on the phenomenon, obstacles to identifying and implementing the most effective solutions are also caused by difficult communication and the lack of genuine cooperation between competent authorities.

The transition to another phase of observing children's rights, with the elimination of early marriages, cannot happen in Kosovo, perhaps also due to the lack of implementation of sanctions against parents

⁷⁸ <https://betimiperdrejtesi.com/rasti-i-dhunimit-te-11-vjecares-dosja-e-prokurorise-ndaj-kater-te-dyshuarve-per-rastin-e-ndodhur-nje-muaj-me-pare/>, accessed on 04.04.2025.

who marry their children off at the age of majority. Also, the lack of examples of Roma, Ashkali and Egyptian families publicly refusing to betroth their children at a young age is another element that encourages the continuation of this practice in Kosovo.

The resistance of the Roma, Ashkali and Egyptian population in Kosovo regarding early marriages, and not only, limits the individual rights (to freedom of choice, to freedom of expression, to educational development, etc.) of children married in these circumstances by their parents. The state banning early marriages in traditional Roma communities does not imply deprivation of the right to have a cultural life, as argued by some family members of these communities, but only imposes respect for the (individual) rights of children and young people in these communities.

In the Republic of Kosovo, there are indicators that show the existence of the patriarchal tradition and its consequences, where many women, including women and girls of the Roma, Ashkali and Egyptian communities, unfortunately do not enjoy full respect for their freedom to choose in matters related to fundamental decisions for their lives, while their ability to exercise these rights independently is curtailed.

Media reports on early pregnancies of girls from the Roma, Ashkali and Egyptian communities, as well as their births, should mobilize central and local institutions and civil society organizations to organize a series of meetings with the aim of identifying concrete and immediate measures (in accordance with the provisions of applicable legislation and international legal acts on the rights of the child and equal opportunities for women and men) to counter the increasing phenomenon of child marriages in general, and in the Roma, Ashkali and Egyptian minorities in particular.

According to data collected from the field, we estimate that there is a greater number of early marriages involving girls younger than their partners, than those in which the girls are the same age as the boys (partners).

De facto extramarital union, known as illegal marriage, is an emotional, physical, and intellectual relationship that involves the cohabitation of partners, but without being bound by legal provisions. This consensual union without the legal character of marriage is an alternative form of partnership, which fulfills the functions and characteristics of a full marriage, since the purpose of cohabitation is the creation of a family.

Early marriage implies not only a marriage to the partner, but also a domestic responsibility in the house where she lives, usually in the house of her in-laws. Furthermore, the young girl's needs, previously covered by her parents, are simply carried over to the father-in-law and husband. Even in terms of her legal residence after marriage, the girl's official residence continues to be at her parents' address and not at the address where she actually lives with her husband and his family, which constitutes another problem in itself.

Reproductive rights are the fundamental rights of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children, and to have the information and means to do so, along with the right to achieve the highest sexual, health and reproductive standard. In this regard, early marriages have an extremely negative impact on physical and mental health, and this phenomenon also has a negative impact leading to impoverishment, school dropout, and the entrenchment of patriarchal norms. Early pregnancy can have harmful consequences for girls' reproductive health, but unfortunately there are also cases where parents see their children's marriage as a protective mechanism against poverty and for their social security.

The cases presented above are intended to express the diversity of the phenomenon of early marriage within the Roma, Ashkali and Egyptian communities, which is encountered in all of these communities.

1. Key findings from quantitative research

This research aims to analyze the extent, causes, and impacts of early marriage in Kosovo, providing an empirical basis for evidence-based recommendations and supporting the implementation of concrete and informed measures. To this end, UBO Consulting has conducted two quantitative surveys with children and adults in 19 municipalities in Kosovo with large populations of Roma, Ashkali and Egyptian communities: Deçan, Gjakova, Gjilan, Istog, Klina, Fushë-Kosovë, Kamenica, Mitrovica, Lipjan, Obiliq, Rahovec, Peja, Podujevo, Pristina, Prizren, Shtime, Suhareka, Ferizaj and Gracanica.

One of the most important steps in this study is the sample design and size, as it ensures the accuracy and representativeness of the information collected. The following principles were followed in designing the sample:

- The sample was designed to meet the key requirements of the study and to be representative of the target population.
- Uniform random sampling was used within the target population.
- The sampling frame is based on official data to reflect population size, geographical distribution, and gender representation, ensuring that the results are as comprehensive and accurate as possible.

In total, 196 face-to-face interviews with children and 179 interviews with adults were conducted, using a randomly selected sample of Roma, Ashkali and Egyptian citizens in each of the 19 municipalities included in the study. Data collection was carried out through face-to-face interviews “at home” using the CAPI (Computer-Assisted Personal Interviewing) technique.

The sampling frame for each municipality was based on official data from the Kosovo Agency of Statistics, ensuring a fair distribution of respondents, as well as an accurate representation of the targeted communities.

TABLE 1. *Sample distribution for questionnaires with children and adults*

No.	Municipality	Anonymous questionnaires with children (13-18 years old)	Anonymous questionnaires with adults (18-40 years old)
1	Deçan	3	2
2	Gjakovë	36	33
3	Gjilan	2	2
4	Istog	9	9
5	Klinë	6	6
6	Fushë Kosovë	22	20
7	Kamenicë	1	1
8	Mitrovicë	7	6
9	Lipjan	12	11
10	Obiliq	7	6
11	Rahovec	4	4
12	Pejë	21	20
13	Podujevë	4	4
14	Prishtinë	3	3
15	Prizren	25	22
16	Shtime	4	4
17	Suharekë	3	3
18	Ferizaj	22	19
19	Graçanicë	5	4
TOTALI		196	179

1.1 Outcomes of the questionnaire with minors (13-18 years old)

The data in the following sections summarize the results and perceptions of an anonymous questionnaire conducted with 196 children aged 13 to 18 from the Roma, Ashkali and Egyptian communities, distributed across 19 municipalities in Kosovo with the highest population of Roma, Ashkali and Egyptian communities. The purpose of this research is to understand their experiences and attitudes towards early marriage. Of these respondents, 57% were boys and 43% girls. Regarding residence, 42% of children live in urban areas, while 58% live in rural areas. In terms of ethnicity, the participants are divided as follows: 34% are from the Roma community, 47% Ashkali and 18% Egyptian. On average, the family size for these minors is 7 people. These data provide a clear picture of the composition and living conditions of the communities in question, which are essential for understanding the context of early marriages.

As part of the study on early marriages in the Roma, Ashkali and Egyptian communities, school attendance was also analyzed. The goal was to better understand the phenomenon of school dropouts among

marginalized groups. From respondents who declared that they had discontinued education (37% of participants – see Figure 1), information was requested on the education attainment level at which the interruption occurred. The results show that 59% dropped out during primary education, 40% during lower secondary education, and only 1% during upper secondary education. This data reflects the challenges faced by these communities and helps identify factors that may contribute to the prevalence of early marriage.

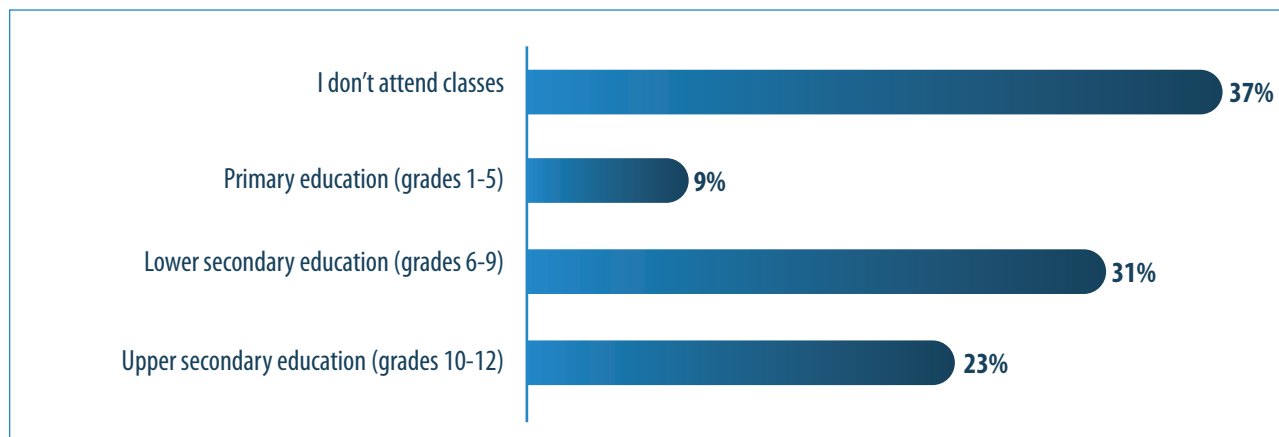


FIGURE 1. *What level of education are you currently pursuing?*

Regarding the reasons for dropping out of education, 55% of respondents said that lack of interest was the main factor. Financial issues are another common reason with 34%, while 27% of respondents said they had difficulty learning. Problems with other students and health problems each account for 4%. Marriage and relocation appeared as reasons with 3% each (See Figure 2). Overall, these factors contribute to a cycle where lack of education and social and economic pressures push young people into early marriage, creating additional barriers to personal and professional development in their lives. Identifying these connections provides a basis for policy interventions and social programs that aim to improve education and protect the rights of young people in these communities.

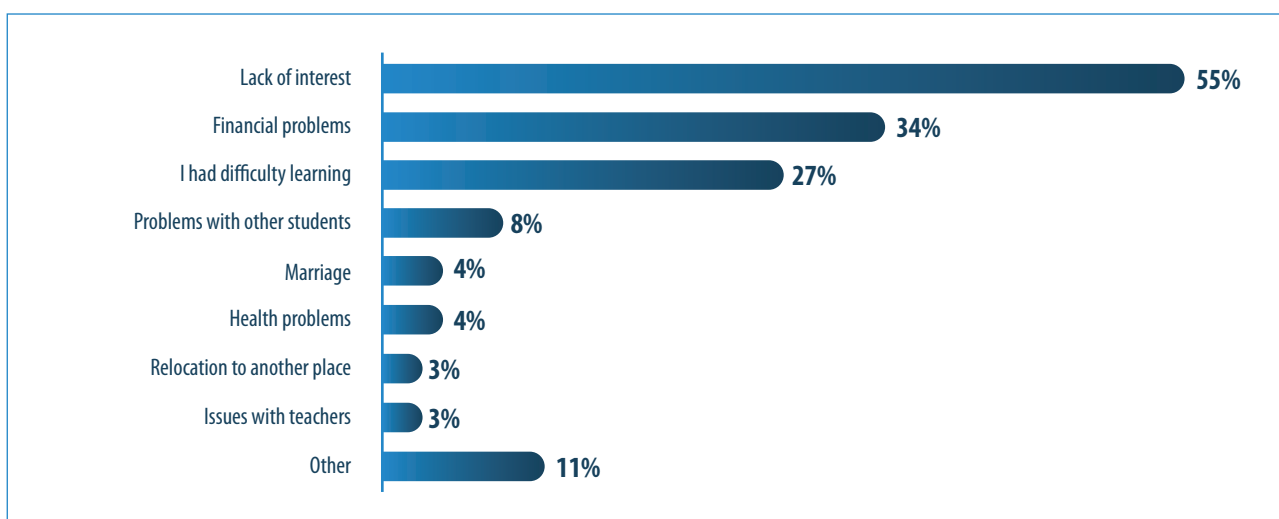


FIGURE 2. *What are the main reasons you discontinued/dropped out of school?*

The study also analyzed additional factors affecting the Roma, Ashkali and Egyptian communities, including education and access to basic services. The results show that a large proportion, 90% of respondents, learn in classes where students from different communities are present, suggesting a certain level of social

integration. On the other hand, 10% attend classes composed only of students from their community, which may cause feelings of isolation and limit opportunities for broader social interaction.

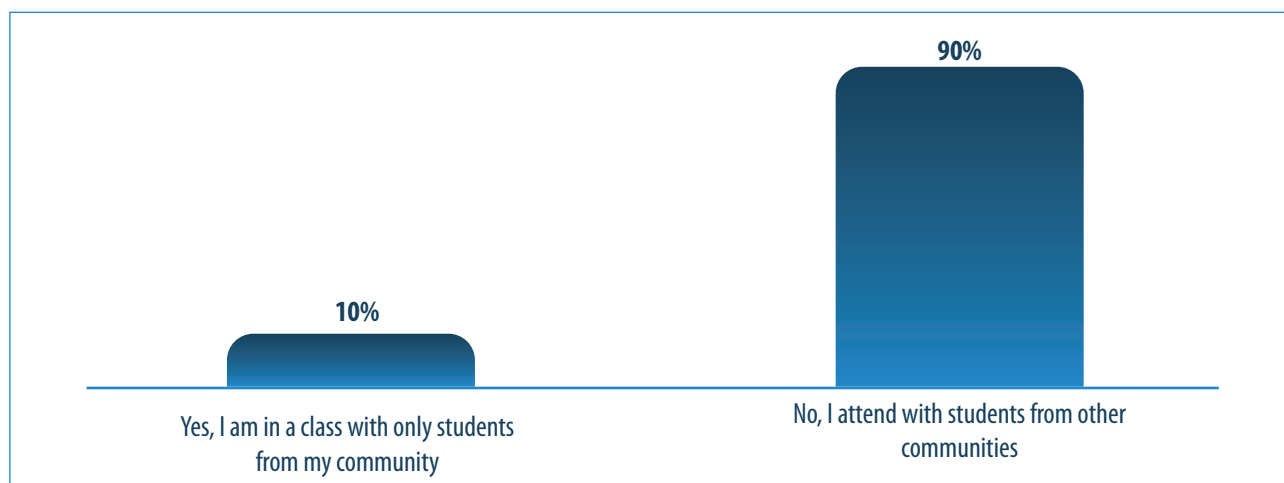


FIGURE 3. *Are you in a class with students only from your community, or do you also attend with students from other communities?*

Regarding access to basic services such as water supply, electricity and transportation, 79% of respondents have full access, 20% have partial access, while only 1% report a total lack of access. This indicates that most participants have some access to basic needs, however a small proportion face deprivations that can affect quality of life and important decision-making, including early marriage.

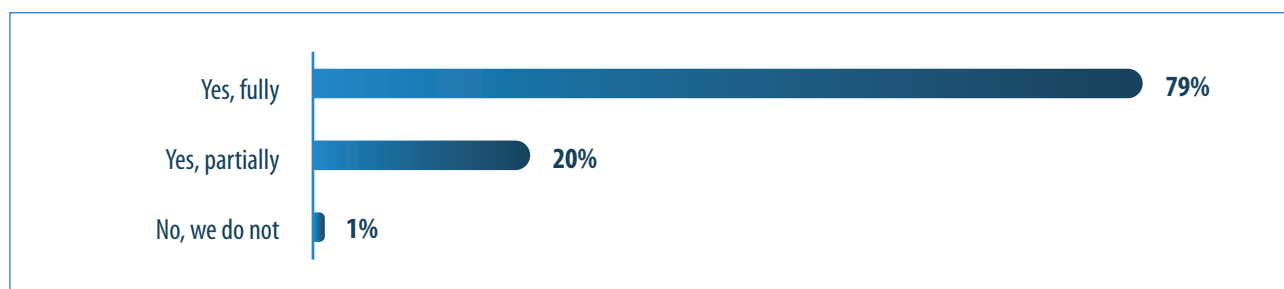


FIGURE 4. *Do you have access to basic services (such as water, electricity, transportation)?*

1.2 Knowledge and attitudes about early marriage

This section examines the level of knowledge and attitudes of respondents on early marriage, including their awareness of the legal age of marriage and the legal consequences of marriages under the age of 18. Also, perceptions on the impact of early marriages on young people, the main factors that encourage them, and the role of education in preventing this phenomenon were analyzed. The data provide insight into respondents' sources of information and their experiences regarding this issue in their community.

Initially, respondents were asked whether they were aware of the legal age for marriage in Kosovo. According to the data, 56% of them said they know this information, while a very large percentage (44%) stated that they are not aware. Further, those who claimed to be aware were asked about the specific age allowed and the source of their information.

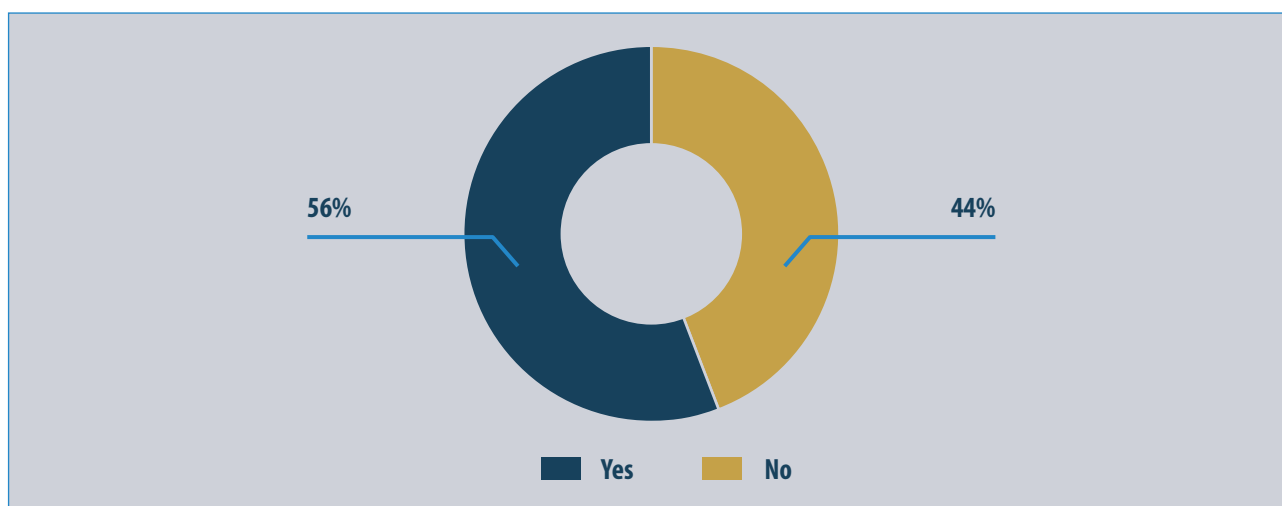


FIGURE 5. *Are you aware of the legal age for entering marriage in Kosovo?*

Further analysis of the data, broken down by different demographics, shows significant differences in the level of information by ethnic groups to which the minors belong. Of those surveyed, 45% of members of the Ashkali community stated that they are familiar with this legal limit, compared to 60% of the Roma community and 75% of the Egyptian community. These data highlight the importance of promoting legal information in communities where the level of information is lower, in order to support the prevention of early marriages.

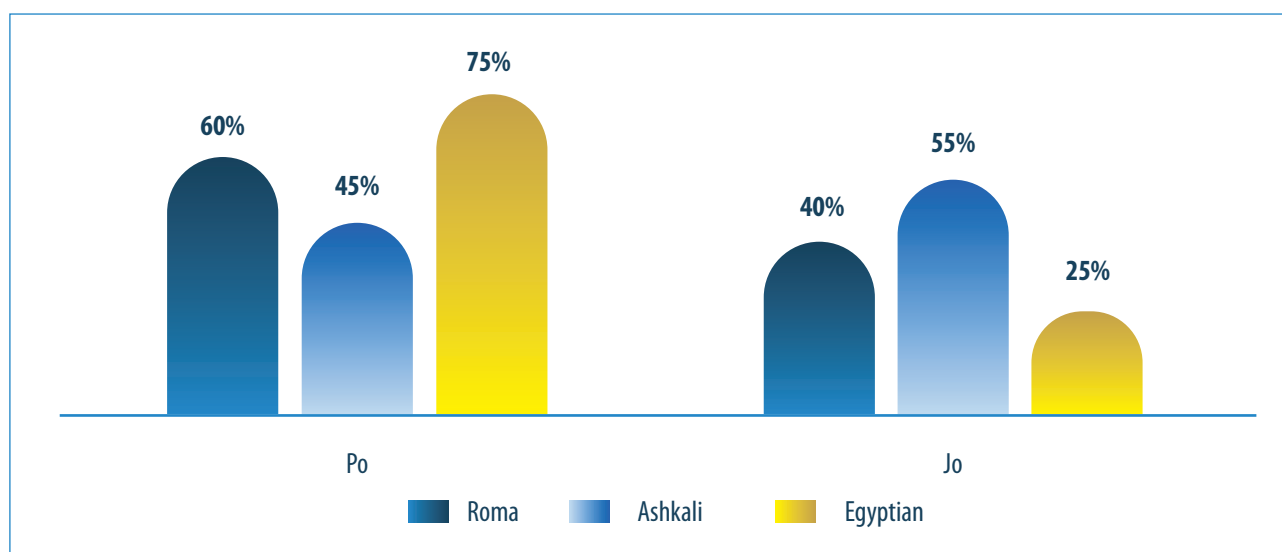


FIGURE 6. *Are you aware of the legal age for entering marriage in Kosovo? Division into ethnic groups*

The results of the breakdown by education level show a clear relationship between education and information regarding the legal age for marriage. Of those attending primary school, 29% were aware of the legal age for marriage, while 43% of those in lower secondary school, and 93% of those in upper secondary school said they were informed. These data suggest that awareness of the law is higher at higher levels of education, highlighting the need for focused efforts on poorly educated groups to prevent early marriage.

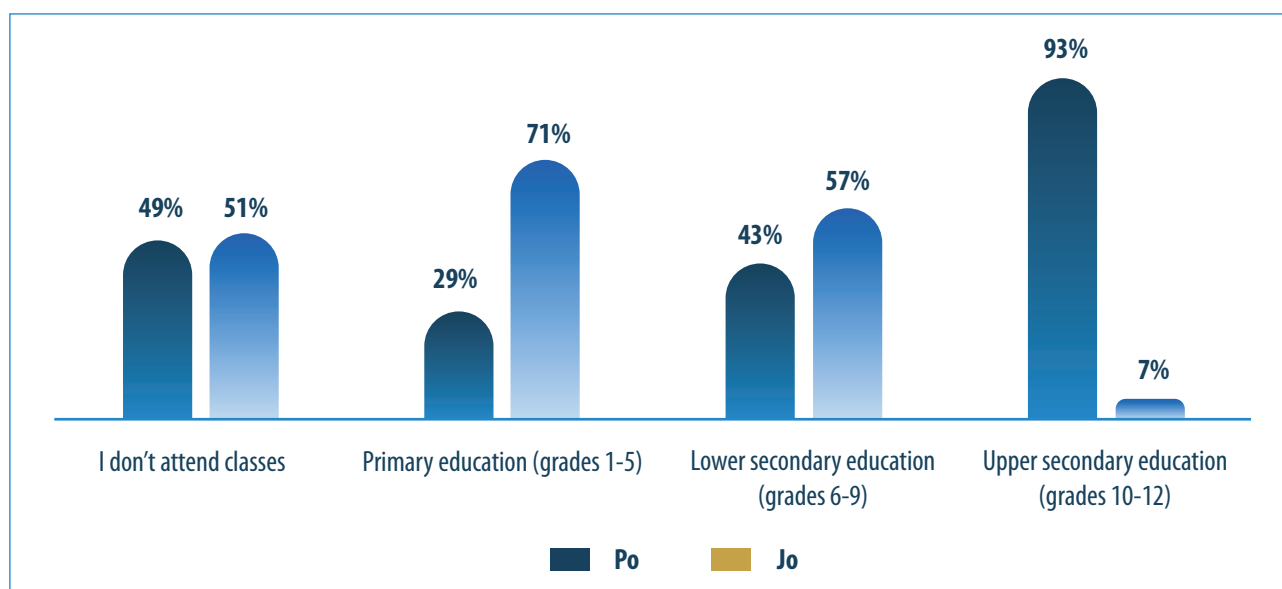


FIGURE 7. *Are you aware of the legal age for entering marriage in Kosovo? Division by education level*

The study included an additional question to assess the level of knowledge about the legal age of marriage in Kosovo, asking participants to state the age they think is legally allowed for marriage. This approach was intended to indirectly assess whether participants were accurately informed, as accurate knowledge is important to prevent misunderstandings that could lead to hasty decisions. Of the respondents who stated that they were informed about the legal age, 75% of respondents gave the correct answer, citing 18 years of age as the legal age. However, there was also a significant percentage, 10%, who thought the legal age was 20 years old and 5% of respondents said it was 22 years old. Also, 4% of respondents thought that the legal age is 21 years old, and 2% of responses were for the age of 17 years old.

According to the Family Law of Kosovo (Law No. 2004/32), the minimum age allowed for marriage is 18 years old, except for some exceptions with the approval of the competent courts.⁷⁹ These data show that, although the majority of respondents who declared that they are informed do have accurate knowledge, there is still a significant percentage who have inaccurate or incomplete information about this legal issue.

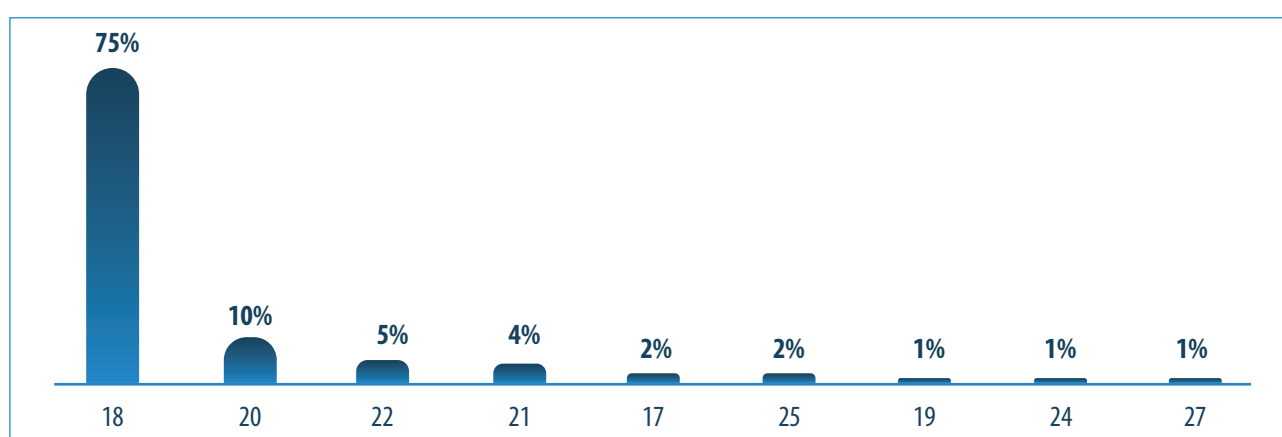


FIGURE 8. *Enter the legal age for marriage in Kosovo (Enter age in years)*

⁷⁹ LAW NO. 2004/32 ON THE FAMILY OF KOSOVO, accessible at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2410>.

Furthermore, they were asked to indicate the sources of information they used regarding the legal age for marriage in Kosovo, where they were able to choose several options. The majority (78%) said they were informed by their family, while 55% said they were informed by their school. About 42% stated that they were informed by society and friends, and 21% by media such as television, radio and social networks. A smaller percentage (6%) said they were informed by various non-governmental organizations.

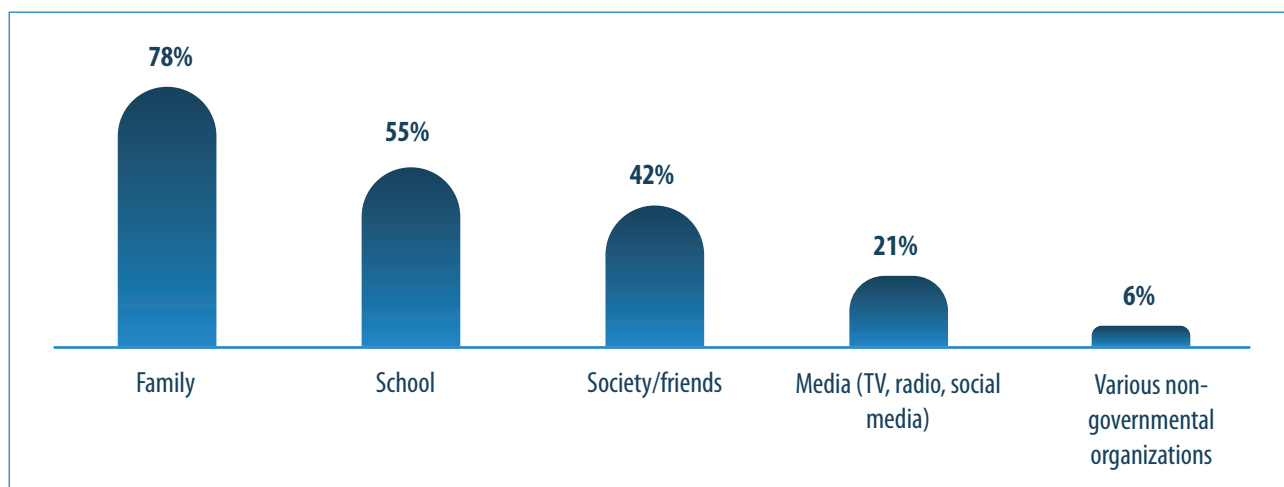


FIGURE 9. *Who informed you about the legal age for marriage? (you can circle more than one option)*

Following the survey with young people from the Roma, Ashkali and Egyptian communities, aged 13-18, a question was asked to understand whether they were informed that marriage under the age of 18 is illegal and constitutes a criminal offense. The results presented in the graph below (Figure 10) show that a large portion of respondents, 57%, were unaware of this law, while 43% were aware of it.



FIGURE 10. *Are you aware that marriage under the age of 18 is illegal, constitutes a criminal offense, and may be punishable for adults who marry minors under the age of adulthood (18), without court permission?*

Further analysis of the data, divided by demographic groups, as shown by statistical tests, revealed differences that were not statistically significant, except for those related to education level. Thus, it was observed that the higher the level of education, the more informed individuals are about the law regulating early marriages. After analyzing respondents' knowledge of the legal age for marriage, further questions focused on their perceptions of early marriage within their community and the interaction with various social and educational factors. Minors were asked whether they think that attending and continuing school can contribute to preventing early marriages. From the data collected, the majority of respondents, or 63%, believe that education plays an important role in preventing early marriage. This demonstrates a broad understanding of the importance of education as a means to improve young people's prospects

and expand their opportunities before making important decisions such as marriage. On the other hand, 32% of respondents disagree with this opinion, which may reflect the influences of cultural, economic or other factors that reduce the effect that education can have on these communities. A smaller percentage, 5%, do not have a clear position on this issue, indicating that there is still room for deeper awareness and education regarding this topic.

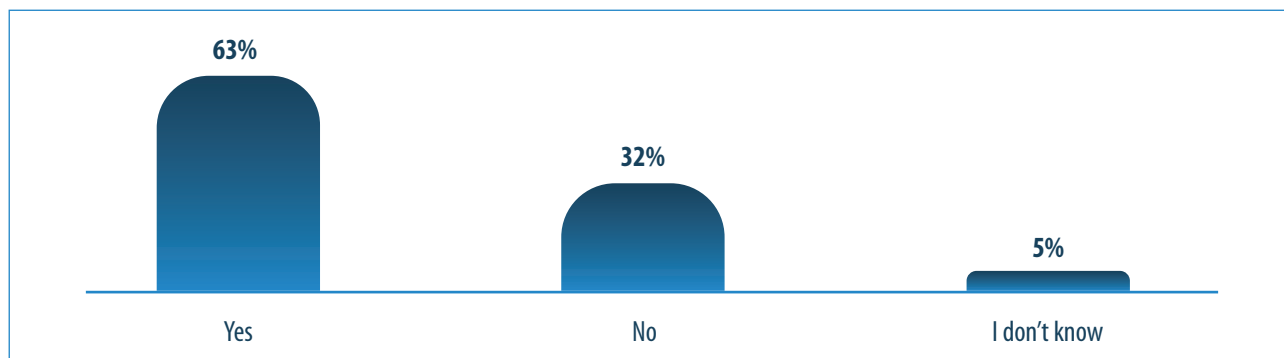


FIGURE 11. *Do you think attending and continuing school can prevent early marriages?*

In the analysis of data from the questionnaire, there were no statistically significant differences related to demographics such as residence, gender, or ethnic groups regarding the perception of the role of education as a preventative of early marriage. This fact shows that despite changes in these variables, attitudes towards education remained relatively similar among respondents. However, a difference was observed in the level of education. The results showed that the more years of schooling minors have completed, the more aware they are of the positive role of education.

After analyzing the impact of education on preventing early marriage, further questions in the survey aimed to delve deeper into specific situations within the respondents' communities. The goal was to understand whether the phenomenon of early marriage occurs before the completion of secondary education, focusing specifically on girls and boys. Regarding girls, 66% of respondents reported that in their community there are cases where girls get married before completing secondary education. Meanwhile, 27% said that no such cases exist and 7% were not sure or did not have a clear answer.

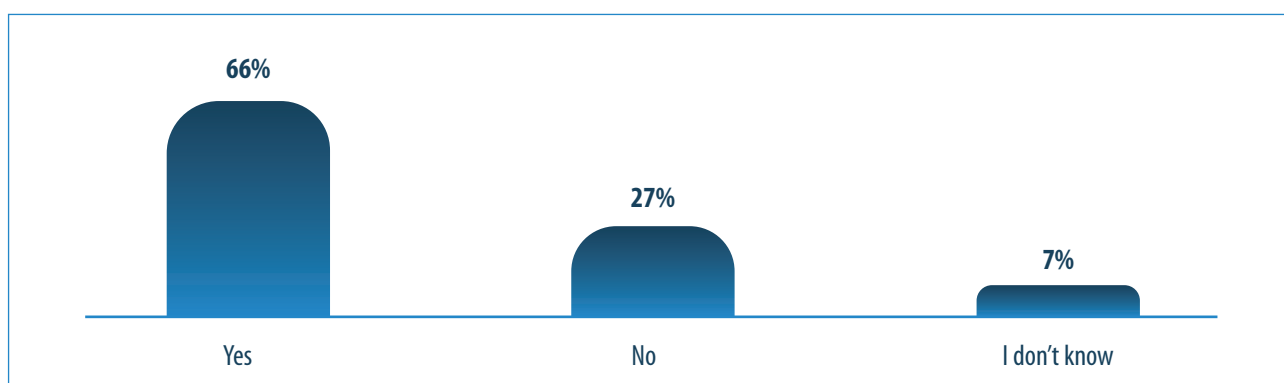


FIGURE 12. *Are there cases in your community where girls get married before completing secondary education?*

For boys, the situation is almost similar: 64% of respondents said they have observed cases of boys getting married before completing secondary education in their community. 29% deny the existence of such cases, and 7% are undecided or unsure.

These data suggest that the phenomenon of early marriage before completing secondary education has a significant presence among both genders, indicating the need for targeted interventions to address the factors that enable this phenomenon.

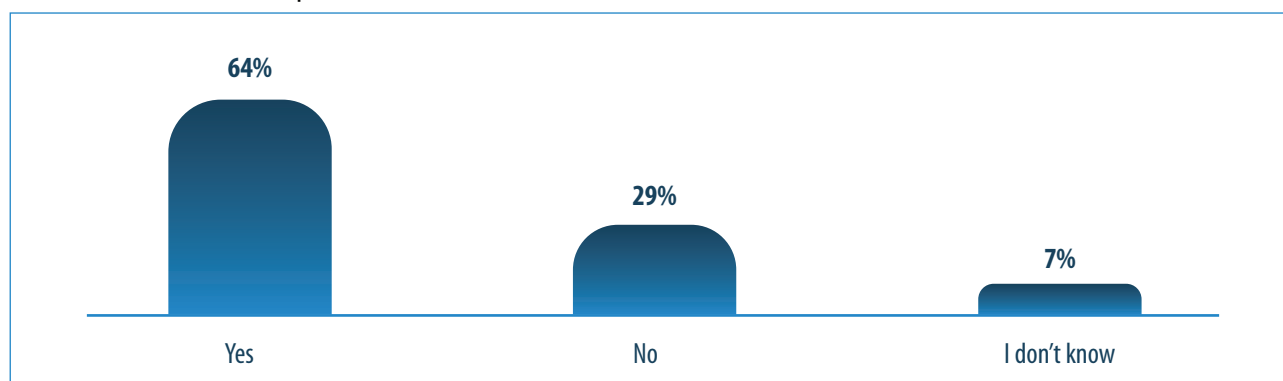


FIGURE 13. *Are there cases in your community where boys get married before completing secondary education?*

Following the questions on early marriage, respondents were asked to express their perceptions on the impact of this phenomenon on the lives of young people. The responses show that the majority of them, 64%, view early marriage as a negative phenomenon. Most of them view early marriage as an obstacle that has negative impacts on the personal, health, educational and economic development of young people. On the other hand, 23% of respondents think that early marriage does not have any noticeable effect, describing it as neutral. Only 9% of respondents see early marriage as something positive, arguing that it provides support and stability for young people. Meanwhile, 4% of respondents do not have a clear or defined position on the effects of early marriages.

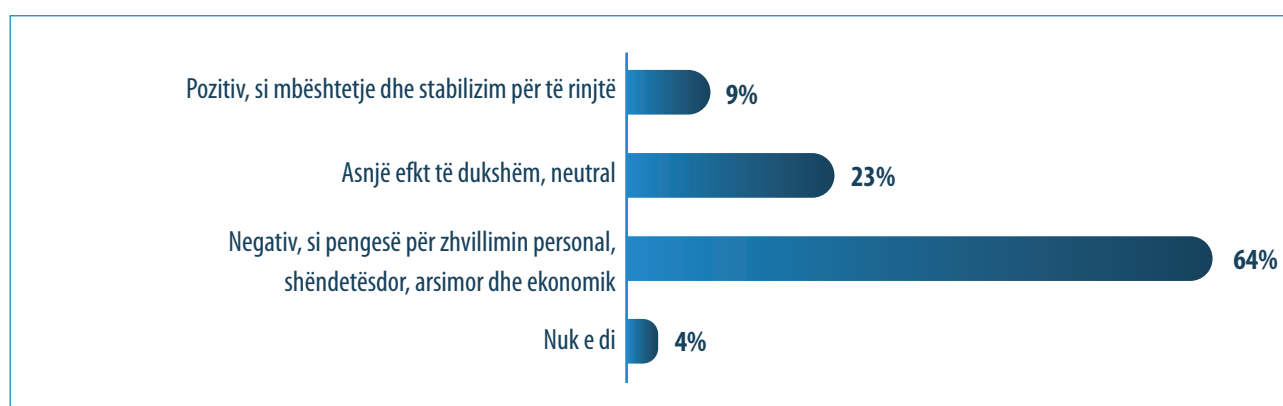


FIGURE 14. *How do you view the impact of early marriages on young people?*

In the analysis of the responses of respondents from the Roma, Ashkali and Egyptian communities on the effects of early marriage, significant differences were observed related to ethnic groups and level of education. Overall, 89% of Egyptians assess the effect of early marriage as negative, compared to 67% of Ashkali and 53% of Roma.

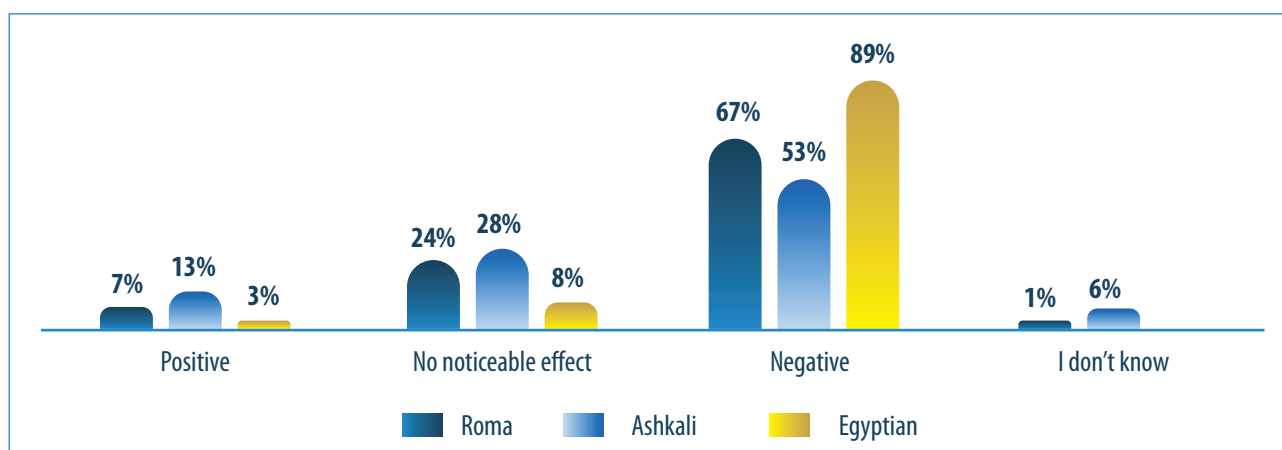


FIGURE 15. *How do you view the impact of early marriages on young people? Division by ethnic groups*

On the other hand, depending on the level of education, the perception of early marriages varies. In this case, 87% of respondents with upper secondary education view early marriage as negative, while this figure drops to 74% for those with lower secondary education and 59% for those with primary education. This suggests that individuals with a higher level of education are more aware of the negative impacts of early marriage.

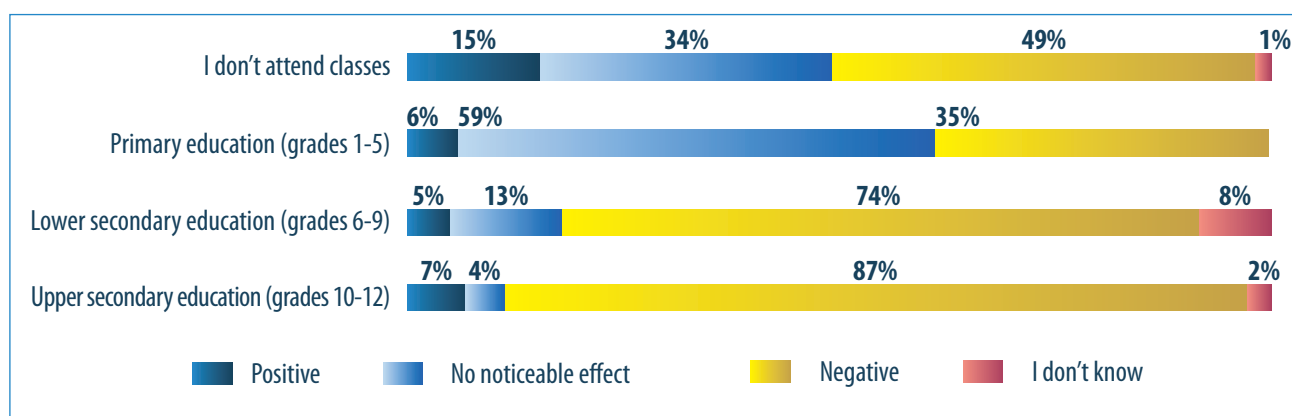


FIGURE 16. *How do you view the impact of early marriages on young people? Division by ethnic groups*

Further questions in the survey section were focused on identifying cases of very early marriages, specifically those that occur before the age of 13, as well as understanding the factors that contribute to these marriages within the respondents' communities.

As seen in the figure below, the results show that the vast majority, 86%, stated that they do not know of any such cases, while a smaller percentage, 14%, confirmed that they are aware of cases of marriages under this age. This data suggests that early marriages are present in these communities, but cases of marriages before the age of 13 are rarer and reported on a small scale.



FIGURE 17. *Do you know of any cases in your community where someone was married before the age of 13?*

Among survey participants who reported knowledge of cases of early marriages under the age of 13, a percentage of 14%, which constitutes 27 respondents, were additionally asked to identify the gender of the early marriages they know. Data analysis showed a balanced distribution between genders: 30% of responses indicated that the cases involve only boys, a similar percentage of 30% reported that the cases involve only girls, and 41% of respondents indicated that they know of cases involving both genders. These findings suggest that early marriages under the age of 13 affect both genders.

In the last question of this section, respondents were asked to identify the main factors that, in their opinion, contribute to early marriage in their community. Participants had the opportunity to choose more than one option. The most reported factor was personal choice, mentioned by 50% of respondents, customs by 39%, and lack of education by 31%. Also, family pressure was identified as a key influencer by 24% of participants, while fear of social prejudice was mentioned by 20% of them.

This data shows a wide range of factors influencing the phenomenon of early marriage, which range from personal choices and cultural influences to economic and social pressures. Recognizing these factors is essential for developing effective strategies aimed at reducing the incidence of early marriage in these communities.

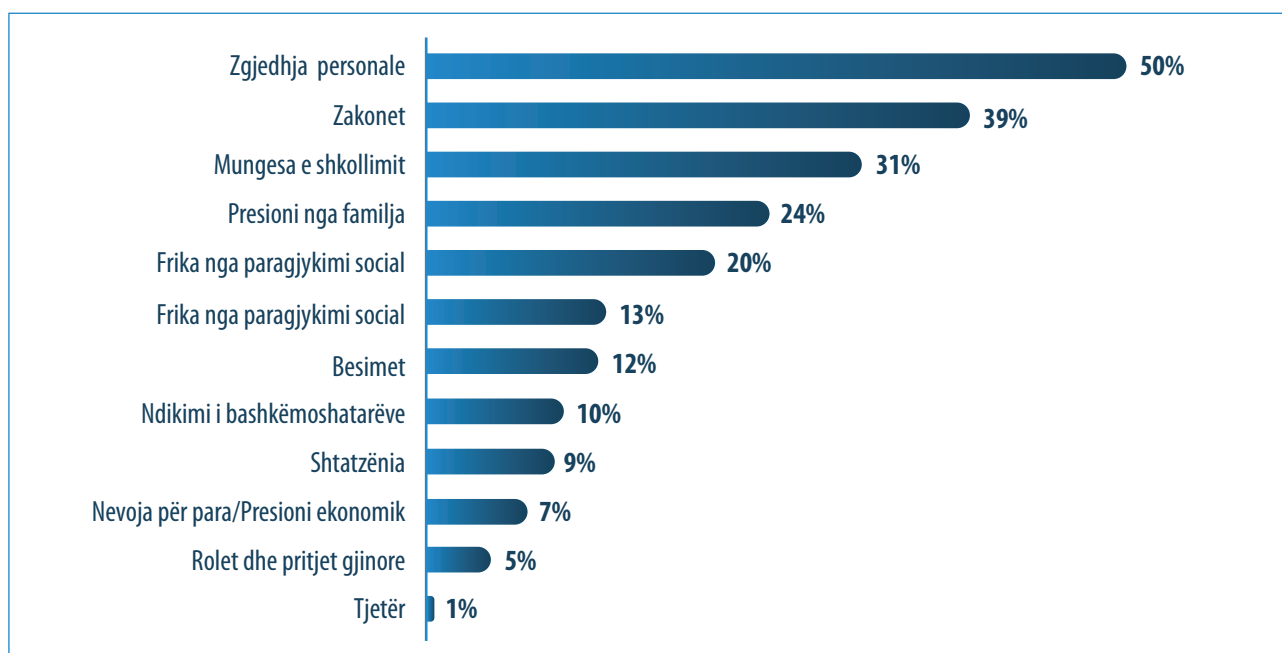


FIGURE 18. *In your opinion, what are the main factors that contribute to early marriage in your community? (you can circle more than one option)*

1.3 Personal experiences about early marriage

The next module of this study addresses personal experiences around early marriage, aiming to uncover specific details about respondents' experiences related to their marriage. This module includes direct questions related to their marital status, the details and motives that influenced the decision to marry, as well as the consequences of such on their personal and economic aspects.

This data will help create a broader picture of the challenges associated with early marriage, and can contribute to the assistance that social policies can provide to support young people in communities experiencing this phenomenon. Regarding the question on personal experiences with early marriage, it turns out that only 7 out of 196 respondents, or about 4% of participants, declared that they are married. Specifically, only 7 out of 196 respondents stated that they are married, which accounts for about 4% of participants.

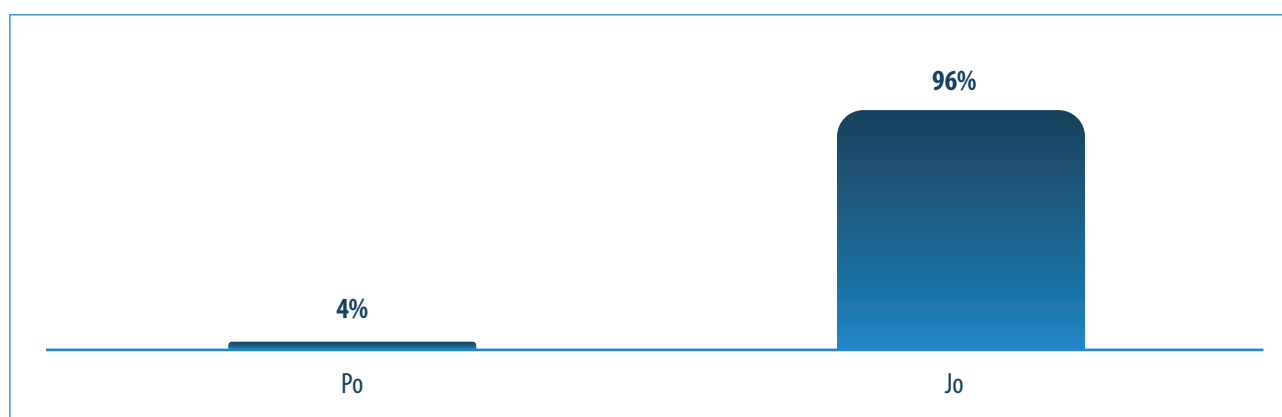


FIGURE 19. *Are you married?*

Following the analysis of personal experiences regarding early marriage, data from the 7 respondents who declared that they are married show that the majority of them, 6 out of 7, are girls and live in rural areas. None of these married couples are continuing their education, which suggests a possible interruption of their educational journey due to marriage.

Regarding the age of marriage, one person was married at the age of 15, another at the age of 16, and 5 others at the age of 17. All of these marriages have been reported as informal.

When asked about initiating marriage, 4 out of 7 people stated that they made the decision to get married on their own, while the others said that their father encouraged them to take this step. This result indicates an influence of family structures and traditional values on the decision to marry, reflecting the possibility that individuals feel obligated to follow family expectations.

Motives for early marriage are multidimensional and divided into individual ones, such as the desire for independence, and social ones, such as customs and family pressures. Customs were mentioned as a key factor by 5 people, followed by the desire for independence from family and lack of education, each of which was mentioned by 4 people. Pregnancy and beliefs were mentioned by 2 people each as important reasons, while only one person emphasized that it was their personal choice.

Also, one in 7 people has children and the age when they became a parent was 17. At the conclusion of the section on personal experiences with early marriage, respondents were asked about changes in their economic status and responsibility after marriage. The responses show a clear picture of the economic impact of early marriage on these individuals.

Only one of the respondents reports that their economic status has improved after marriage. This may mean that for the majority, early marriage has not brought any material benefits or positive changes in the economic situation. The vast majority, or 6 out of 7 respondents, say that their economic status has remained the same, suggesting that early marriage has not improved their material conditions.

All respondents, 7 out of 7, report that their economic responsibility has not changed much after marriage. This data highlights the challenges and circumstances that affect the lives of young people who enter into early marriages, including their impact on educational opportunities and personal development.

It is important to note that, although this study includes a larger sample, the findings in this section are based only on the responses of the 7 respondents who declared themselves married. For this reason, the results cannot be considered representative of all minors or for the phenomenon of early marriage in general. However, they provide insight into the experiences of a specific subgroup of young people and can help in understanding some aspects of this phenomenon.

1.4 Community impact and perspectives

The final module of the study aims to highlight perspectives on how the communities of the respondents perceive and influence the phenomenon of early marriage. This module contains a series of questions that examine community support for early marriages, their acceptability for girls and boys, as well as experiences and opinions about domestic violence as a result of early marriages.

In questions related to the impact of early marriage on personal development and decision-making about this marriage in the respondents' families, the data clearly show family perceptions and dynamics. According to the responses collected, 52% of respondents believe that early marriage leads to social isolation, distancing the individual from society and the opportunities it offers. Also, 49% say that early marriage hinders the achievement of potential in education and career, denying young people the opportunity to pursue further aspirations in these fields. A smaller percentage (22%) believe that early marriage helps individuals feel more emotionally secure, and 21% say it provides responsibilities that help with personal growth. 10% say there is no impact, and 4% say they don't know.

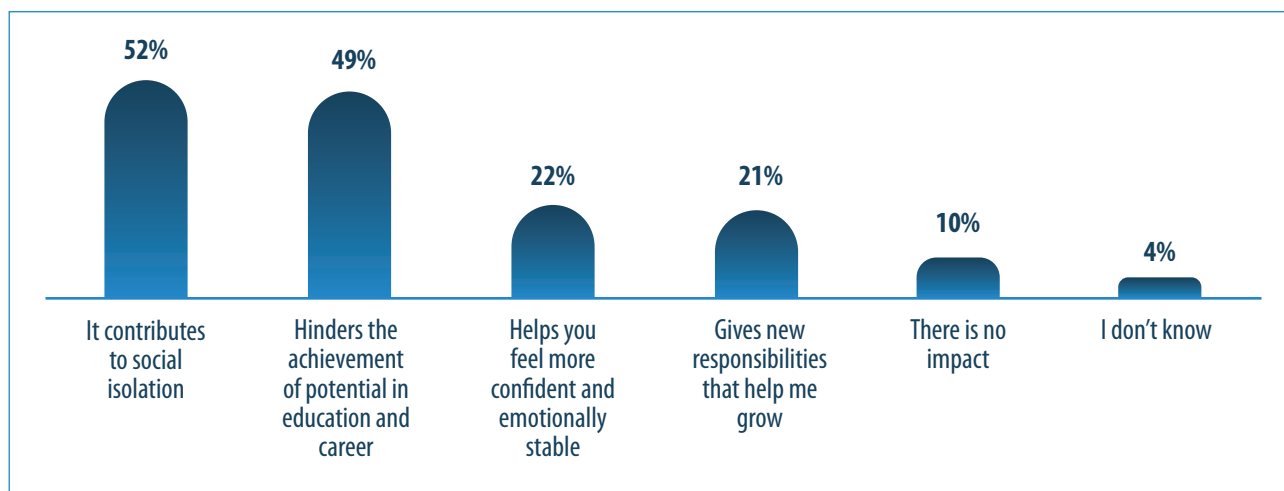


FIGURE 20. *How do you think early marriage affects personal development?*

Regarding the decision to enter early marriage, 49% of respondents say that the father bears the greatest influence on this decision, which reflects a traditional and patriarchal structure in the family. Furthermore, 31% of respondents say that the decision to marry is made by the individuals themselves, which indicates a certain level of personal autonomy. Whereas, a lower percentage of responses identify the mother (9%) or grandparents (7%) as important influencers. 3% identify other relatives, 1% identify siblings, and 1% identify other.

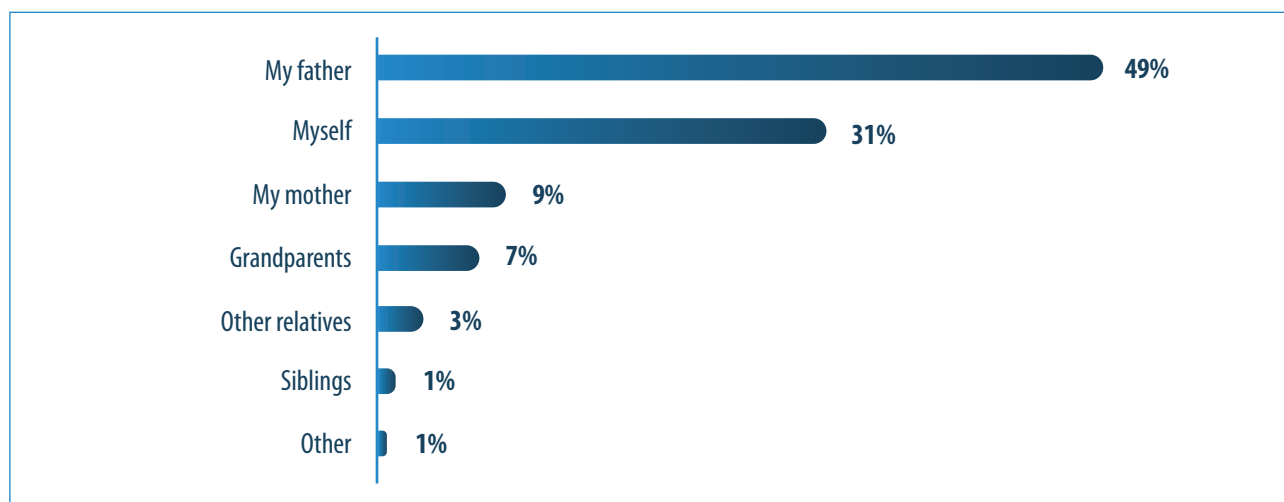


FIGURE 21. *Who has the greatest influence on the decision for early marriage in your family?*

In the analysis of the influence of family members on early marriage decision-making, the data was disaggregated by age and gender to reveal clear changes and trends. The results show that the father remains an influential figure across all age groups and for both genders, but with a particular emphasis in the lives of girls. For the 13-15 age group, 55% of respondents report that the father has the greatest influence, while for the 16-17 age group, this influence drops to 42%. This decrease suggests that as young people begin to take more control over their decisions, parental influence, especially that of the father, begins to diminish.

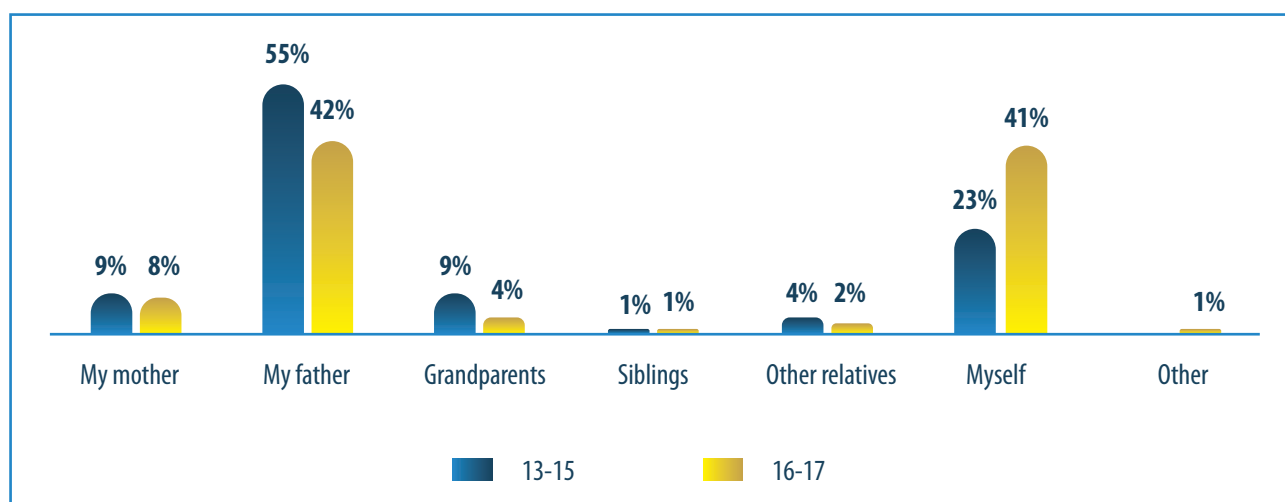


FIGURE 22. Who has the greatest influence on the decision for early marriage in your family? Division by age group

By gender, 46% of boys and 55% of girls are more influenced by their father in their decision about marriage, indicating a more prominent role of the father in the lives of girls. On the other hand, personal autonomy in decision-making increases with age and is higher in boys than in girls.

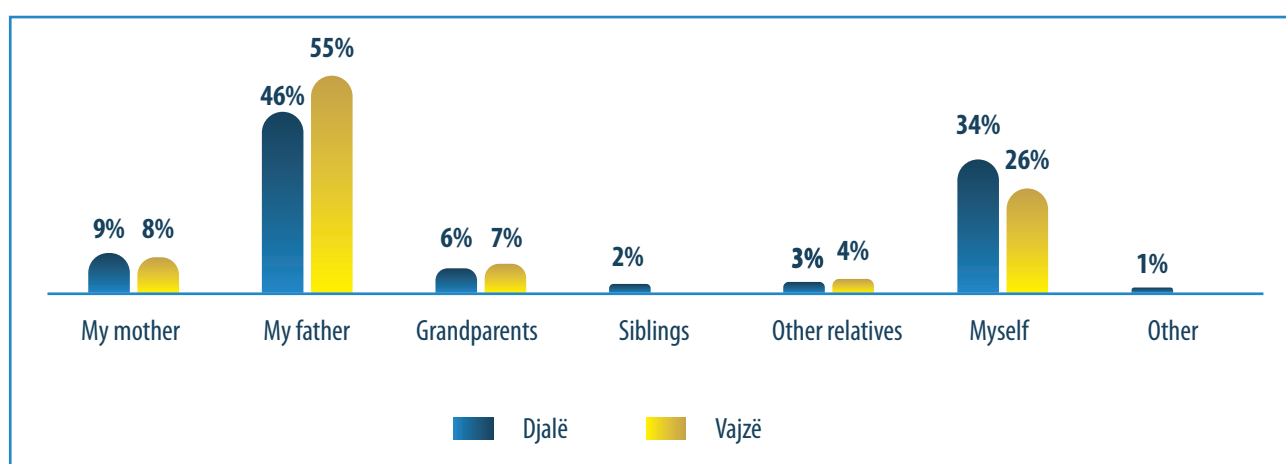


FIGURE 23. Who has the greatest influence on the decision for early marriage in your family? Division by Gender

This age and gender divide in decision-making about early marriage shows how traditional family structures and gender norms continue to shape young people's decisions. Despite a trend towards greater autonomy, the presence of strong parental influence, particularly from fathers on daughters, suggests that there is still a need to address issues of gender equality and to promote more independent decision-making on such important matters as marriage.

Regarding support for early marriage from people around the respondents, the findings show that a significant portion of participants, 53%, do not support this practice, while 42% support it and a small number, 5%, do not have a clear position. This division in attitudes shows a polarization in people's opinions regarding this issue.

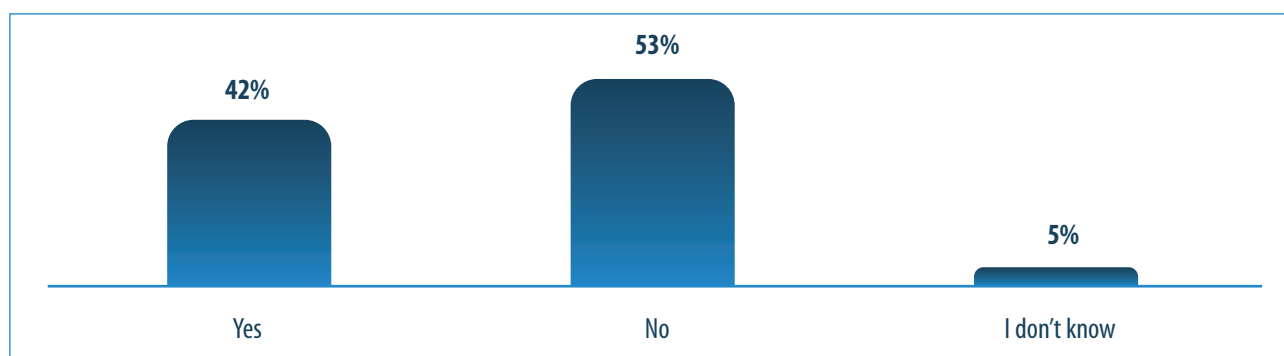


FIGURE 24. Is early marriage supported by the people around you?

When examining the analysis between ethnic groups, the differences become more apparent. The Roma community appears to be more accepting of early marriages with 55% of respondents reporting that early marriage is supported by people around them, while 42% oppose it and only 3% are unsure. On the contrary, the Ashkali and Egyptian communities show more critical attitudes. In the Ashkali community, 38% support early marriage and 55% are against it, with 8% of respondents undecided. Moreover, in the Egyptian community, only 31% support this practice and a majority of 69% are against it, indicating a more pronounced rejection of early marriages.

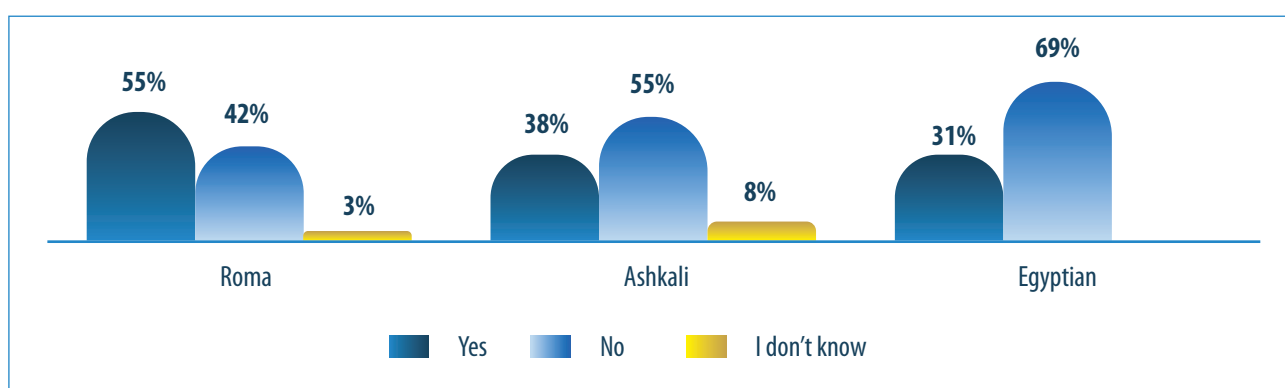


FIGURE 25. Is early marriage supported by the people around you? Division by ethnic groups

Regarding the acceptability of early marriage in the community, the data shows that feelings towards this practice are similar for boys and girls, but with a slightly greater tendency for acceptance for boys.

For girls, 23% of respondents think that early marriage is very acceptable, while 57% consider it somewhat acceptable, and 20% say it is not acceptable.

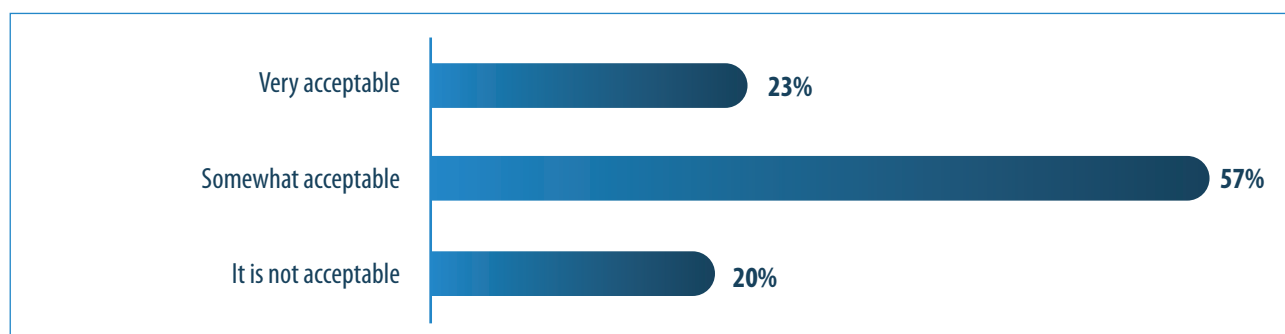


FIGURE 26. How acceptable is early marriage for girls in your community?

For boys, 24% of participants think that early marriage is very acceptable, almost the same percentage as for girls, but with a slightly higher percentage of those who consider it somewhat acceptable (56%), and again 20% see it as unacceptable.

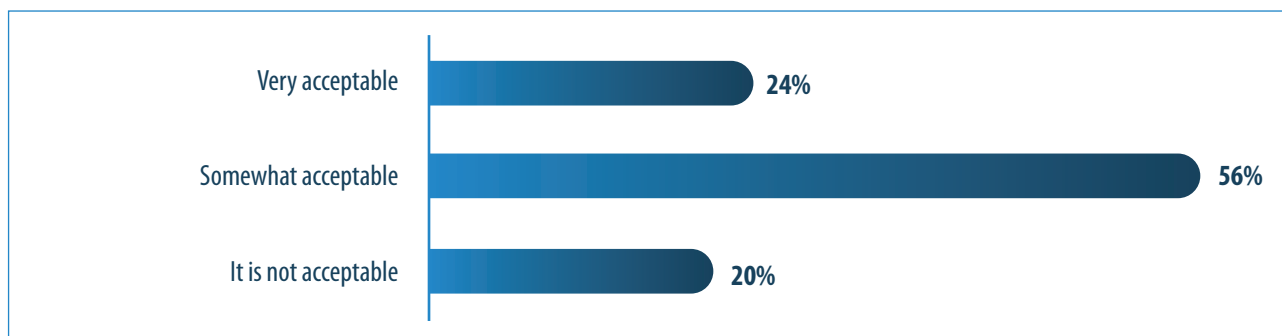


FIGURE 27. *How acceptable is early marriage for boys in your community?*

These results suggest a relatively high level of tolerance towards early marriage in the community, with minimal differences between genders. However, the significant proportion of participants who view it as unacceptable indicates a heightened awareness of the potentially negative consequences of this practice. This division in attitudes provides a basis for more in-depth discussions and possible educational initiatives to address and change social norms around early marriage.

When asked whether they have heard of cases of domestic violence between couples who married at a young age, the majority of respondents, 81%, stated that they have not heard of such cases. Only 15% of respondents say they have heard of cases of domestic violence between young married couples, while a small portion, 4%, are not sure or have no knowledge on this issue. This may indicate that, although domestic violence is not perceived as a dominant phenomenon in relation to early marriage, such incidents do occur that may be less visible or underreported.

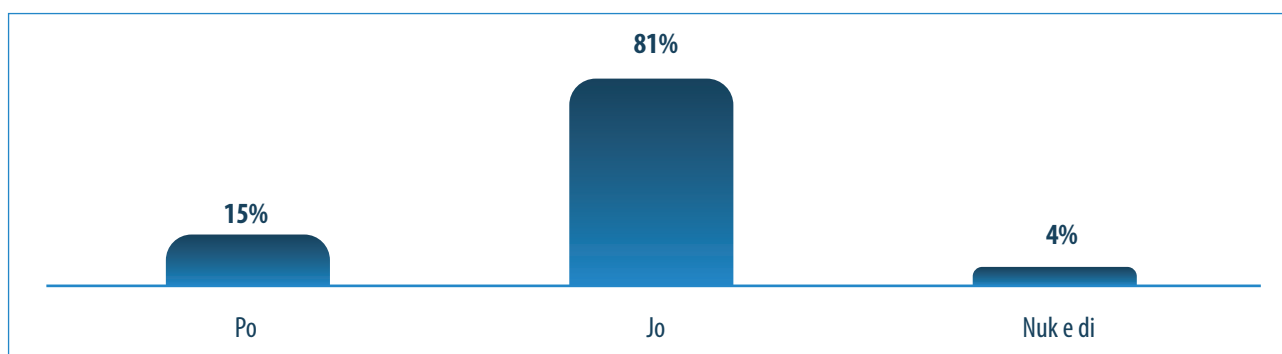


FIGURE 28. *Have you heard of cases of domestic violence between couples who married at a young age?*

Of the respondents who have heard of cases of domestic violence between young married couples, the most frequent form of violence they reported is physical violence, with a total of 20 responses identifying this type. Psychological violence is the second most reported, with 5 responses indicating instances where someone uses words or behavior to control or intimidate someone else. Economic violence, where a person controls or withholds access to a partner's money or financial resources, was reported in only one case. A smaller number of responses, 4 in total, said they had heard of all the mentioned types of violence.

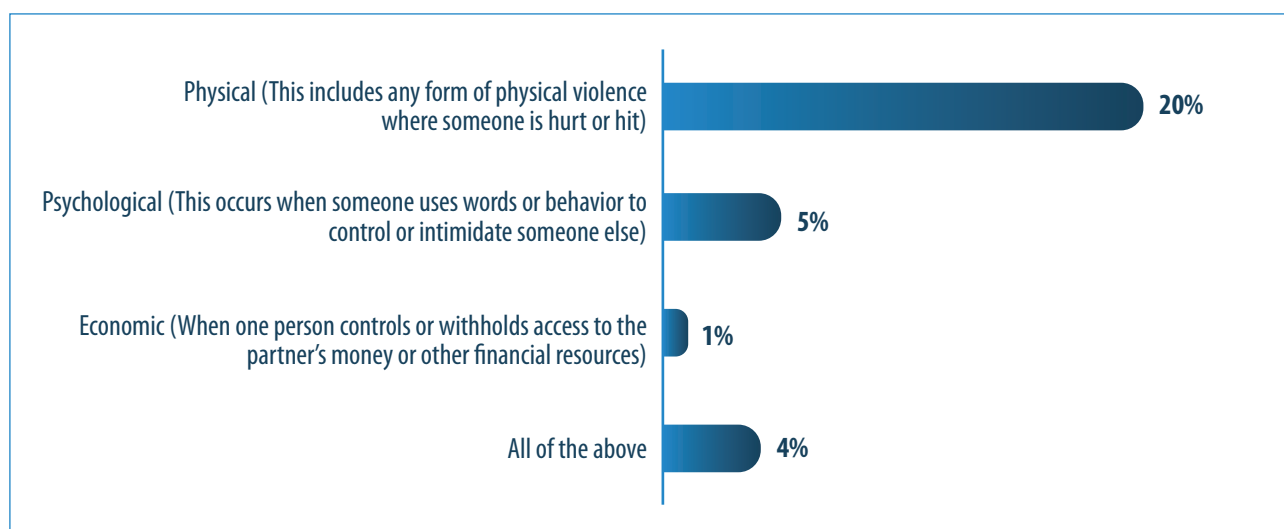


FIGURE 29. *What type of violence have you heard about most often? n=30*

Respondents in the study expressed a clear view that early marriage negatively affects the health of young people. The majority of them, 55%, think that this negatively affects the health of girls, while 36% believe that it also negatively affects the health of boys. A significant percentage, 23%, see this impact as not present for either gender, while a small portion, 4%, are unsure about the impact of early marriage.

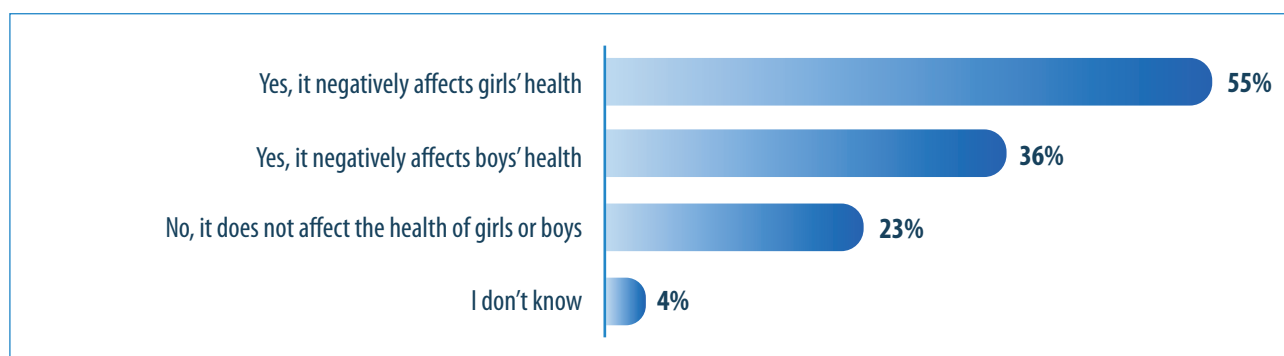


FIGURE 30. *Do you think early marriage affects the health of girls and boys in your community?*

Regarding measures that can be taken to prevent this phenomenon, respondents have proposed several alternatives. Economic support for families in need is the most preferred solution, supported by 49% of participants. Improving access to education for girls comes as an important measure for 37% of participants, while 32% support establishing programs that empower girls and women. Strengthening the enforcement of laws against early marriage is a priority for 31%, and 26% believe in raising awareness through educational programs. Providing counseling services for families and youth is important to 23%, while the engagement of religious and community leaders to change cultural norms is preferred by 14% of respondents.

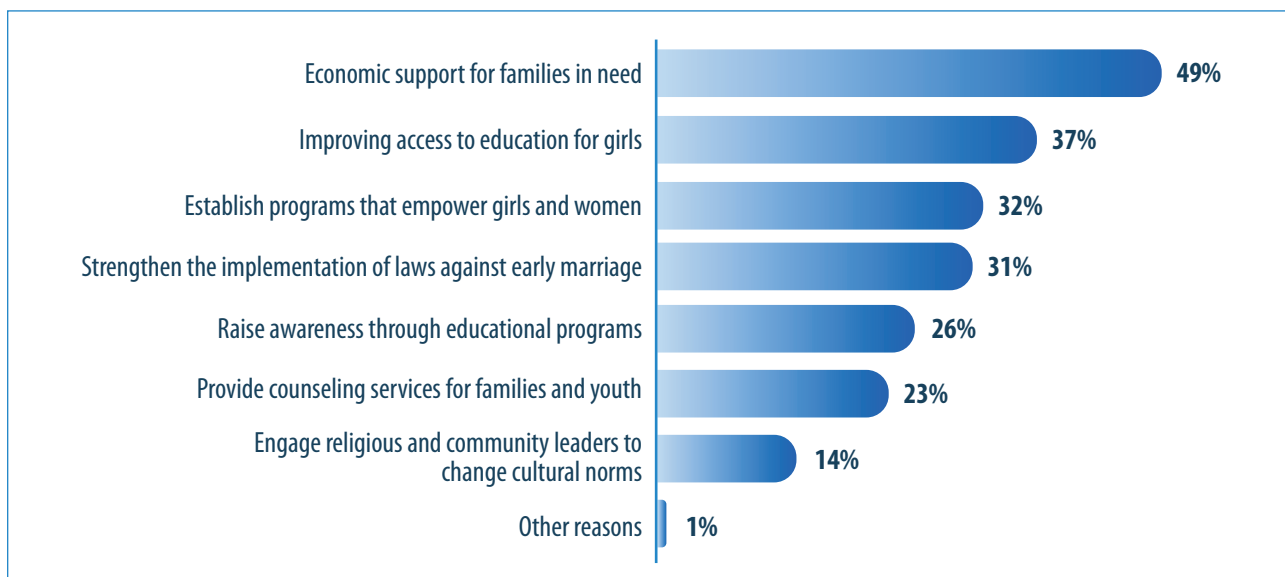


FIGURE 31. *In your opinion, what do you think can be done to prevent early marriages in your community?*

These results demonstrate a deep understanding of the needs and challenges associated with early marriage, as well as a willingness to take a range of actions to address this issue comprehensively.

In the final question of the study, respondents were asked about their perspective on marriage and the appropriate age for it. The results show that the majority, 54%, think that young people should wait until adulthood (18 years old) to get married. A significant percentage, 38%, believe that young people should complete their education and get a job before getting married, emphasizing the importance of personal and professional stability before entering into such a serious relationship. Only a small portion of respondents, 6%, think that young people can marry even under 18 if they wish, while 2% do not have a clear opinion on this issue.

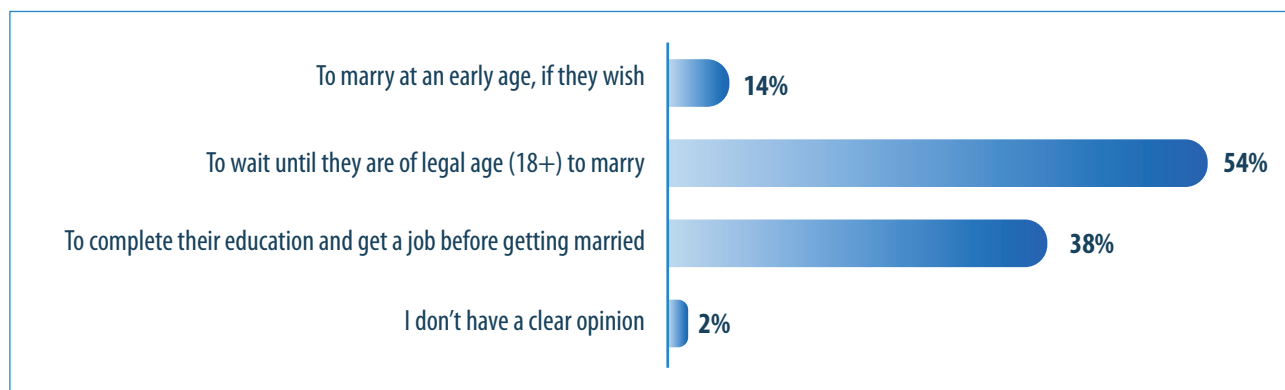


FIGURE 32. *What is your perspective on marriage?*

These results reflect a clear consensus among respondents who support a more measured approach to marriage, valuing preparation and personal stability as key elements before committing to such an important relationship. This indicates a growing awareness about the importance of education and economic independence before taking on major responsibilities such as marriage.

1.5 Outcomes of the questionnaire with adults (18-40 years old)

The data in the following sections summarize the results and perceptions of an anonymous questionnaire conducted with 179 adults aged 18 to 40, who were married before the age of 18, and who belong to the Roma, Ashkali and Egyptian communities. This research was also conducted in 19 municipalities in Kosovo, which have a higher population of these communities. The purpose of this study is to understand individuals experiences and attitudes towards early marriage.

To more clearly understand the profile of the respondents and to place the findings in context, some demographic data is presented first. This data helps us interpret the results and identify factors that may influence the perceptions and experiences of the surveyed communities.

The survey results regarding the highest level of education of the respondents indicate a relatively low educational level. More than a third of respondents (38%) reported that they did not attend formal education. 28% have completed primary education, while 30% have completed lower secondary education (up to 9th grade). Only 3% of respondents have completed upper secondary education (grade 12), and only 1% have completed vocational education. This data suggests a limited level of formal education within this community.

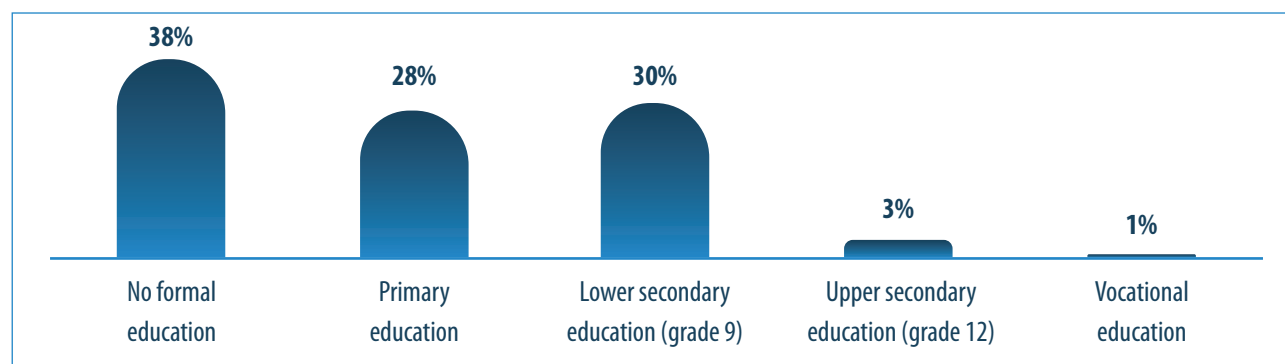


FIGURE 33. *Highest level of education you have completed*

Regarding the current employment status of respondents from the Roma, Ashkali and Egyptian communities, the data shows that 44% of individuals are unemployed, while 32% report being housewives. 15% of respondents work in the private sector, while 5% are part-time or casual employees and finally 4% report being self-employed. *An important aspect that is noted is that no individual from this community has reported being employed in the public sector.*

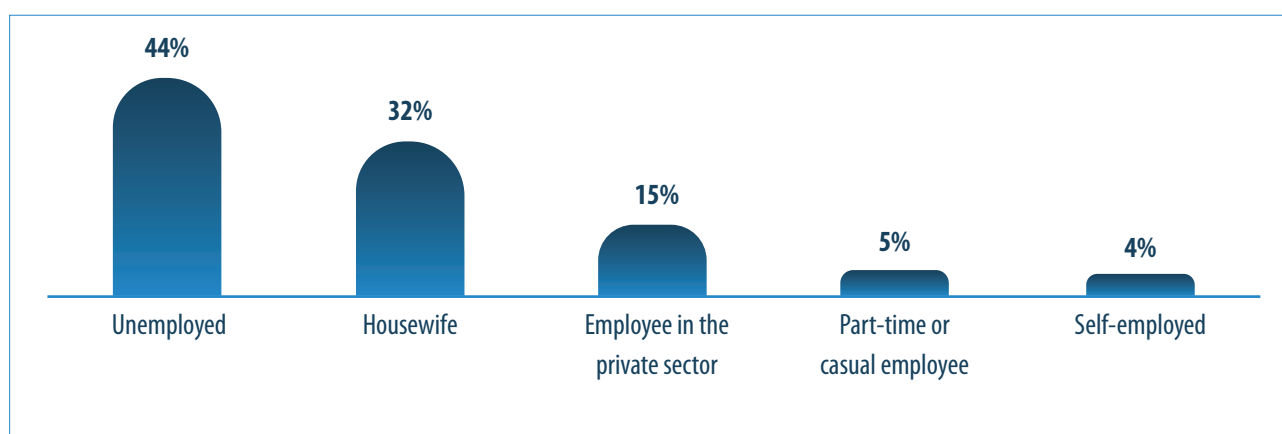


FIGURE 34. *Current employment status*

In terms of family composition, survey participants from the Roma, Ashkali and Egyptian communities reported an average of 6.59 members per family, indicating that these communities have relatively large families. This number is higher than the population average, where the 2024 Population Census shows that the average number of members in a household is 4.5.⁸⁰ This difference may reflect a cultural and social norm where families are closely knit and have a broader structure. Also, the large variation in the data, with families ranging from 2 to 30 members, suggests a wide range of family size, which may be related to various factors such as location, socioeconomic status, and cultural traditions.

TABLE 2. *How many members are there in your family?*

	Minimum	Maximum	Average	Standard deviation
How many members are there in your family?	2	30	6.59	2.784

1.6 Section on early marriage

The section on early marriage aims to measure the factors and conditions associated with the initiative, decision-making, and motives for early marriage, including the role of the family, the influence of society, and economic and cultural factors. The goal is to understand whether early marriages in the Roma, Ashkali and Egyptian communities were influenced by social and family pressures, and how much information and freedom of choice individuals had in this process.

The data show that the vast majority of adults surveyed were married at the age of 17 (56%), while a significant portion were married at the age of 16 (29%). The percentage of those who married earlier is lower, starting at 8% for age 15, 4% for age 14, 2% for age 13 and only 1% for age 12.

Those who married at the age of 16 or 17 were asked whether they had court permission to allow their marriage. The results show that the vast majority (82%) did not have such a permit, while only 18% stated that they had received it.

⁸⁰ <https://ask.rks-gov.net/Releases/Details/8226> accessed on 03 March 2025.

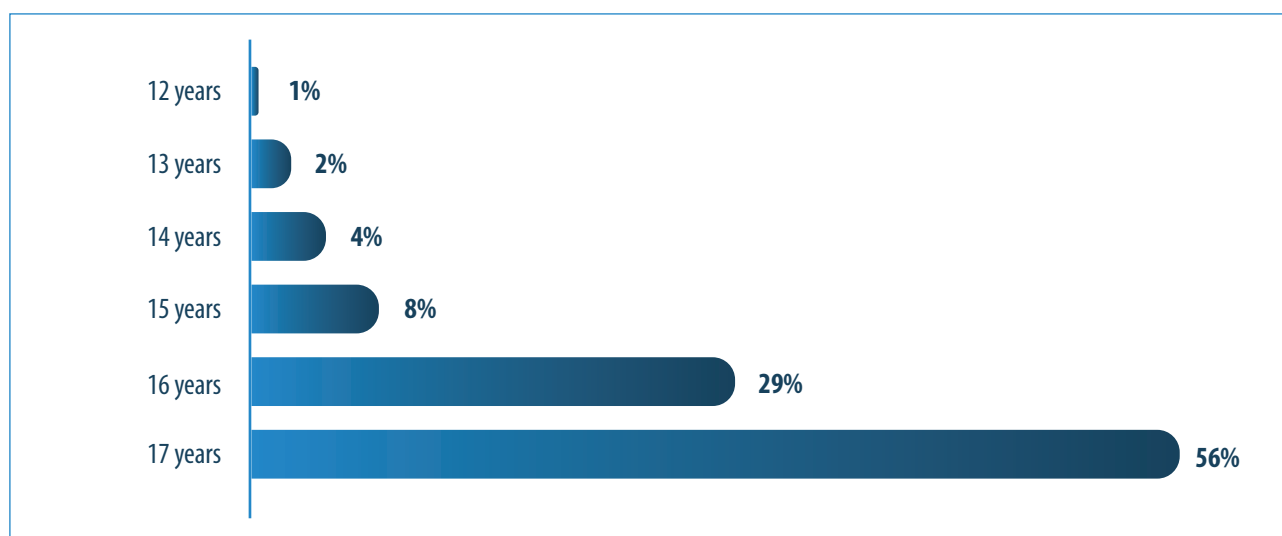


FIGURE 35. *At what age did you get married?*

Respondents were asked who initiated their early marriage, and the majority (66%) said they made this decision themselves. Meanwhile, for 20% of them, the initiator was the father, while in rarer cases, the initiative was taken by the spouse (6%), mother (3%) or the entire family (3%). Only 2% gave other answers. These results suggest that, although most respondents consider marriage to be a personal choice, the influence of the family, especially the father, remains present.

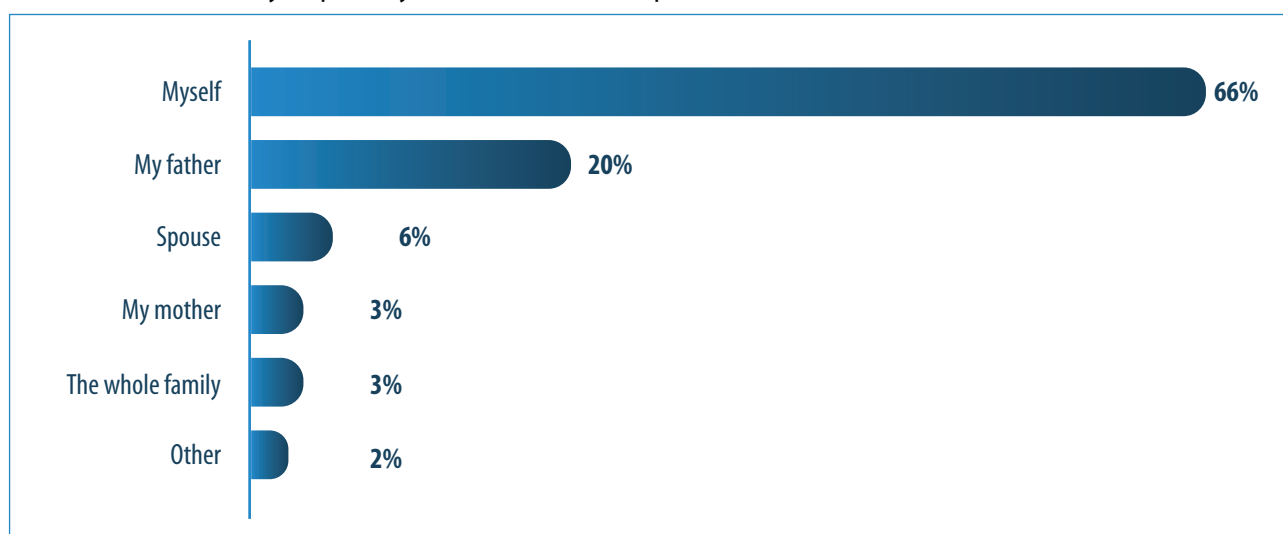


FIGURE 36. *Who initiated your early marriage?*

Additionally, respondents were asked who decided on their marriage. The results below show that 60% of them made this decision themselves, while in 30% of cases, the decision was made by the father. In rarer cases, the decision-maker was the mother (4%), the entire family (3%), or other relatives (2%). Only 1% gave other answers, such as brother and mother, or themselves together with their mother.

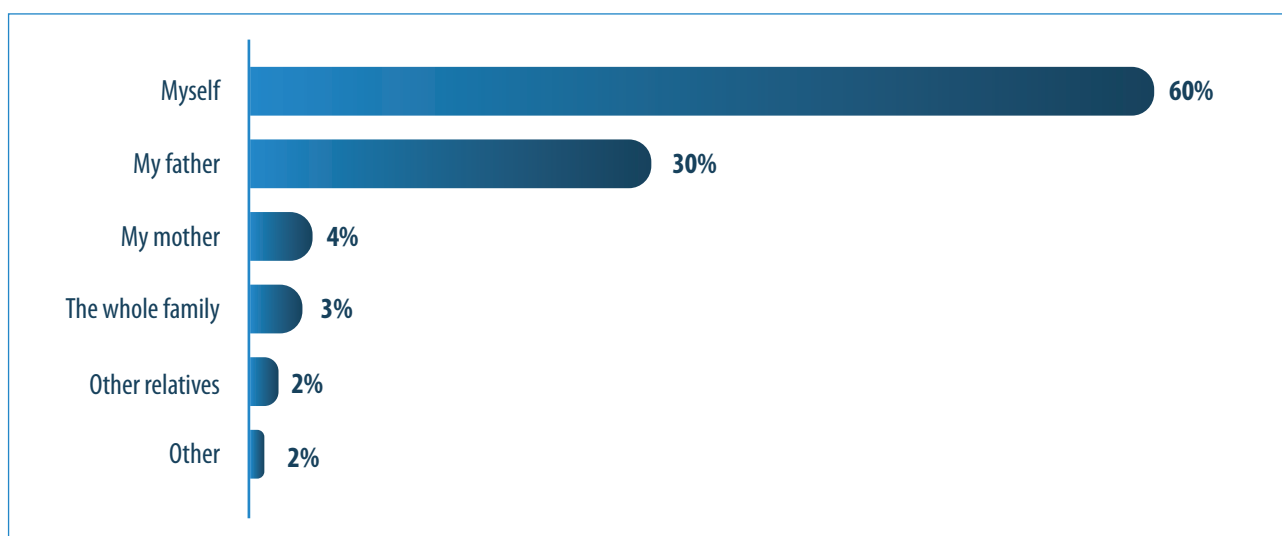


FIGURE 37. *Who decided on your marriage?*

Analysis of marriage decision-making shows important differences between men and women. Men in the vast majority of cases (88%) report that they made this decision themselves, while among women this percentage is significantly lower (47%), suggesting that women have less autonomy in making this decision.

For women, the decision to marry appears to be significantly influenced by the male figure in the family, as 40% report that it was the father who made this decision, compared to only 9% of men. Meanwhile, the mother's influence is smaller, with only 6% of women reporting that their mother made this decision. Family decision-making is more common among women (4%) than men, while the involvement of other relatives remains at low levels for both genders (2%).

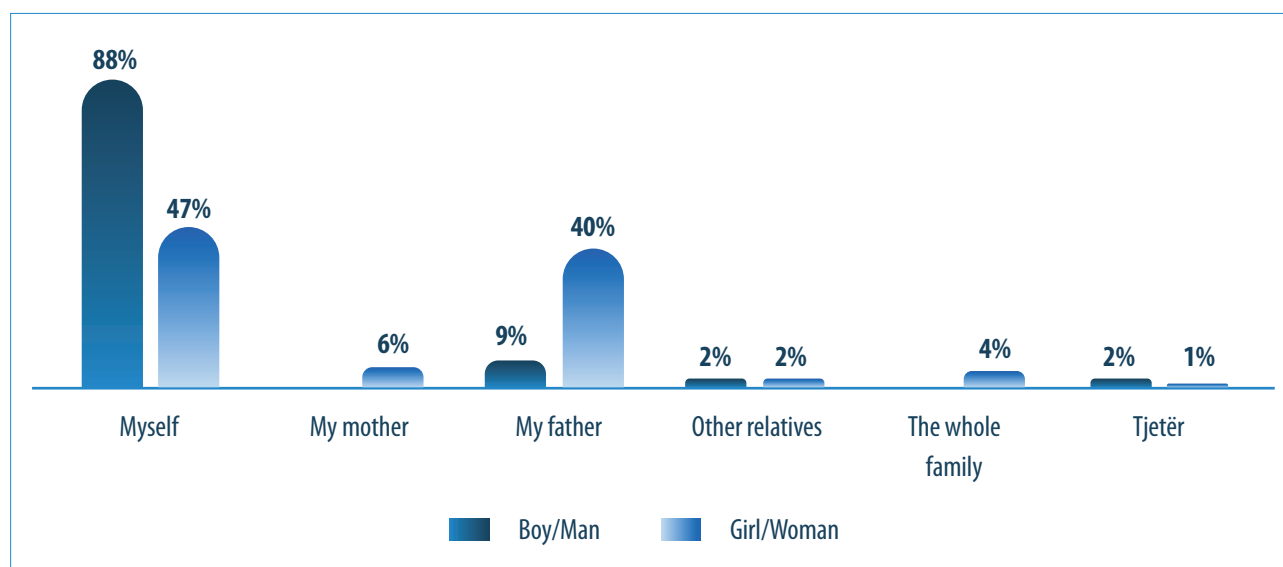


FIGURE 38. *Who decided on your marriage? * Division by Gender*

Asked whether they had received outside help or advice before their marriage, according to the results of the adult questionnaire, 59% of those interviewed had received such help, while 41% said they had not received any advice or support.

Those who answered yes were also asked who had provided this support and according to the data, 98% of respondents who received support had received it from family members, while only 2% had received it from friends.

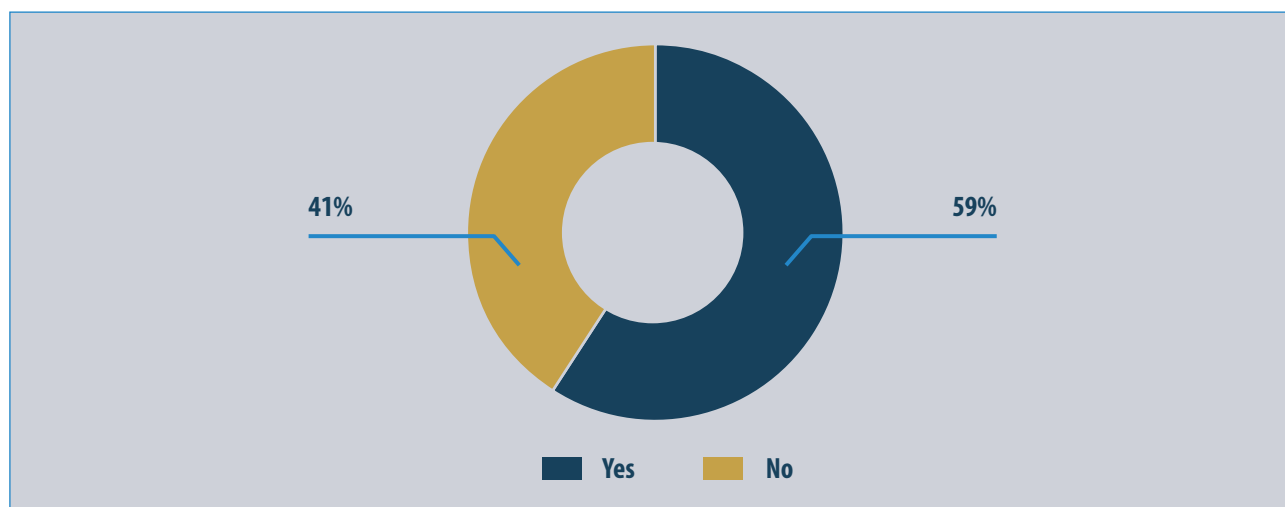


FIGURE 39. *Did you have any outside support or advice before your marriage?*

Regarding the level of information about marriage before getting married, 32% of respondents said they had sufficient information, while a majority of 68% said they had not received sufficient information before getting married. These results indicate that the majority of respondents feel that they entered marriage without having full information about what it entails, which may affect their expectations and preparation for married life.

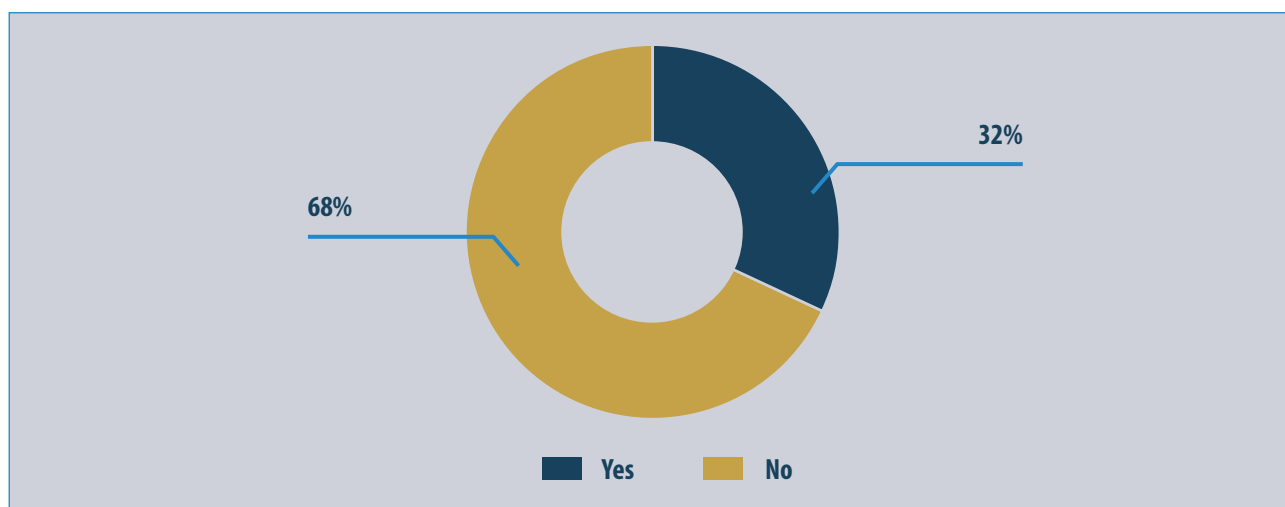


FIGURE 40. *Do you think you had enough information about marriage before you got married?*

Regarding the main motive for early marriage, respondents could choose more than one option. According to the results, 47% of them identified their personal choice as the main motive, while 45% linked marriage to customs. Beliefs and lack of education were cited as reasons by 23% and 18% of respondents, respectively. Pressure from family was identified by 15%, while peer influence and the desire for independence from family were mentioned by 11% and 10% of respondents. Gender roles and expectations were mentioned by 8%, while 7% explained marriage with fear of social prejudice. Pregnancy and other reasons were motives for 6% and 3% of respondents, respectively. While 2% linked marriage to the need for money or economic pressure.

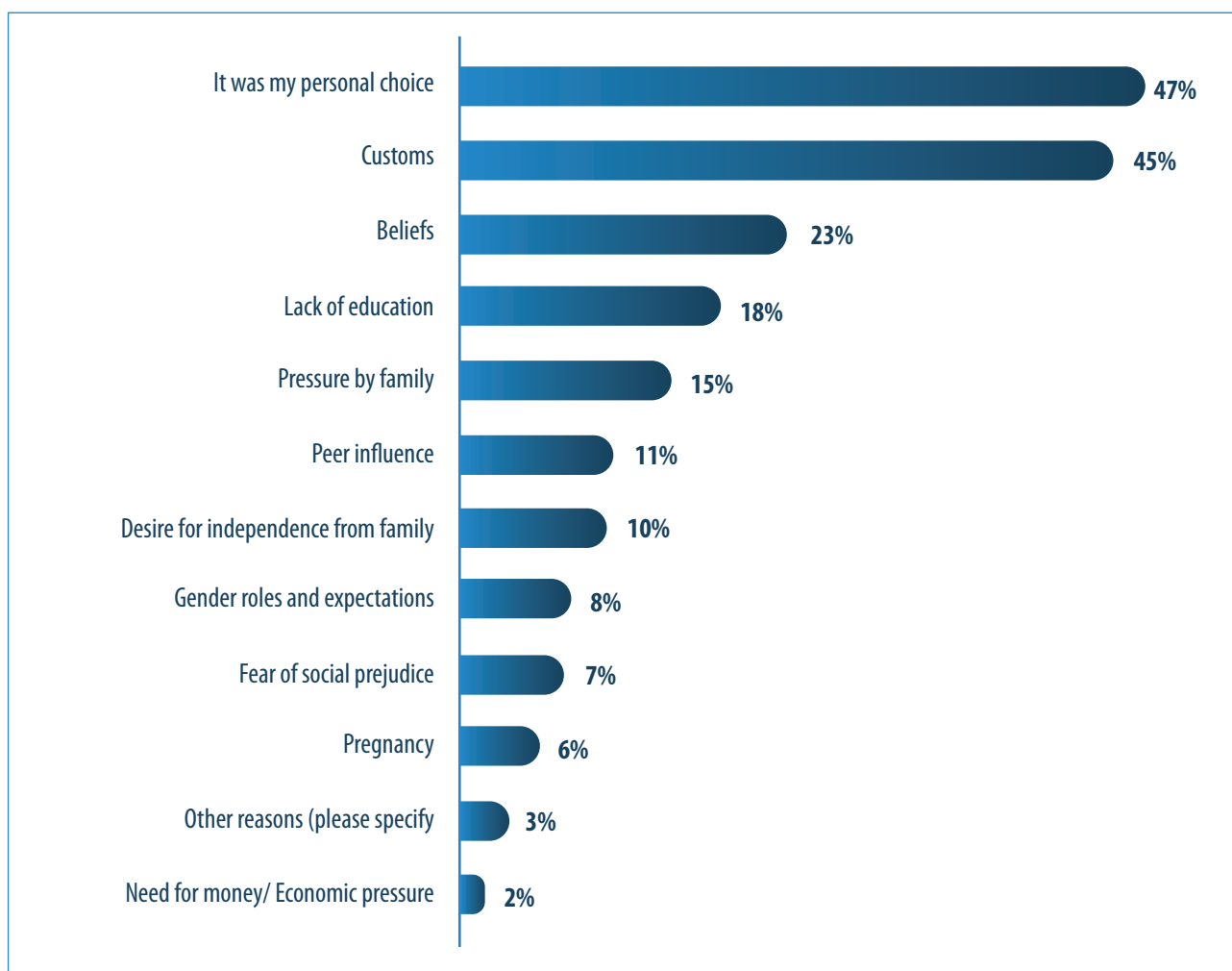


FIGURE 41. What was the main motive for your early marriage?

When the motives for early marriage are analyzed by age group, it is observed that personal choice is the most cited reason by young people aged 18-24 (66%), while this percentage drops significantly among older age groups (39% among 25-34 years old and 36% among 35-40 years old). This may suggest a greater tendency towards autonomy in decision-making among young people today in the Roma, Ashkali and Egyptian communities, compared to the past.

On the other hand, customs played a greater role among the 25-34 age group (53%), suggesting that traditional norms have had more influence on this generation. While lack of education was more frequently cited as a factor by older age groups (23% among 35-40 year olds), suggesting a strong link between lack of education and early marriages in the past. Family pressure also appears higher among the 25-34 age group (18%) than among young people (10%), but remains relatively constant in the older age group (16%).

Among the least mentioned factors are pregnancy and economic pressure, which remain at low levels across all age groups. Overall, these data indicate a change in perceptions and circumstances leading to early marriage, with a decrease in the influence of cultural factors and an increase in autonomy in decision-making among today's young people in the Roma, Ashkali and Egyptian communities with whom the survey was conducted.

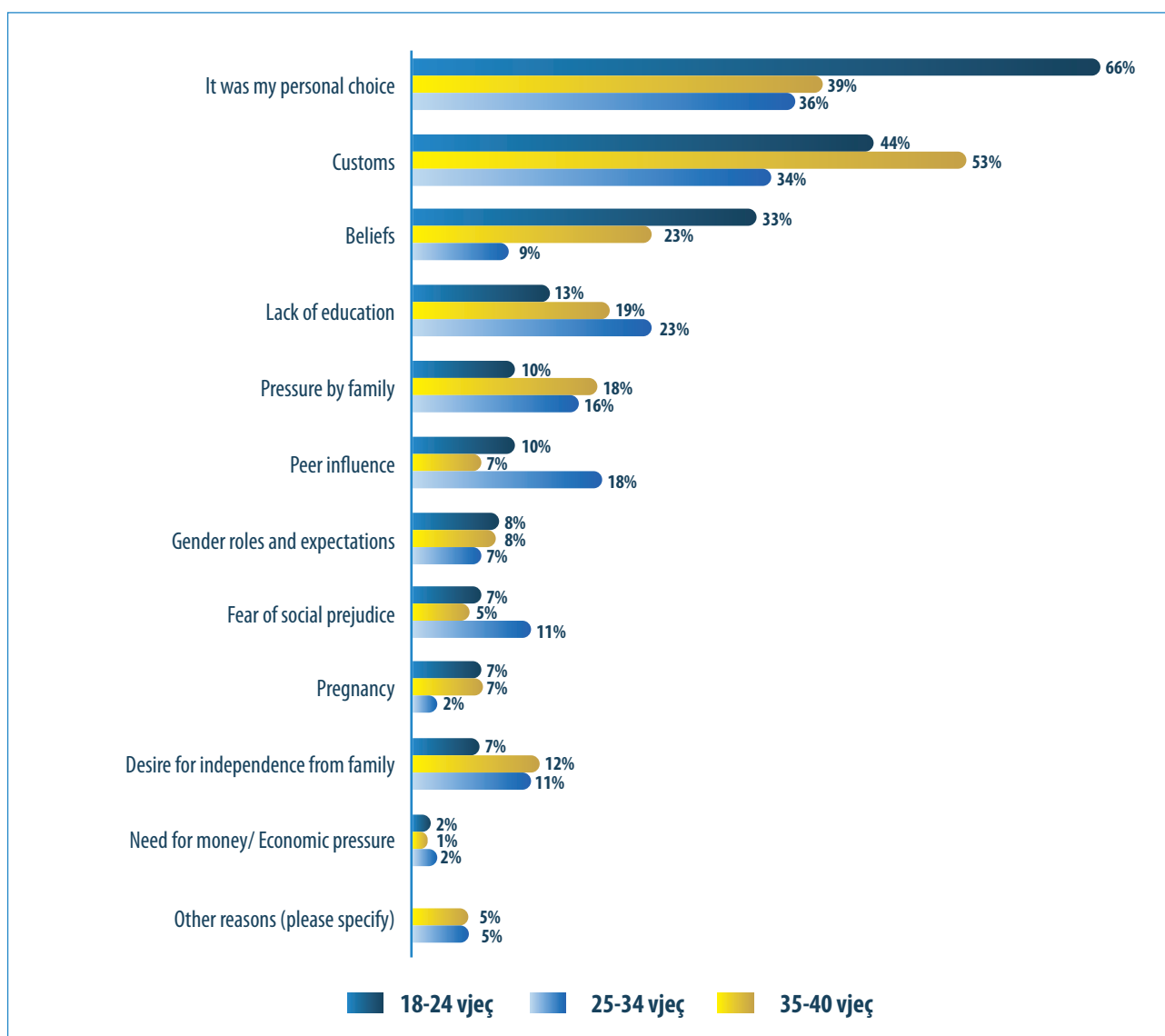


FIGURE 42. What was the main motive for your early marriage? * Division by age group

Regarding the nature of the marriage, 80% of respondents describe it as a marriage of their own free will (consensual). Meanwhile, 7% of respondents experienced marriage as forced or pressured, and 13% described mixed feelings, reporting that it was partly their choice and partly they were under pressure.

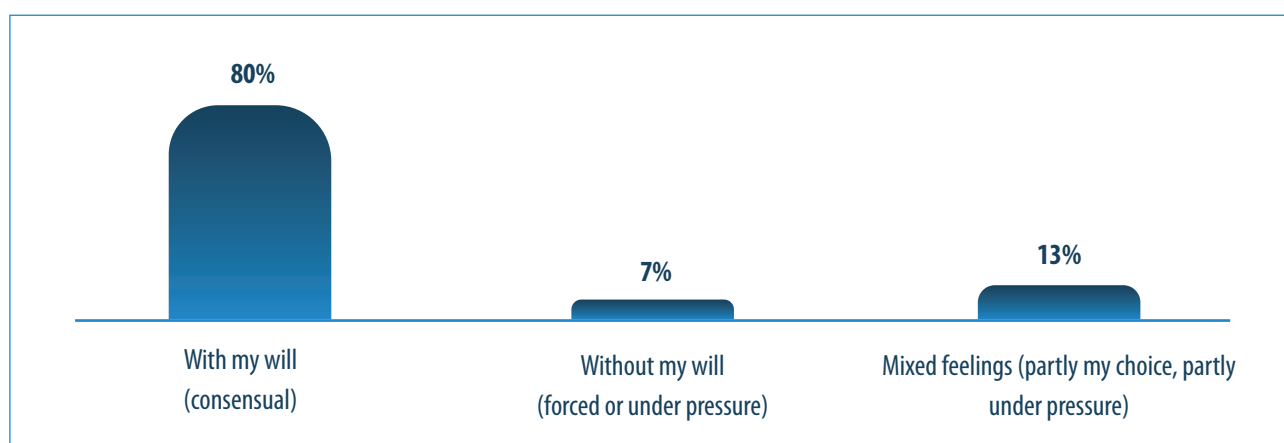


FIGURE 43. *Your marriage was:*

The differences between men and women are significant regarding the nature of their marriage. Men more often report that their marriage was consensual (91%), while this percentage is lower among women (74%). On the other hand, women are more likely to report that their marriage was forced or made under pressure (9% versus 3% of men) and to have mixed feelings about their choice (17% compared to 5% of men), suggesting that women more often face influences or pressure from family and circumstances when it comes to marriage.

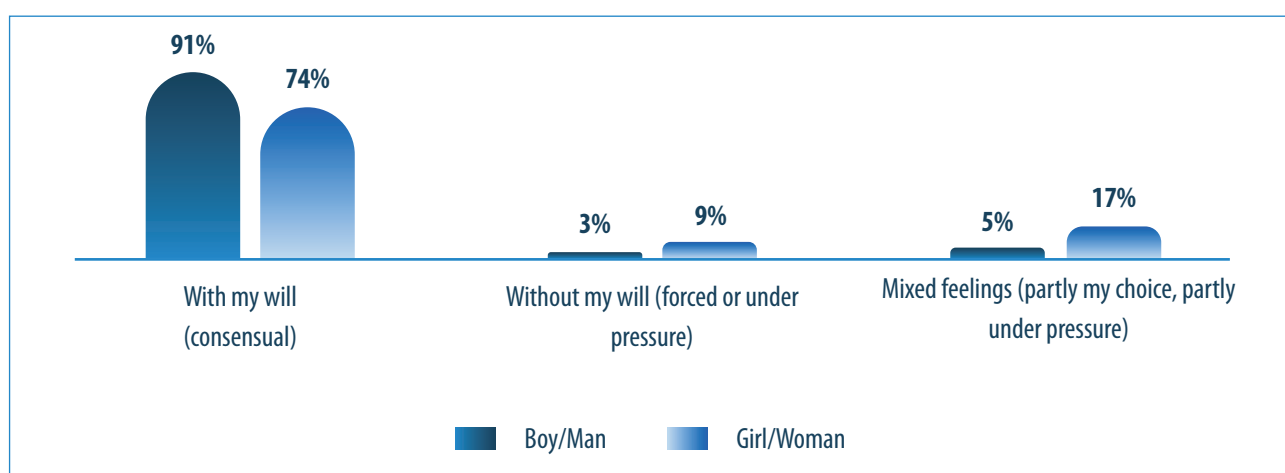


FIGURE 44. *Your marriage was: * Division by Gender*

Regarding the form of marriage, 85% of respondents reported that their marriage was informal, in a way of cohabitation, while only 15% described their marriage as formal, legal, and officially solemnized. This result suggests that in Roma, Ashkali and Egyptian communities, informal marriages, in terms of civil union, are a common norm, while formal marriages remain rarer. This trend may be related to factors such as community traditions, legal and administrative barriers to registering marriages at the time of their conclusion (such as the minimum age for marriage), as well as levels of information or access to state institutions. Furthermore, informal marriages can have significant implications for women and children, affecting their legal rights, including access to social protection, inheritance and custody. This highlights the need for awareness and support to ensure that all families have access to the rights and services that legal marriage offers.

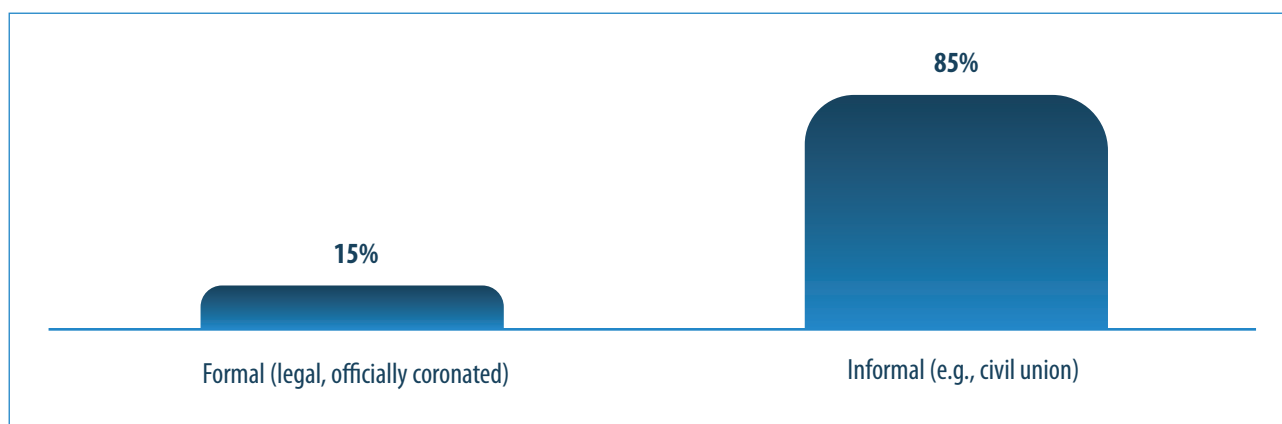


FIGURE 45. *Was this a formal or informal marriage?*

The majority of respondents (68%) say they did not have sufficient information about marriage before getting married, while 32% believe they had the necessary knowledge. These results suggest that a large proportion of young married people may have entered this life step without having enough guidance or support to fully understand the responsibilities and challenges that marriage brings.

When the results are analyzed by gender, it is observed that men report a higher level of information about marriage before getting married, with 47% saying they had sufficient information, compared to only 25% of women. On the other hand, 75% of women stated that they did not have sufficient knowledge about marriage, a significantly higher percentage than that of men (53%), suggesting a gender gap in access to or perception of necessary information before marriage. This highlights the need for more awareness and support for girls and young women.

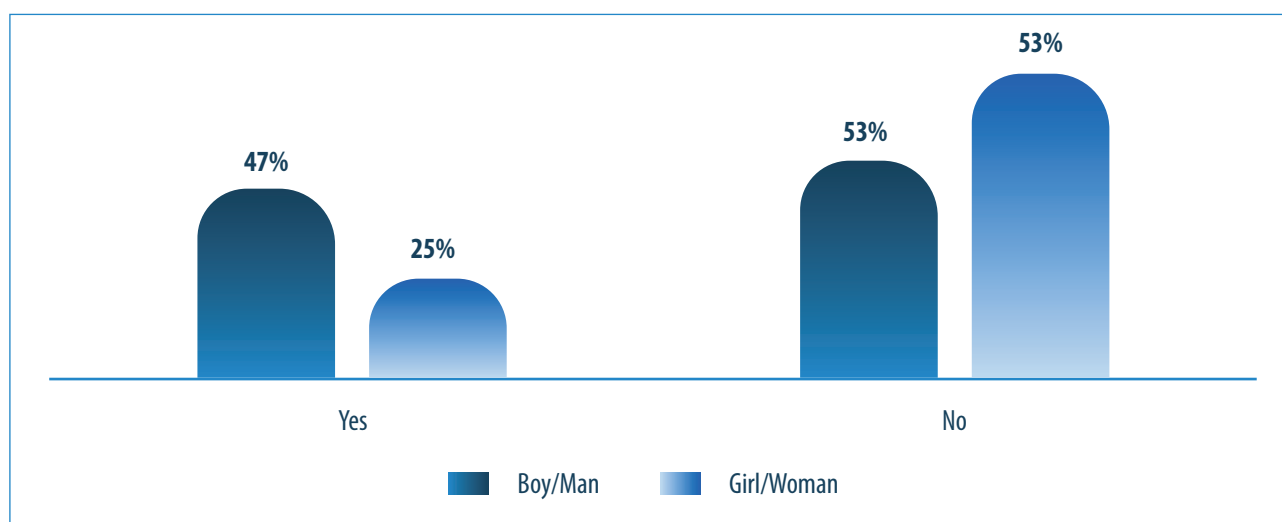


FIGURE 46. *Do you think you had enough information about marriage before you got married? * Division by Gender*

1.7 Education and schooling

The following section aims to measure the impact of marriage on the education and schooling of surveyed individuals in the Roma, Ashkali, and Egyptian communities. This section examines whether individuals were enrolled in school when they married, whether marriage caused the interruption of education, and what the decision was for this interruption. The section also seeks to understand whether marriage influences the decision to continue education and whether society exerts pressure on young girls to marry, preventing them from continuing their education.

At the time of marriage, 11% of respondents or 19 individuals report that they were enrolled in school, while a majority of 89% were not enrolled in school at that time.

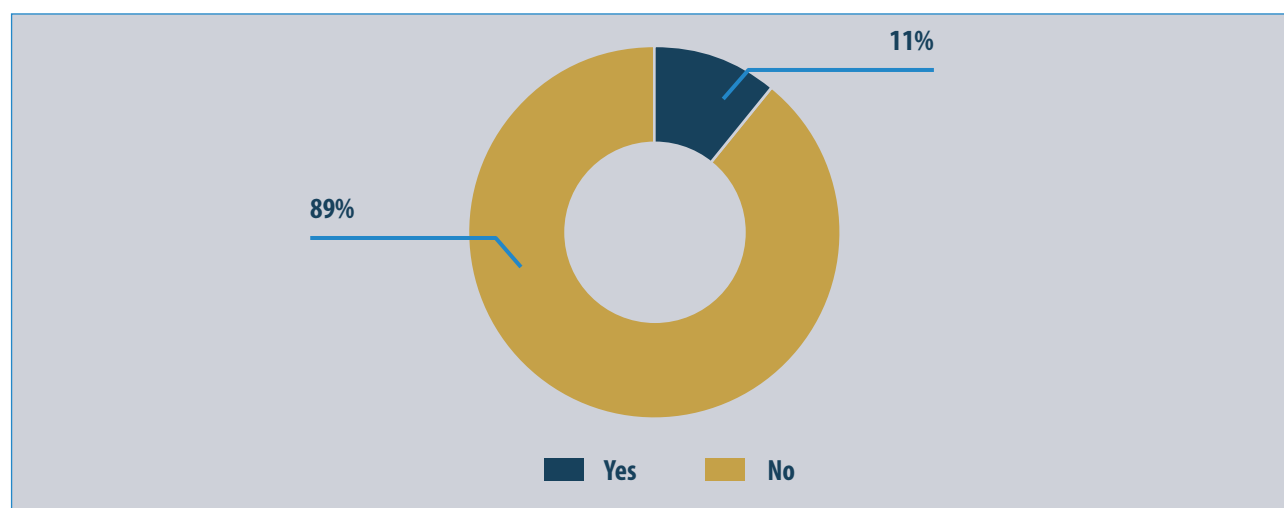


FIGURE 47. Were you enrolled in school when you got married?

Those who were enrolled in school when they married (19 individuals in total) were asked whether their education had been interrupted as a result of marriage. According to the results, 12 people or 63% of them answered yes, indicating that marriage had interrupted their education, while 7 people or 37% stated that their education had not been affected by marriage.

All women who reported being enrolled in school at the time of marriage (11 girls/women) stated that their education was interrupted as a result of marriage. On the other hand, only 1 in 8 men enrolled in school when they married stated that his education was interrupted after marriage. (See Figure 48)

Furthermore, those who reported having discontinued education as a result of marriage were asked about the level of education at which the interruptions occurred. According to the results, 75% of them (9 individuals) had been in lower secondary education (grades 6-9), while 25% (3 individuals) were in upper secondary education (grades 10-12) when they discontinued their education.

Finally, those who reported having discontinued schooling were asked who had decided to discontinue. According to the results, 75% of respondents (9 individuals) had decided to discontinue their education on their own, while 25% (3 individuals) reported that the decision was made by their spouse.

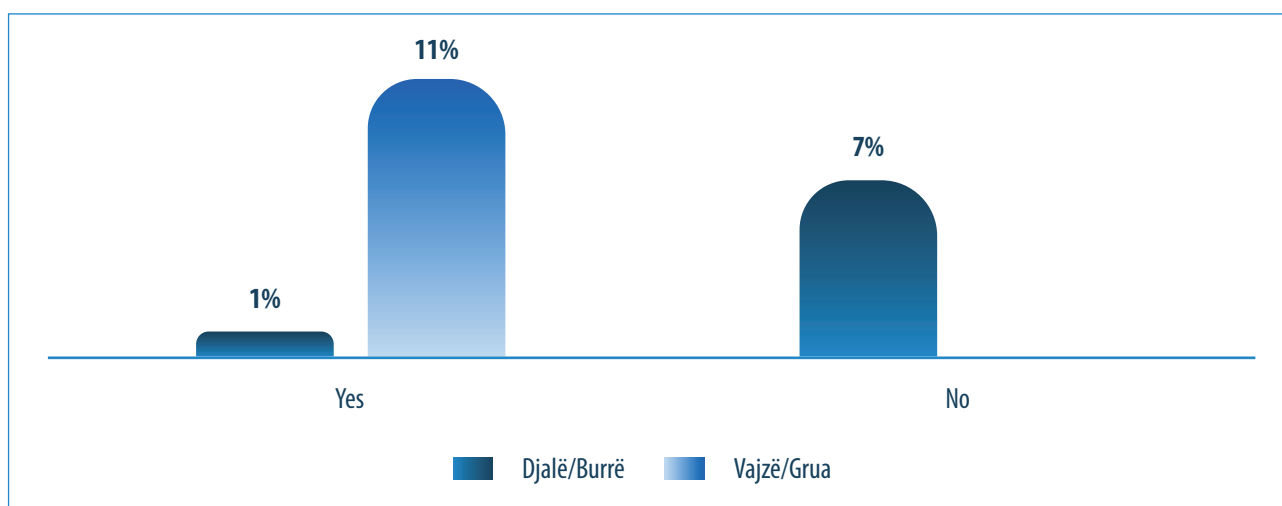


FIGURE 48. *Was your education interrupted as a result of marriage? * Division by Gender (n=19)*

When respondents were asked whether marriage generally influences the decision to continue education, 57% of respondents answered yes, believing that marriage has an influence on this decision, while 43% stated that marriage does not influence the decision to continue education.

Furthermore, 51% of respondents believe that society puts pressure on young girls to marry at a young age, even when they want to continue their education, while 49% do not think this and do not see such pressure.

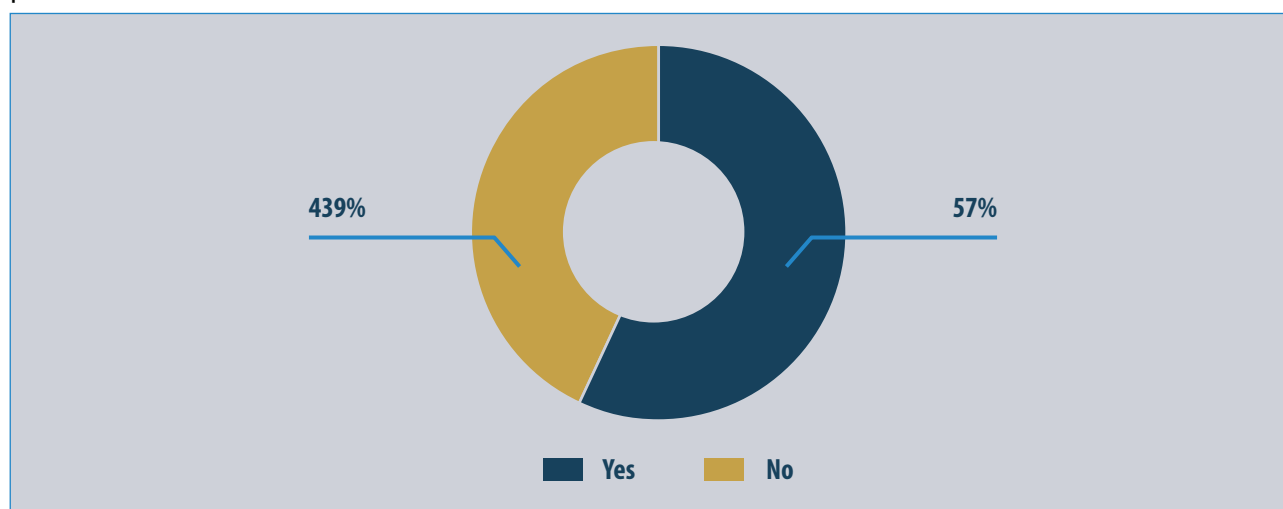


FIGURE 49. *Do you think marriage influences the decision to continue education?*

Overall, only 2% of respondents continued their education after marriage, while a large majority of 98% did not continue it after marriage. This result suggests that a large majority of individuals in the communities with which the questionnaire was conducted did not have the opportunity or did not choose to continue their education after marriage. This may reflect a strong influence of social and cultural factors, such as traditional expectations about a woman's role after marriage, lack of support for further education, or other challenges such as the burden of family chores.

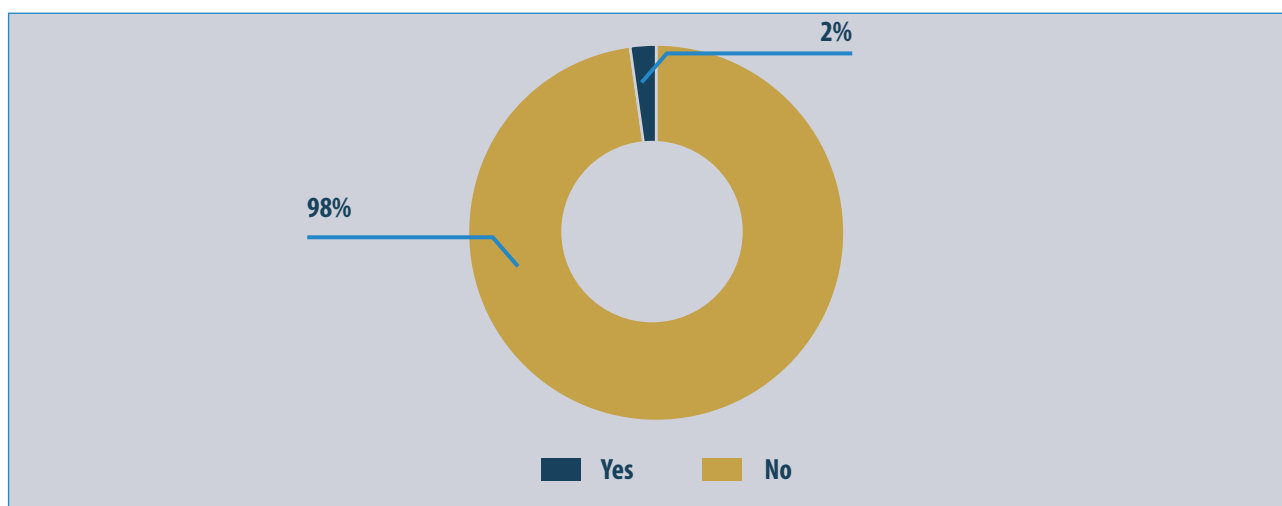


FIGURE 50. *Did you continue your education after marriage?*

1.8 The impact of early marriage on well-being and employment

The following section aims to measure the impact of early marriage on the well-being and employment of individuals. It examines how early marriage has affected the psychological, physical, and social aspects of individuals' lives. The rest of the module focuses on experiences of violence during marriage, identifying the source and type of violence experienced.

From the respondents' perspective, the results show that early marriage had different impacts on psychological, physical, and social well-being. The majority, namely 42% for psychological well-being, 43% for physical well-being, and 47% for social life, stated that marriage had no noticeable impact, suggesting that for them early marriage had not significantly changed their quality of life. However, a significant percentage perceived positive impacts, particularly in the psychological (37%), physical (38%) and social (34%) aspects, while a smaller proportion felt negative impacts, namely 20% for psychological well-being and social life, and 19% for physical well-being.

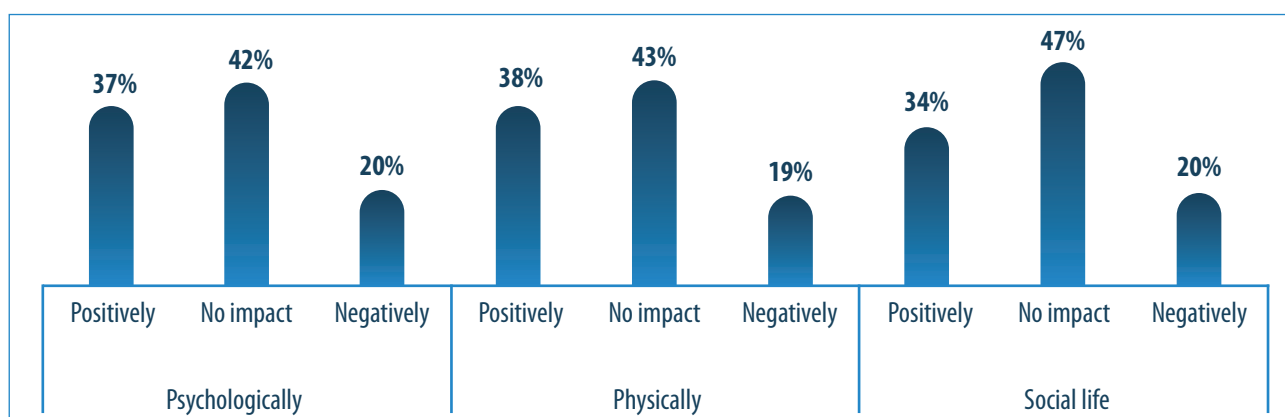


FIGURE 51. *How has early marriage affected your well-being?*

Respondents were asked if they had children, and the vast majority (92%) answered yes. Respondents who have children were also asked about the number of their children. The results presented in Figure 58 show that 28% have three children, while 22% have two or four children. A smaller percentage has one child (13%), five children (7%) or six children (6%). Cases where respondents have seven or eight children

are very rare, at 1% each. These data from the adult survey suggest that the majority of respondents in the Roma, Ashkali and Egyptian communities have between two and four children.

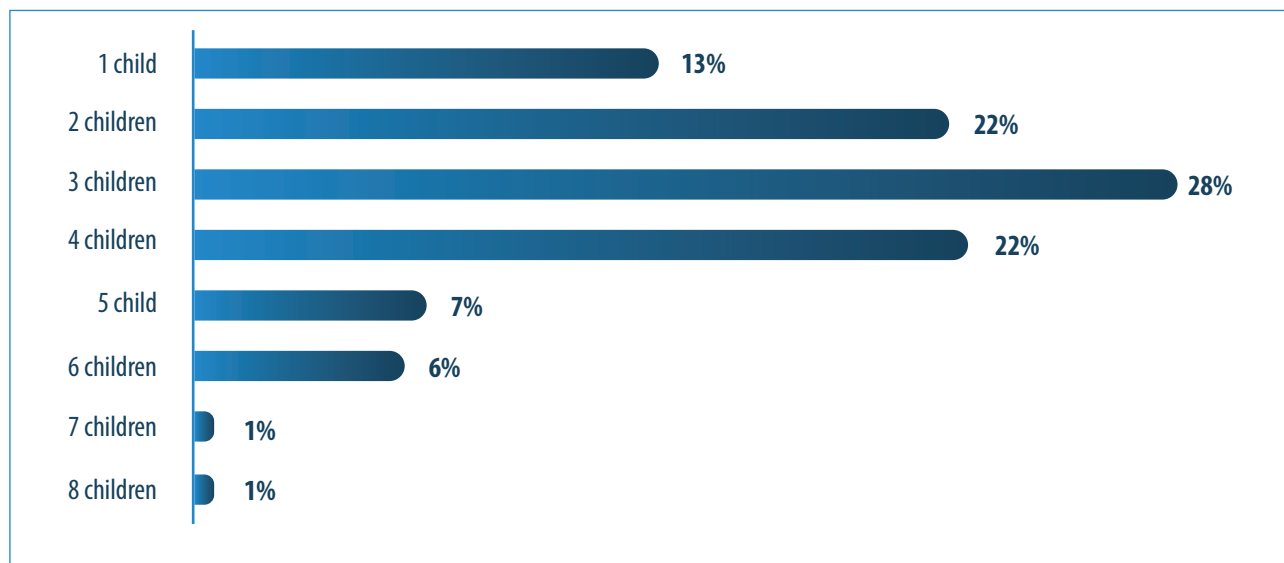


FIGURE 52. *How many children do you have?*

Furthermore, those who declared having children were asked at what age they became parents for the first time. The results show that the majority had their first child at the age of 18 (39%) or 19 (23%). A significant, but smaller proportion became parents at the age of 17 (14%) and 16 (7%). Cases where parenthood occurred at the ages of 14 and 22 are rarer (2% each), while a very small percentage reported becoming a parent at the ages of 23 or 29 (1% each).

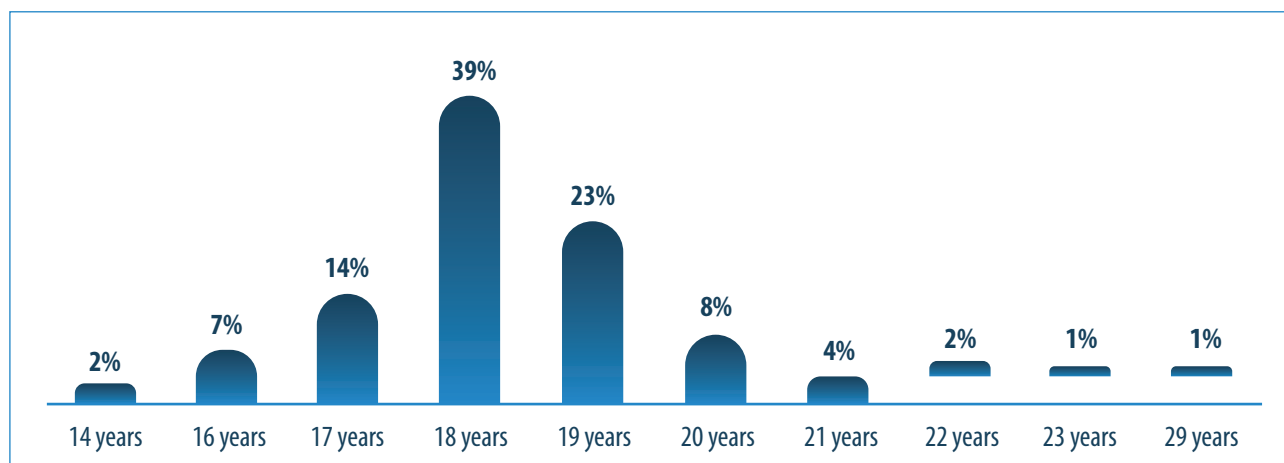


FIGURE 53. *At what age did you become a parent for the first time?*

More than half of respondents (56%) reported that their economic status remained the same after marriage. Meanwhile, for 23% the economic situation improved, while 21% experienced a deterioration. This suggests that for the majority of respondents from the Roma, Ashkali and Egyptian communities, marriage has not significantly impacted their economic status, while for a significant portion, particularly 21%, it has brought additional financial challenges.

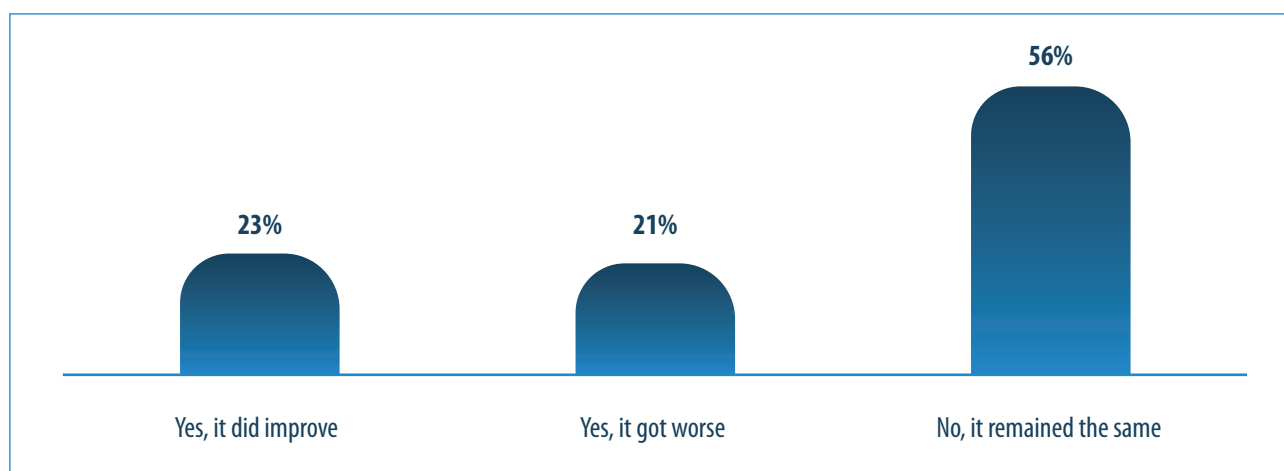


FIGURE 54. *Did your economic status change after marriage?*

Furthermore, for the majority of respondents (68%), their economic responsibility did not undergo major changes after marriage. However, for some, marriage brought new financial challenges with 22% forced to start working to support the family, while 10% dropping out of school to engage in work.

When this data is analyzed by gender, a clear difference is observed in the impact of marriage on economic responsibilities. While 47% of men report having to start working to support their family, only 10% of women have experienced this change. Likewise, 16% of men and 7% of women state that they had to leave school to work. On the other hand, the vast majority of women (83%) say that their economic responsibilities did not change after marriage, compared to 38% of men.

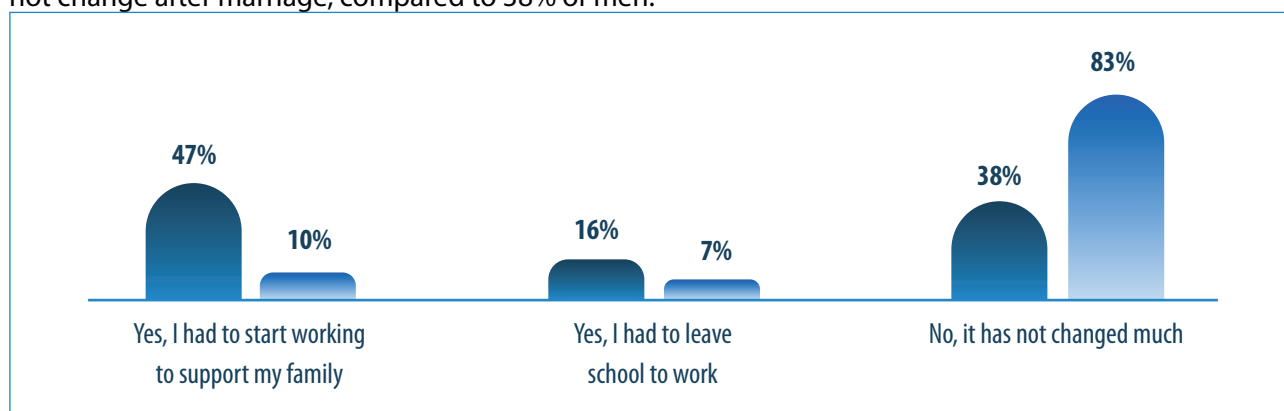


FIGURE 55. *Did your economic responsibilities change after marriage? * Division by Gender*

The inclusion of questions about domestic violence in the questionnaire was crucial in highlighting the serious issue of violence in marriages. This research aims to draw attention to the prevalence and severity of this problem, contributing to the creation of future policies and actions aimed at protecting at-risk individuals in these communities. According to the survey results, 11% of respondents reported experiencing some form of violence during their marriage.

Of those who reported experiencing violence during marriage, 7 individuals (35%) stated that the source of the violence was the spouse, while 12 individuals (60%) reported that the violence came from the spouse's family. Only 1 individual (5%) mentioned other sources of violence, and in this case it was the spouse himself or the spouse's family who exercised violence against the respondent.

Finally, of those who reported experiencing violence during marriage, 9 individuals (45%) reported experiencing physical violence, 10 individuals (50%) experienced psychological violence, and 1 individual (5%) experienced economic violence.

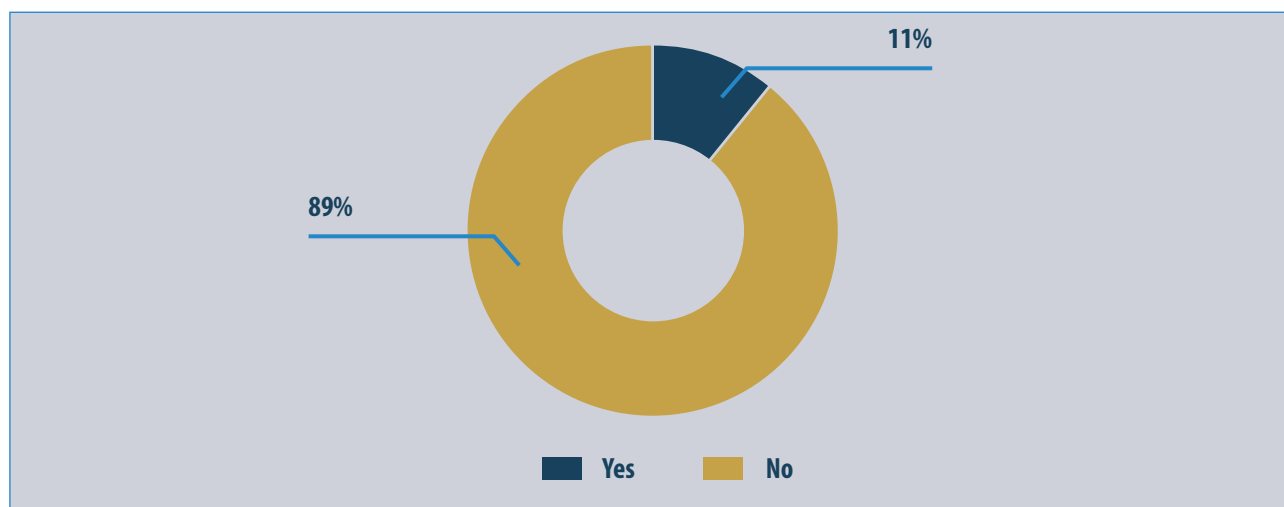


FIGURE 56. *Have you experienced any form of violence during your marriage?*

1.9 Community perceptions and norms

This section aims to measure perceptions and social norms related to early marriage in the community. It examines whether early marriage is common and what are the social norms and practices that support this phenomenon. It also focuses on individuals' opinions on issues such as marital violence, knowledge of the law prohibiting early marriage, and whether families are aware of the potential negative consequences.

Asked if early marriage is common in their community, 74% of respondents answered yes, while 26% consider it undesirable.

When respondents were asked about social norms that support early marriage in the community, 66% of respondents emphasized the belief that girls are safer in marriage. Also, 41% linked early marriage to pressure to maintain family honor, while 35% cited religious or cultural expectations as a supporting factor. Furthermore, 28% consider community pressure as an element influencing early marriages, while 14% have linked this to bridal price practices, or gifts brought by the husband's family.

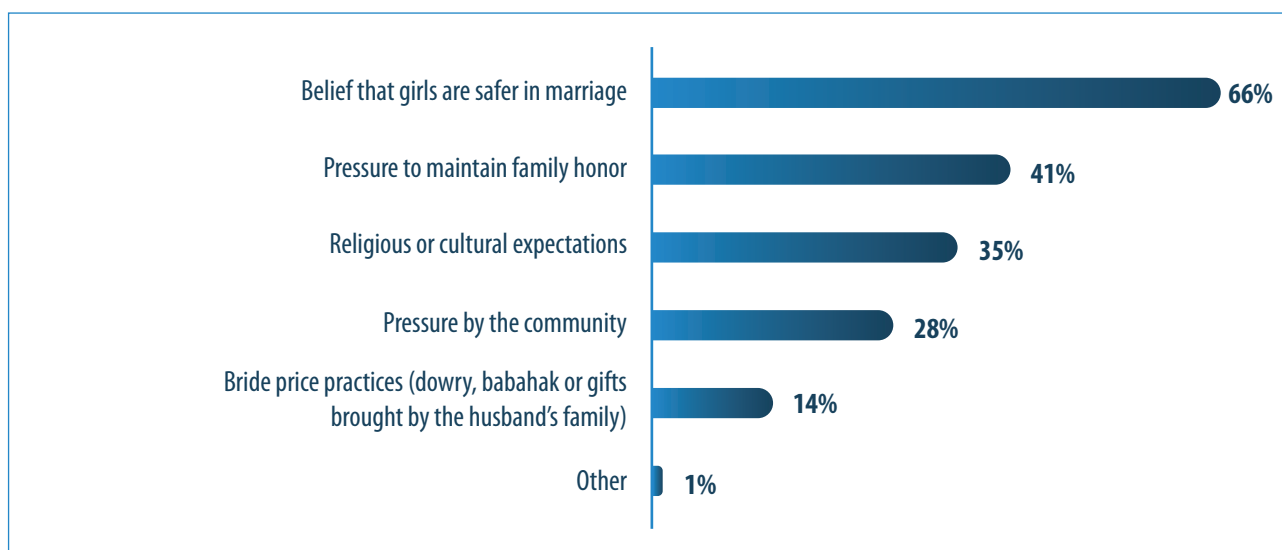


FIGURE 57. *What are the social norms that support early marriage in your community?*

When the results are analyzed by gender, the data show that social norms supporting early marriage are deeply rooted in the belief that girls are safer in marriage, a perception shared almost equally by men (67%) and women (65%). Religious or cultural expectations play a greater role for men (45%) than for women (31%), while pressure to maintain family honor is an almost equal factor for both genders (40% of men and 42% of women).

Meanwhile, economic practices such as bride price or wedding gifts have less impact on supporting early marriages, but are still reported more often by men (19%) than by women (12%). A clear difference is noted in community pressure, which is mentioned by 34% of women, compared to only 16% of men, suggesting that women feel more affected by collective community norms.

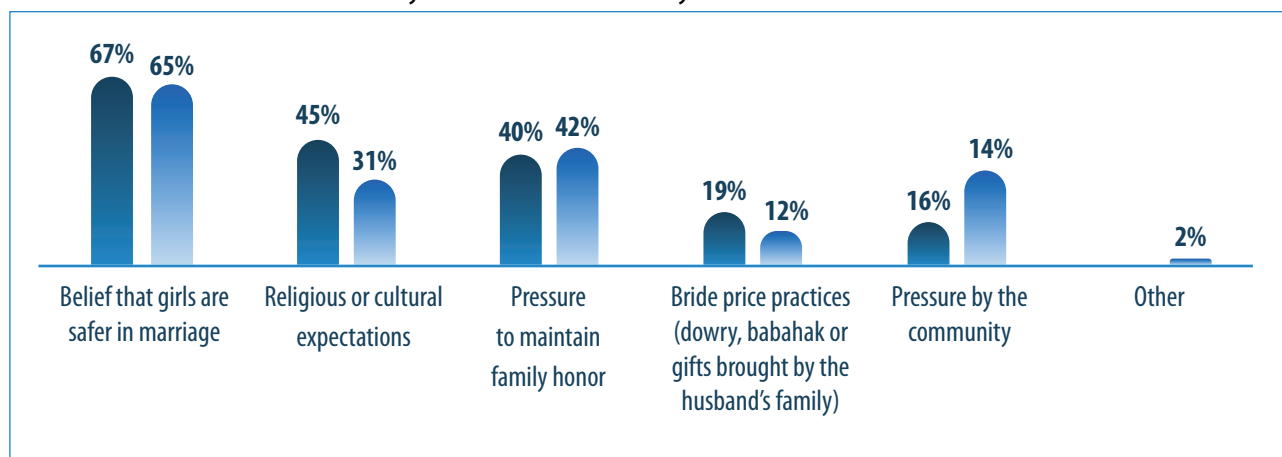


FIGURE 58. *What are the social norms that support early marriage in your community? * Division by Gender*

In the analysis by residence, it results that some social norms that support early marriage are more pronounced in rural areas than in urban ones. The belief that girls are safer in marriage is more prevalent in rural areas (71%) compared to urban areas (62%), reflecting a more traditional approach to the role of marriage as a protective mechanism for girls.

The pressure to maintain family honor is also higher in rural communities (55%) than in urban ones (30%), indicating that social norms regarding girls' behavior and reputation remain stronger in these areas. In contrast, religious or cultural expectations are more often reported as a supporting factor for early marriage in urban areas (42%) than in rural areas (27%).

Community pressure is the same in both areas (28%), indicating that this factor remains a consistent element in the normalization of early marriages. Meanwhile, the impact of bride price practices is relatively low in both urban (13%) and rural areas (15%).

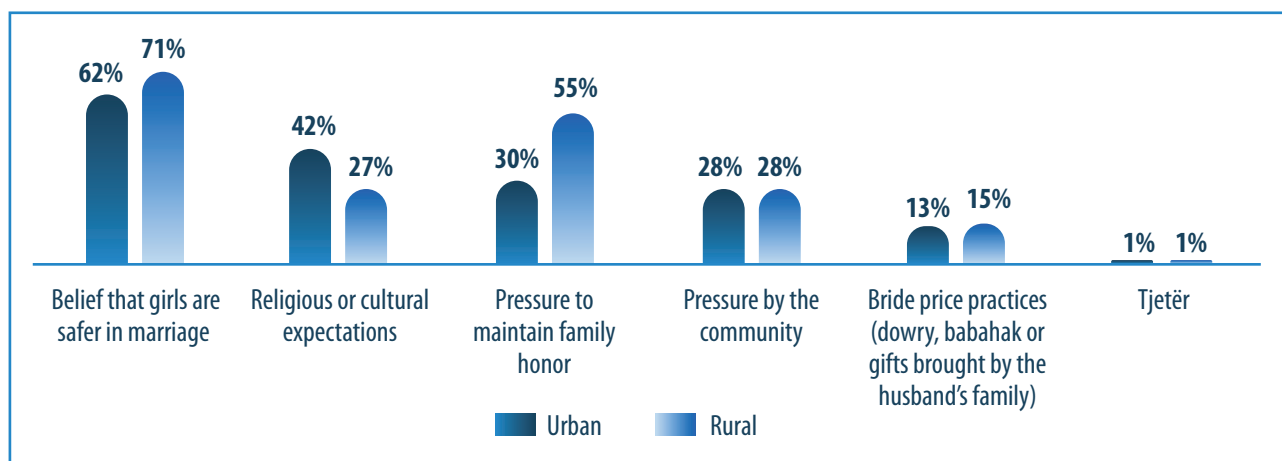


FIGURE 59. What are the social norms that support early marriage in your community? * Division by settlement

Responses to the question “Do you think it is right for a man to beat his wife in these cases?” indicate a dominant perception that violence against women is not justifiable within the Roma, Ashkali and Egyptian community. In all situations presented, the majority of respondents, including 89% for the case when the wife leaves without permission, 91% for not taking care of the children, 88% for refusing sexual intercourse, and 88% for burning food, responded that they do not think it is right for a man to beat his wife. Also, 90% of those interviewed do not see violence as justified when a woman argues with her husband. Despite these responses, a small percentage of respondents considered it right for a man to use violence in these cases (11% for “when she goes out without permission”, 9% for “when she doesn’t take care of the children”, 8% for “when she refuses sexual intercourse” and 8% for “when she burns food”). These results, despite the majority’s opinions that do not justify violence, may still reflect the existence of some patriarchal norms that influence the attitudes of some individuals within these communities.

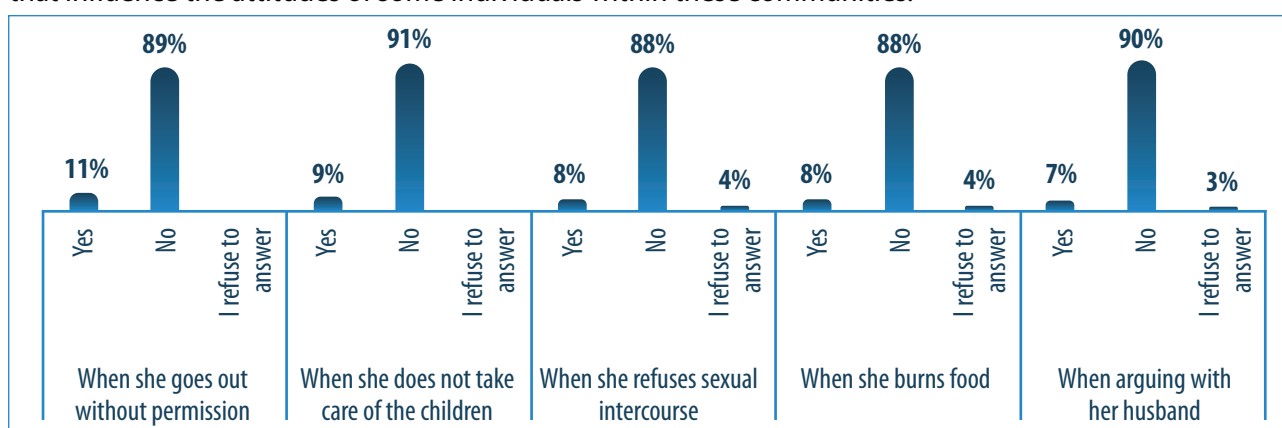


FIGURE 60. Do you think it is right for a man to beat his wife in these cases?

The question of whether the normalization of early marriage has long-term consequences for future generations has received answers that suggest recognition of the potential long-term impact of this phenomenon. In total, 61% of those interviewed believe that early marriage has long-term negative consequences for future generations, while 33% believe that it has no such impact. A smaller percentage (6%) are not sure about this issue.

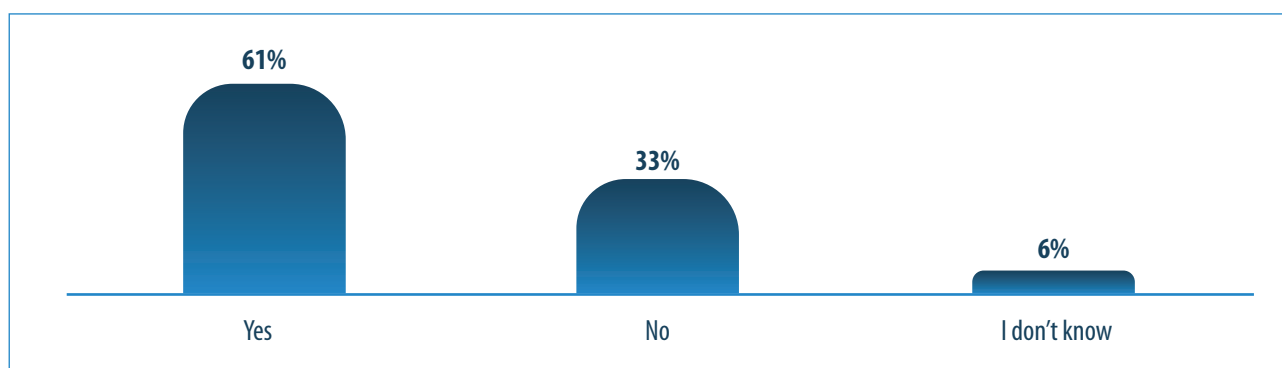


FIGURE 61. *Do you believe that the normalization of early marriage in your community has long-term consequences for future generations?*

A majority of 58% of respondents believe that families that practice early marriage are aware of its potential negative consequences. Meanwhile, 35% of responses suggest that they are not aware, while 7% of respondents do not have a clear opinion regarding this issue.

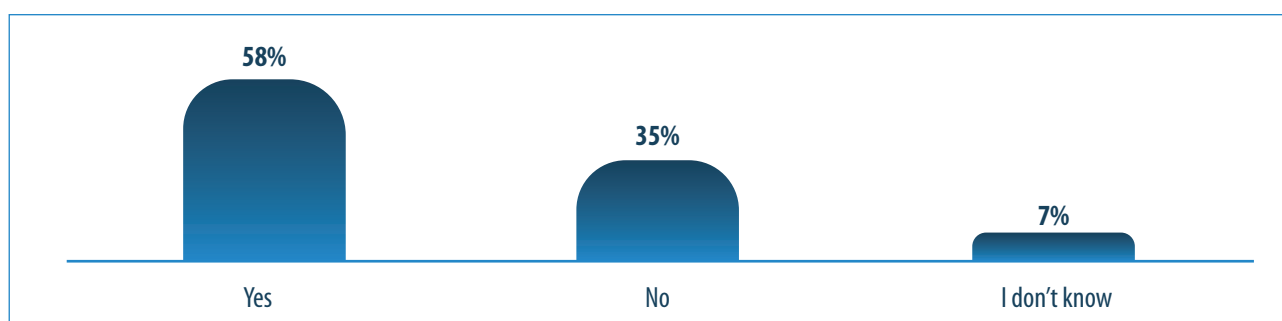


FIGURE 62. *Do you believe that families that practice early marriage are aware of its potential negative consequences?*

Regarding knowledge about the legal age for marriage in Kosovo, 54% of respondents reported that they are aware of this legal restriction, while 46% stated that they do not know or are not aware of such information. This result indicates a varying level of information within the community, highlighting the need for more awareness on the legislation regulating marriages.

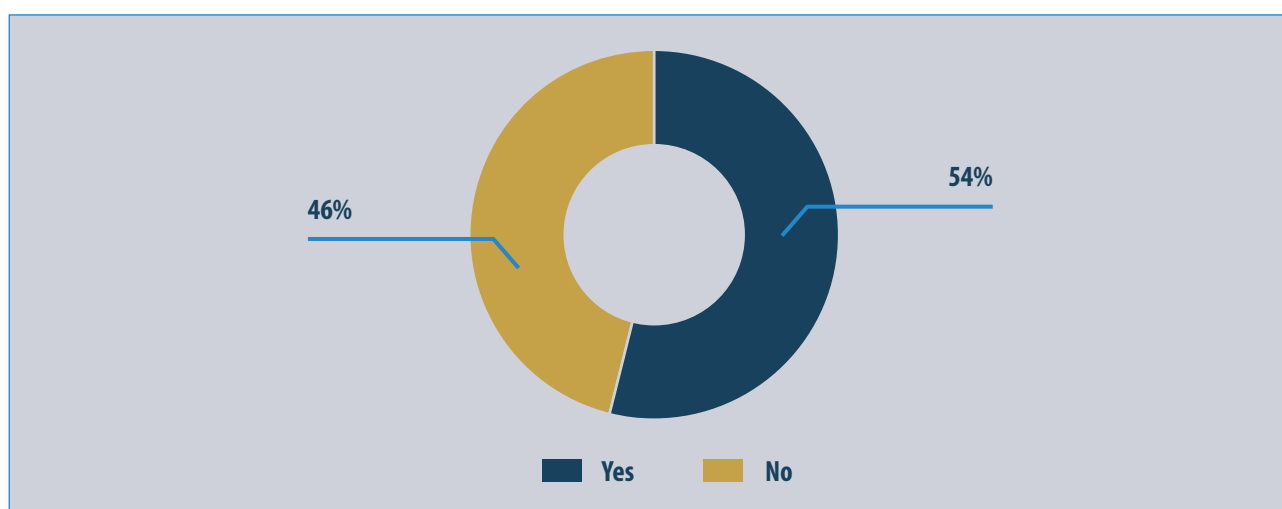


FIGURE 63. *Are you aware of the legal age for entering marriage in Kosovo?*

The responses given by those who stated that they are informed about the legal age for marriage in Kosovo show a dominance of the correct answer, which is 18 years old, which is given by 83% of individuals. However, there were also some individuals who gave the wrong age, including 1% for ages 15, 16, 19, 21, and 27, 2% for ages 17 and 22, and 7% for age 20. This result reflects individuals' general knowledge about marriage law, but also indicates that there are still uncertainties and misunderstandings about the minimum age allowed, which may be influenced by local norms and practices or misinformation. According to the Family Law of Kosovo (Law No. 2004/32), the minimum age allowed for marriage is 18 years old, except for some exceptions with the approval of the competent courts. This shows that although most individuals are aware of the appropriate age, there are still some misconceptions that may be related to a lack of accurate information or cultural and social influences.

When respondents were asked to write the legal age for marriage in Kosovo, the results broken down by educational level show a clear link between education and knowledge on this legal issue. The percentage of those who gave the correct answer (18 years old) increases significantly with educational level, from 74% among those without formal education to 93% among those with lower secondary education, reaching 100% among those with upper secondary or vocational education.

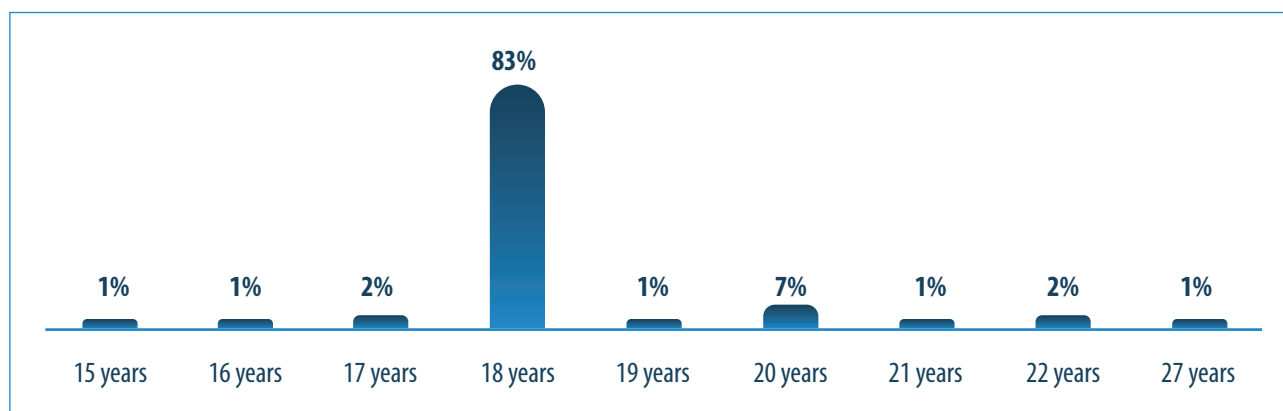


FIGURE 64. Enter the legal age for marriage in Kosovo

According to the data, the majority of respondents were informed about the legal age for marriage by their family (79%), while a significant number received information from society and friends (43%). Subsequently, 26% say they were informed through school and 13% from the media, including TV, radio and social platforms. The smallest share, 6%, received information from non-governmental organizations, while only 1% mentioned other sources. These results suggest that family and social networks are the main sources of information about marriage, while the media and non-governmental organizations play a smaller role in informing individuals on this issue.

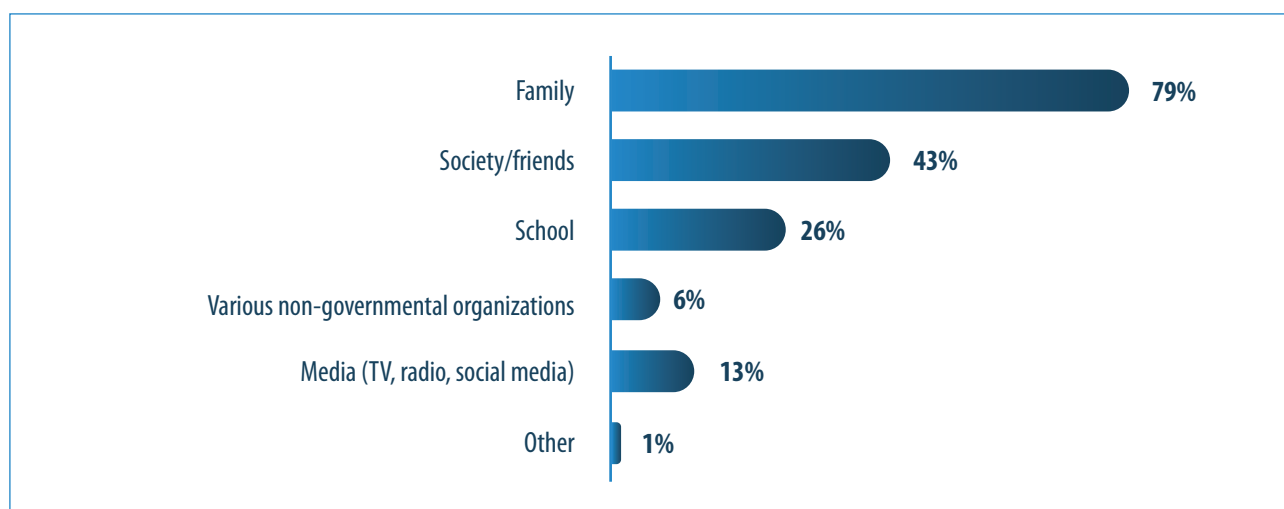


FIGURE 65. *Who informed you about the legal age for marriage?*

More than two-thirds of respondents (70%) were not informed that marriage under the age of 18 is illegal and can be punished, both for parents and adults who marry minors without court permission. While 30% of respondents said they were aware of this, this indicates a great need to increase awareness and information about this issue, to prevent early marriages and ensure respect for children's rights.

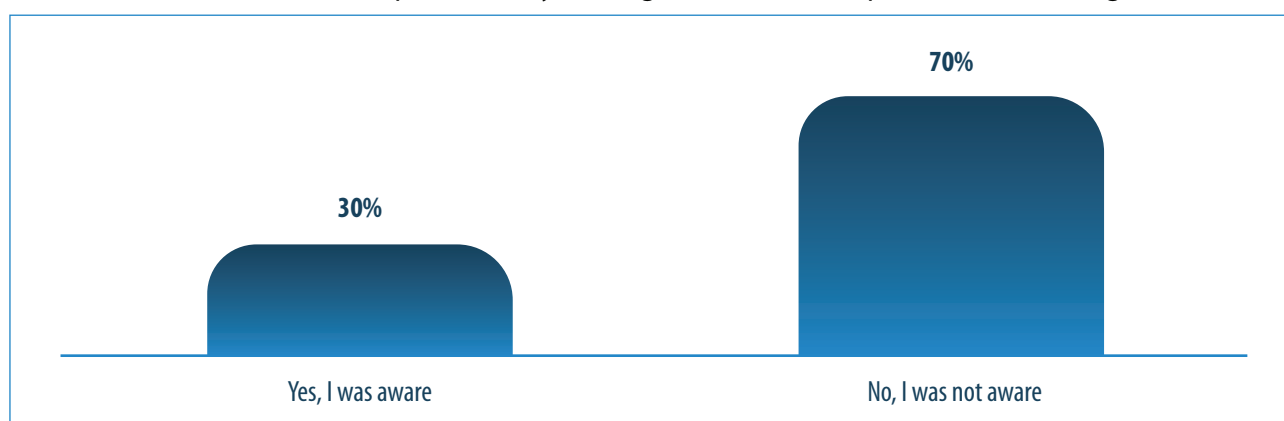


FIGURE 66. *Were you aware that marriage under the age of 18 is illegal, constitutes a criminal offense, and may be punishable for adults who marry minors under the age of adulthood (18), without court permission?*

1.10 Policies and recommendations

The module on policies and recommendations aims to measure the level of knowledge and experiences of individuals regarding policies and measures to prevent early marriage, as well as their perceptions of the consequences and most effective ways to address this phenomenon. This module also explores respondents' attitudes on community involvement and the engagement of men and boys in the fight against early marriage.

In this context, more than 90% of respondents are not informed about any measure or policy aimed at preventing early marriages, while only 7% indicated that they are aware of the existence of such a policy.

Of those who stated that they are aware of measures or policies aimed at preventing early marriages, only 1 person sought support/assistance to address their early marriage from the police, which was fully provided by the latter. Meanwhile, the vast majority, 11 people, have not sought help, which may indicate a lack of information on available services or other barriers to accessing them.

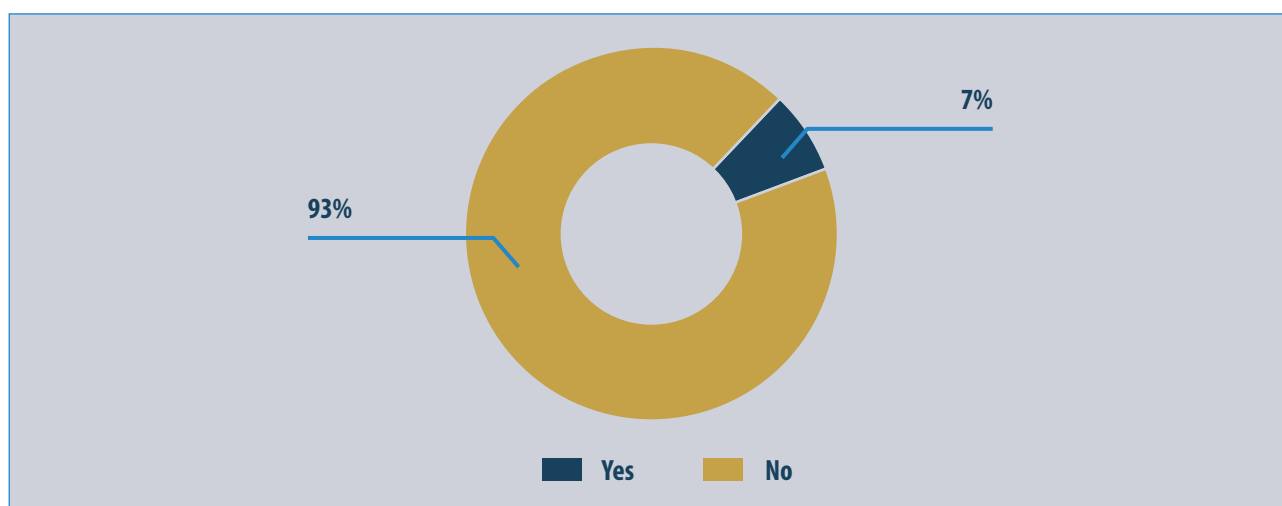


FIGURE 67. *Are you aware of any measures or policies aimed at preventing early marriages?*

The results show that the three most supported measures for preventing early marriages in the Roma, Ashkali and Egyptian communities, according to them, are: economic support for families in need (64%), improving access to education for girls (52%), and raising awareness through educational programs (38%).

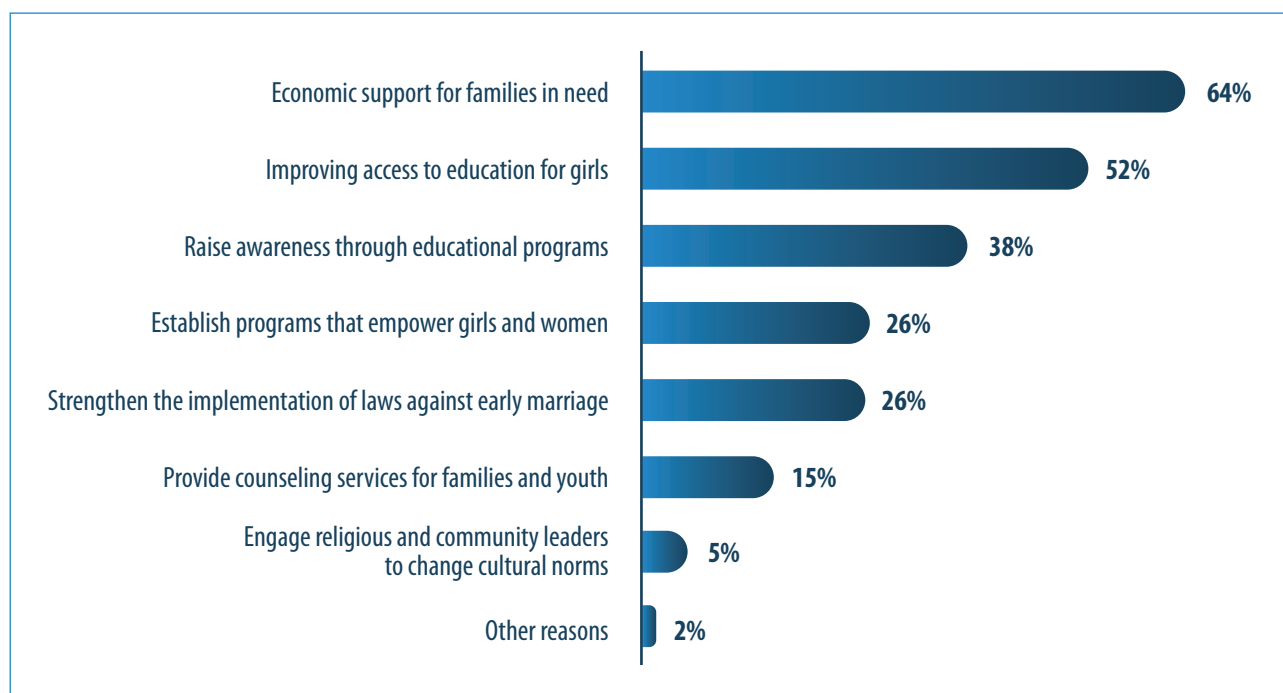


FIGURE 68. *What do you think could be done to prevent early marriages for your child?*

Only 7% of respondents have been involved in any community efforts to prevent early marriage, while the vast majority, 93%, have not participated in such initiatives.

The engagement of men and boys in the fight against early marriage is seen as important by 49% of respondents, while 37% do not consider it a key factor. A smaller portion, 14%, remain uncertain. These results show a divide in perceptions, suggesting the need to raise awareness about the role that men and boys can play in preventing early marriage and changing the social norms that enable this phenomenon.

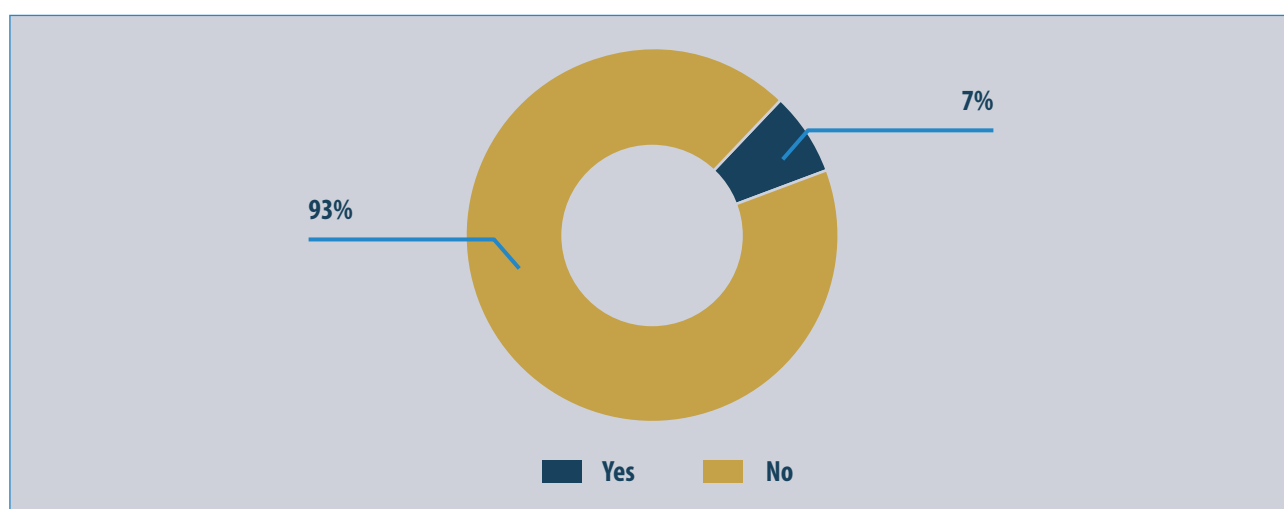


FIGURE 69. *Have you ever been involved in any community efforts to prevent early marriage?*

According to respondents, the three most pronounced consequences of early marriages in the community are lack of employment opportunities (42%), interruption of education (41%), and social isolation of young girls (36%). These findings indicate that early marriages can have a major impact on limiting girls' educational and professional opportunities, as well as on their disconnection from social life, which can have far-reaching consequences on their development and well-being.

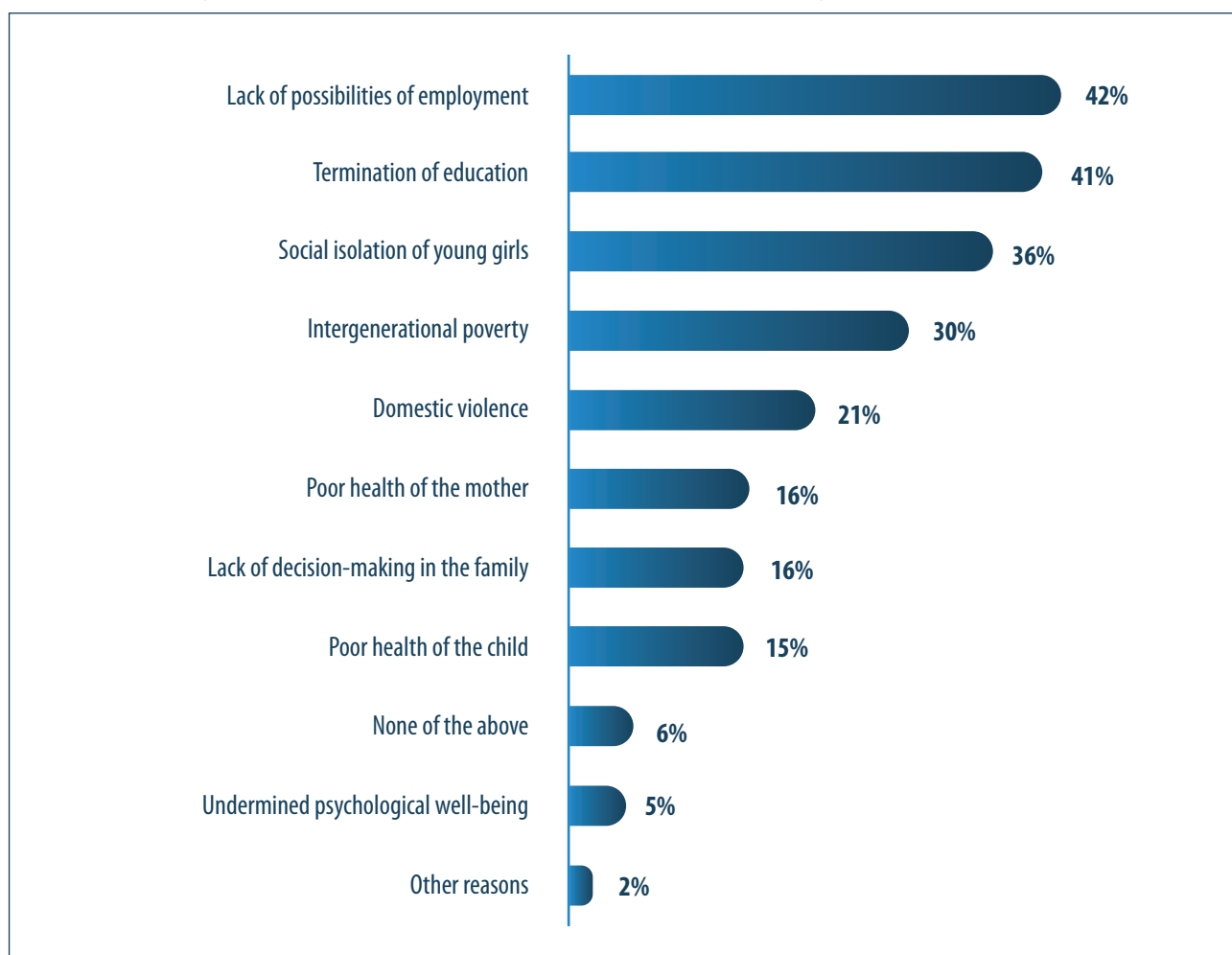


FIGURE 70. *What do you think are the main consequences of early marriage in your community?*

Most respondents recommend that their children wait until adulthood (39%) or complete their education and get a job before marriage (31%). These attitudes indicate a tendency towards securing independence and stability before starting a family. However, a significant portion (26%) supports the possibility of children marrying at an early age, if they wish, reflecting different trends within the community regarding this issue.

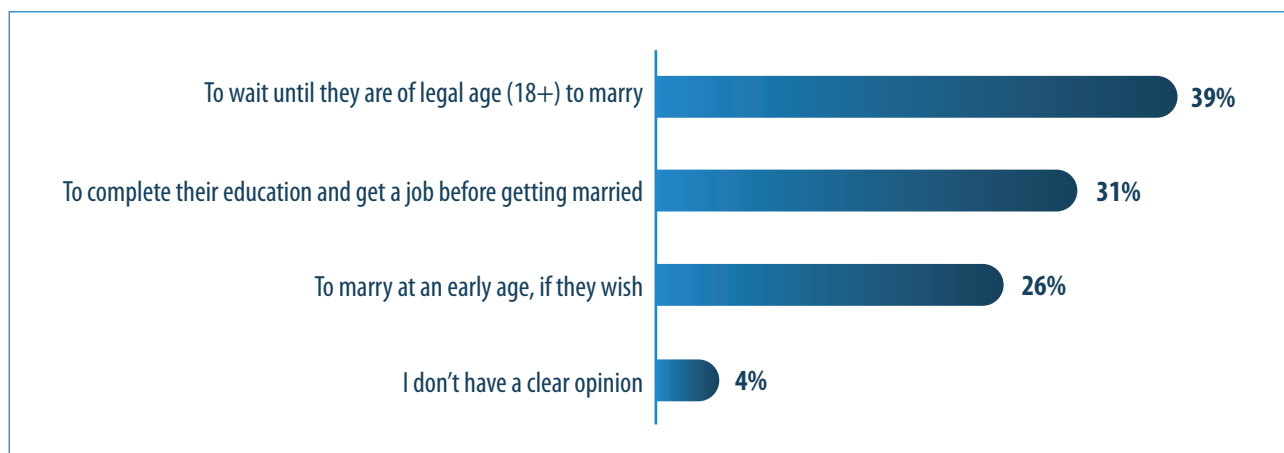


FIGURE 71. *Considering your experience, what would you recommend to your children regarding marriage?*

The advice that parents would give their children about marriage differs significantly between men and women. A higher percentage of men (41%) than women (18%) support the idea that their children can marry at an early age if they wish. This result suggests that men are more open to early marriage, while women show a more cautious approach.

Meanwhile, 40% of women and 36% of men recommend that children wait until they reach the age of majority (18) before getting married, reflecting a more pragmatic approach to marriage. Also, a significantly higher percentage of women (38%) than men (17%) emphasize the importance of completing education and securing a job before marriage, which indicates a greater awareness among women of the importance of economic independence and personal development before committing to marriage.

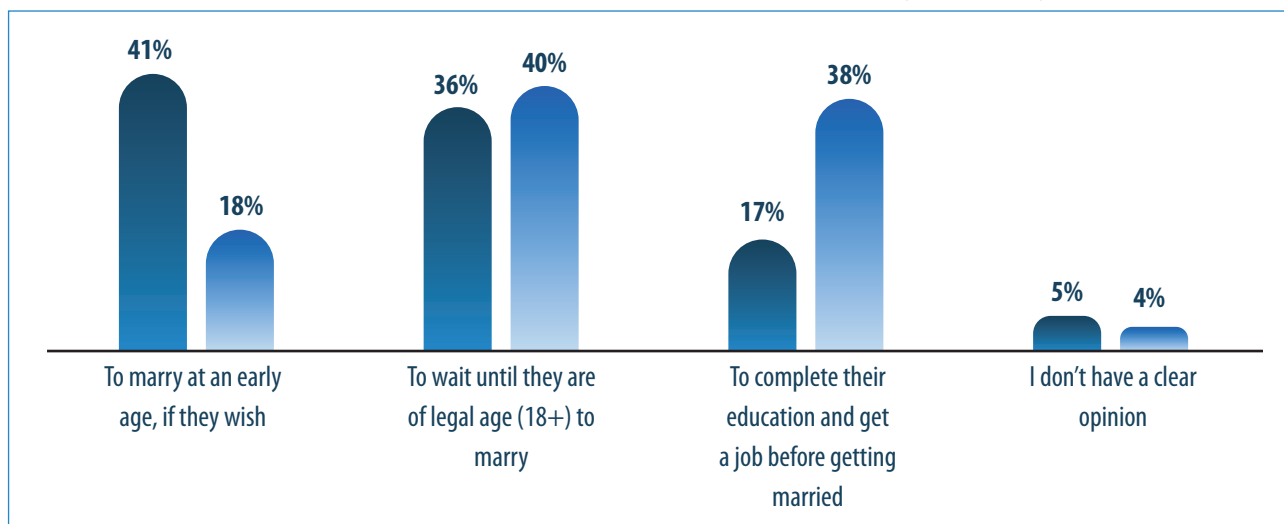


FIGURE 72. *Considering your experience, what would you recommend to your children regarding marriage? **
Division by Gender

When the data is analyzed by ethnic group, significant differences in attitudes toward marriage are observed. While a significant percentage of respondents across all groups support waiting until adulthood to marry, there are differences in the extent of support for early marriage and completing school before marriage. Support for early marriage is highest among the Roma community (39%) and lowest among the Ashkali community (15%). Meanwhile, completing education and getting a job before marriage is recommended more by respondents from the Ashkali community (46%), compared to other communities.

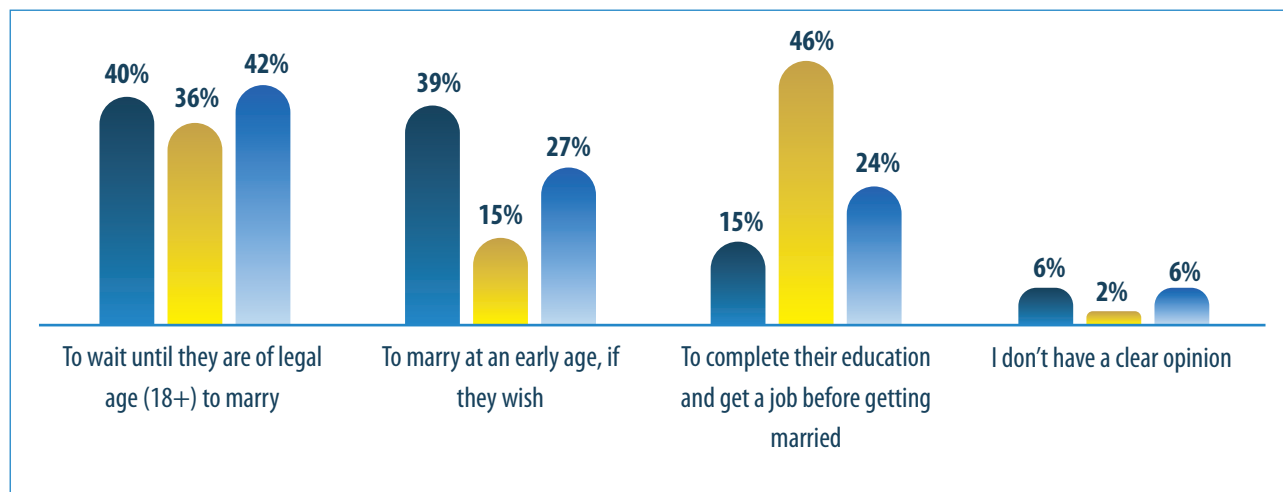


FIGURE 73. *Considering your experience, what would you recommend to your children regarding marriage? **
Division by ethnic groups

2. Key findings from qualitative research

2.1 Sample realized

A total of 11 interviews were conducted with 14 respondents from 11 municipalities in Kosovo. Of these, 9 interviews were conducted with representatives of the Centers for Social Work (CSW), one interview with representatives of a shelter, and another interview with the Department for Human Rights and Gender Equality at the municipal level.

In addition to the interviews, two focus groups were also organized with representatives of non-governmental organizations working to raise awareness, prevent and reduce the phenomenon of early marriage in Kosovo, CSWs, the Agency for Gender Equality and shelters. The discussions focused on the situation of victims of domestic violence, with a particular focus on girls who are victims of early marriages.

Information was also provided through focus groups for the municipalities of Mitrovica and Peja, further expanding understanding of the challenges and protection mechanisms offered in these cases. 13 municipalities were included in this process: Lipjan, Gjiilan, Fushë-Kosova, Kamenica, Ferizaj, Obiliq, Podujevo, Vushtrri, Prizren, Pristina, Mitrovica, Peja, and Gjakova, as follows:

Number of interviews	11 interviews with 14 representatives	
Institutions interviewed	9 Social Work Centers (SWC) 1 Shelter 1 Department for Human Rights and Gender Equality	
Focus groups conducted	FGD 1 (11 participants)	FGD 2 (9 participants)
	6 NGOs represented 2 Shelters of victims of domestic violence Agency for Gender Equality	5 NGOs represented 1 Lower Secondary School 1 Shelter of victims of domestic violence 1 CSW 1 Gender Equality Officer

The data collected in the field and the identity of the respondents in this study remain protected in accordance with the code of ethics, namely the Law on the protection of personal data⁸¹.

2.2 Limitations of qualitative research

Qualitative research has faced several limitations that have affected data collection and analysis. One of the main challenges is related to obtaining data from municipalities for the last three years on cases of early marriage. The lack of aggregated data, limited reporting capacities, and the reluctance of institutions to share information have limited access to complete data. As a result, only a quarter of the municipalities contacted provided data, affecting the breadth of the qualitative analysis.

Another limitation is related to the lack of updated contact data for CSW representatives, which rendered communication difficult and affected the participation of some municipalities. Some CSWs refused or hesitated to participate in interviews and focus groups, affecting their representation in the research. Furthermore, some interviews were conducted during periods when CSW representatives were handling urgent cases, which affected the depth and quality of the responses provided.

Despite these limitations, the data collected provide important insight into the phenomenon of early marriage and the institutional challenges in addressing this phenomenon.

2.3 Phenomenon of early marriage

Analysis of interviews and focus groups confirms that early marriage remains a present phenomenon, but in marked decline, especially over the last three years. This phenomenon is most prevalent among the Roma, Ashkali, and Egyptian communities, although there are still cases in other communities, including the Albanian majority. Social workers have noted that marriage permitted by court order, which requires official approval, has become increasingly rare, while forms of civil union and informal marriages continue to be more common, often remaining outside institutional registrations.

Interviews show that, although in the past early marriage was more prevalent in rural areas, there is now no marked difference between villages and cities. Social workers partly explain this change with the massive displacement of the population to urban environments.

⁸¹ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18616>

“As far as the cases we’re concerned with, there’s not much difference between the village and the city. Now most have left to live in cities...”

A key issue identified by CSWs is that this trend/phenomenon significantly affects girls more than boys. Social workers emphasize that this phenomenon is related to the fact that in most cases the girl is younger than the boy or man she marries, increasing the likelihood that they will be affected by early marriage to a greater extent than boys their age. Furthermore, they note that a typical case of early marriage involves a man over 18 marrying a minor, but there are also cases where both partners are minors, although these are less commonly reported. This has also been supported by representatives of shelters and NGOs.

“Much more common is marriage between a couple where the girl is under the age of 18 and the boy/man is of legal age.”

Traditionally, in both the Albanian and Roma, Ashkali and Egyptian communities, girls have been treated differently from boys due to gender roles, social workers emphasize. For many families, marrying off girls at a young age is seen as a way to reduce the financial burden, as they become part of another family. Meanwhile, sons, as heirs to the house, do not face the same expectations. Early marriage of girls is often justified with the idea that they “belong to a foreign home” and staying in the parental home for a long time can be seen as a burden or a risk to the family’s honor. Thus, families justify early marriage as an economic and social choice, while for boys it is seen as an opportunity to secure a wife who helps with housework and family care, some CSWs have expressed.

“The girl is considered a foreigner’s commodity and is married off early. This is the people’s impression - not my opinion. Plus, it’s the community’s impression; what I hear from them. This is not my opinion. But without a different treatment (of girls), no one in their right mind would let their child leave the home before 20 years of age.”

However, they emphasize that the majority of the population has advanced over the years and has become significantly more aware compared to the Roma, Ashkali, and Egyptian communities, who still fanatically maintain the practice of early marriages among themselves. However, there were also those who emphasized that, although in much smaller numbers, in some municipalities the trend of *de facto* illegal marriages of minor girls has begun to increase even among the Albanian community.

Regarding the differences in the reasons that lead to early marriages between communities, CSW representatives have indicated that while in the Albanian community early marriages are often related to the interest in obtaining documentation for family reunification in European countries, or even romantic desires, in the Roma, Ashkali and Egyptian communities, the main factors remain tradition and the mentality that favors the marriage of girls and boys at a young age. In this logic, girls should be married as soon as possible, often before the age of 15, since it is considered that after this age they lose their value as suitable brides for marriage, and although boys also marry early, for them this social norm is not as rigorous.

“In our municipality, you won’t find a single Roma girl over the age of 20 who is unmarried.”

Focus group and interview respondents in some cases agreed that the difficult economic situation also contributes to the promotion of early marriages in all social groups, but since the Roma, Ashkali and Egyptian communities live in a lower socio-economic standard, this practice is more present among them

compared to the rest of the population where well-being and living standards have improved significantly. Furthermore, they recognize that in the past, Kosovar society, regardless of ethnic differences, had the same mindset thanks to poor conditions, lack of education, and awareness.

“Maybe I’m wrong, but 40-50 years ago, Albanians were like that too. You may find it unacceptable to think like that, but I have experienced it, because I belong to that generation myself - people didn’t wait for their daughters to grow up a bit and then leave home, plus they considered this a convenience... With economic development, practices have changed, because when a family has secured its existence and has appropriate housing; there are enough rooms - there is no need to remove the child from the house.”

Another identified driving factor of this phenomenon in Roma, Ashkali and Egyptian communities is the lack of living space – a factor that influences family decisions regarding the marriage of girls at a young age.

“The Roma are in trouble, they are forced to take their girls out of their homes, because they have no room. “They don’t have the space, and they agree early to give up their daughters - even at 13-14 years old, take them out of the house, to free a room, because the son would bring the bride, and they will have nowhere to stay.”

Interviews reveal that a widespread practice in these communities is that of “selling” girls or expecting financial compensation from the groom’s family in exchange for the girl’s hand. For many families, this practice represents a survival strategy due to difficult economic conditions. As a result, many families encourage these marriages, seeing them as a way to ensure temporary financial stability, or even to respect traditional community norms. These perceptions, according to most social workers and some NGO representatives, are rooted in traditional norms and reflect a marked lack of awareness about the negative consequences of early marriage.

“I don’t know if you know, but these people have a tradition of taking money when they give a bride.”

Although early marriages, especially marriages permitted by court order, are declining, research participants emphasize the need for stronger measures by institutions and NGOs to address the hidden forms of this phenomenon. They highlight the role of schools, especially those with students from the Roma, Ashkali and Egyptian communities, as dropping out of school often signals cases of early marriage. Representatives of NGOs and CSWs underline the importance of education and awareness, involving not only students, but also parents, teachers and the wider community. Likewise, challenging traditional norms and providing socio-economic support to families in difficulty are key to preventing this phenomenon.

“Here, schools need to have a curriculum, because they are centers that work directly with children, and by the time they reach the CSWs, usually the damage has already happened. Therefore, it should be possible to prevent (marriages), because when they come to us, it’s usually already happened.”

Most CSWs have not worked with programs to prevent early marriage, but recognize the key role of NGOs in training, campaigns, and awareness-raising in the Roma, Ashkali, and Egyptian communities. Some NGOs suggest involving gynecologists, psychologists, lawyers, and social workers in these initiatives to provide more complete information about the harms of early marriage. They emphasize the need for a common

manual or material that can be used by all stakeholders, including teachers. Likewise, representatives of CSWs and shelters recognize the contribution of NGOs in supporting early marriage cases, by providing services that institutions often do not have the capacity to provide.

Half of the CSWs and all NGOs estimate that sex education can reduce the number of early marriages, but also have an impact on preventing unwanted pregnancies that often result in early marriages.

“Sex education must be introduced in schools. It would have to begin in the sixth grade, because that’s when we see an increase in delinquent cases. I see it as necessary (to introduce sex education in schools) because we advise girls who enter into cohabitation, also about protective measures, but they should be protected from having children until they reach adulthood, so that they can make well-informed decisions about sexual relations and child planning.”

Furthermore, interviews have revealed tendencies of categorical refusal by some CSW representatives to include the subject of sexual education as a result of their apparent patriarchal and traditional mindset, these people being older. They have also highlighted the tendency for rejection and aversion to the inclusion of sex education subjects to be more present among male respondents, while among women there is a tendency to embrace any initiative that raises awareness among girls and women, including sex education.

“The content of sex education would only stimulate (minors) more...”

■ An important aspect that was highlighted during the interviews and focus groups is the element of psychological violence and constant pressure, which is considered one of the most harmful side effects of early marriages, especially for young girls. Some social workers, mainly women, emphasize that psychological violence often arises from the expectations and pressures of family and social environments, where girls are taught to accept behaviors that put them under pressure and force them to adapt to certain roles.

“Psychological violence will exist when female children are used to sleeping in, and waking up, whenever they want. When they go to the other family, there are psychological deficiencies in assuming responsibilities in such a family union. Their age is not pertinent to the responsibilities they would assume by marriage. The change of environment itself causes psychological violence, let alone others. I think they are under constant pressure...”

This constant pressure, which arises from the changing environment and from traditional norms that impose on girls a responsibility that does not correspond to their age, may lead to a deterioration in psychological and emotional well-being, as expressed not only by CSWs, but also by NGOs and shelters. Therefore, they recommend changing the legal framework so that the minimum age for marriage is set at 18 years old, as this represents the full legal age of adulthood.

2.4 Applicability of laws in practice

When asked how applicable the laws and punitive measures are in practice, all CSW representatives agree that, despite the existing legal basis, implementation in practice remains deficient and often impossible. Representatives of NGOs, shelters, and gender equality offices also share this concern, especially for *de facto* marriages and unions, where legal intervention encounters difficulties. In some cases, a minor may wait until they turn 16 for a marriage with permission, while in other cases, even after institutional intervention, young people return to such marriages, limiting the long-term effectiveness of institutional measures.

“We had this case of a 13-year-old Roma girl (from another municipality) who married here. We couldn’t get her back home, and they told us to send her to a shelter. I remember how much she cried, sobbing. The police said they could not let her stay with her husband - she was there for 2 months, and the boy kept crying too. They insisted that they were in love. The next day, after we contacted the father, the girl’s father came to the shelter to pick her up, and went straight to her husband (family)... - What can we do in these cases?!”

Most social workers report good cooperation with institutions in addressing early marriages. They are often contacted by health workers when a minor girl is pregnant or in labor, and by schools when a student is absent for a long time, raising suspicions of marriage. Likewise, when the police report a case, they have the obligation to intervene immediately to protect the girl, the CSWs have stated. Although cooperation with shelters for victims of gender-based violence is good, division of responsibilities remains a challenge, especially for the emergency shelter of girls fleeing early marriage. This difficulty stems from the lack of a specialized center and bureaucratic obstacles in referring them to existing shelters.

“We used to take them to Prishtina, so they wouldn’t be left in domestic violence shelters. We had problems sometimes until consent was given, and then sometimes, the victims refused to go there. However, when the shelter took them in, it treated them (the girls) with all the resources they had. “So, whatever services they have, they provide them too, but there are no adequate shelters (for children).”

One of the main challenges is that for girls under 16, admission to shelters requires the presence of the mother or legal guardian, a requirement often unfeasible when the family does not support leaving early marriage. Shelter managers, based on the legal framework, are reluctant to accept underage girls without a custodian adult, forcing social workers to exert pressure for their admission. However, according to all research stakeholders, cases of rejection of underage girls are rare, although shelter managers consider it challenging to adequately manage and support these cases.

“We sheltered this case for three months until she was 16, but the girl kept causing problems. She was just a child, but she wanted to play the role of a woman, and if you wanted to take her to children’s activities, she refused children’s activities. While on the other hand, she wasn’t even mature enough for the women’s activities, and then she refused the services of a psychologist - she just did not fit anywhere...”

All respondents agreed that shared shelter facilities are not suitable for underage girls removed from early marriage, as they have different needs from women and children victims of domestic violence. Their reintegration should focus on returning to school, building a safe social circle, and engaging in rehabilitation activities. Severe experiences of violence in most existing shelters may negatively impact their adaptation.

For this reason, most respondents emphasized the urgent need for a dedicated shelter for these girls, with the exception of one shelter that reported the opening of the Children's Shelter Center in Gjakova.

2.5 Consequences of early marriages

All parties involved in the research emphasize that early marriages, especially those under 16, bring serious physical, psychological and social consequences for girls. They often face violence, isolation, and lack of education, becoming dependent on their spouses and deprived of opportunities for personal and professional development. Although boys face unexpected economic responsibilities, girls remain more affected, as they are expected to take care of the family, home, and pregnancy, often without adequate support.

In cases of marriages between 16-17 years old, some CSW representatives see the girls as more physically and mentally developed, yet the consequences remain severe, despite the assessment by experts. They emphasize that these girls, although slightly grown, often lack the emotional maturity to face marriage and the challenges it brings, exposing themselves to conflicts and high stress. On the other hand, NGO representatives categorically oppose marriage under the age of 18, arguing that no assessment can justify the marriage of a minor.

When early marriage is accompanied by pregnancy, the consequences become even more severe. According to CSWs, underage girls are not ready for pregnancy and childbirth, risking health complications. Furthermore, children born under these conditions often grow up in an unstable and impoverished environment, with underage parents who cannot provide sufficient emotional, financial, or educational support.

2.6 Sexual violence and abuse

Lack of awareness of legal rights and limited access to information make early marriage a cycle of isolation and uncertainty, where girls and their families often do not see reporting as an option. Unemployment and social exclusion leave them without independent economic resources, preventing them from leaving abusive situations, various actors have stated. They agree that early marriages often end in domestic violence. Some CSWs and shelters have reported that while assisting cases of violence, it is discovered that the victim was married early. The violence in these marriages goes beyond physical violence, including emotional, psychological, financial and isolation, they added.

“Violence is an inevitable element of every early marriage, I’m not just talking about physical violence because that comes first, I’m talking about all types of violence, starting with the pressure that the husband’s family puts on the girls, dropping out of school, cutting off from friends - there is simply no life for the girl beyond her husband... now that’s where conflict normally arises.”

CSWs have also highlighted cases where girls under the age of 16 have been involved in early *de facto* marriages, which require the initiation of rape investigations, as the girl is not of the age of sexual consent. According to social workers, cases where the girl is under 14 and the partner is over 16 or 18 require urgent intervention and stricter punitive measures. Meanwhile, for girls aged 14-16, they have expressed different opinions, emphasizing that each case has specifics that influence determining whether it is rape or not.

“It’s normal that it’s considered rape when the girl isn’t even 14 years old. For me, it’s rape even if the girl is 16 or 17 years old, but now we’re talking about the law as it is...”

Thus, in cases where the girl may have consented to the sexual act, or even initiated some inciting action, the position is defended by some CSW officials that the case does not have sufficient elements to be considered rape.

“I would not agree with the provision that the girl does not have the proper maturity, as long as she willingly engages in intimate relations. A girl said herself, I called (the boy) myself... The 14 and something year old girl brought her partner, the prosecution considers it rape because she is underage, but she was not subjected to any violence or pressure, and even initiated it herself. How can this be considered rape?! I lobbied to not convict the boy”

Meanwhile, the NGOs included in the research have expressed more opposing positions compared to previous statements. Interviews and focus groups highlighted the lack of a unified legal interpretation, particularly by CSWs, and the challenges this brings. These become even more difficult to manage when the cases also include pregnancies of minor girls.

“The gynecologist called us about a 14-year-old girl who was about to give birth. Prosecution began the investigation, but I don’t know what happened, because the child came to life and we need to look into it and consider what is best for the child.”

In such cases, the prosecution, the court, parents and social workers often focus on the interests of the newborn or unborn child, resulting in lower sentences or impunity for the perpetrators of the criminal offense, CSW representatives have stated. Gender equality officials and NGOs have raised concerns that this practice facilitates the extension of the phenomenon, making early marriage a vicious cycle.

■ According to NGOs, to ensure more effective implementation of laws and protect girls from violence and abuse, an integrated approach is essential. This includes raising awareness in communities, strengthening reporting mechanisms, and improving institutional capacities to address gender-based violence. Only through these measures can girls, especially those from marginalized communities, have the protection and support they are entitled to by law.

2.7 Challenges faced by CSWs in handling early marriage cases

CSW representatives have explained that the lack of specialized departments and sufficient human, technical and financial resources makes it difficult to effectively and prioritize cases that require urgent intervention. The current organizational structure and low number of licensed social workers cause overwhelming, hinder long-term monitoring, and reduce the quality of services. As a result, children and minors, especially in sensitive cases such as early marriage, are left without adequate protection. The lack of transportation and funds for field visits exacerbates the situation, making it impossible to follow up on cases regularly – one of the main criticisms raised by the NGOs involved in this research.

3. Key findings from data provided by the Kosovo Police 2022-2024

The Kosovo Police have been requested via email several times to provide data regarding early marriages and cases of initiating any criminal proceedings related to such cases. According to an official response from the relevant Division of the General Directorate of the Kosovo Police, dated 24.02.2024, sent via email, quote: “DDPB - 05/1 - 101/2005, I would like to inform you that early marriage can only be recorded in cases where violations of the law occur, such as domestic violence, or when it is necessary for the authorities to intervene to protect minors. Thus, during 2024, we had **one case** of such cohabitation under the age of 16 in the Ashkali community”.

It may follow from this that there is a deep discrepancy between the above research and police records, where it is clear that accurate data is missing, and there are no reports of these cases, and consequently neither proper tracking, detection and investigation, nor adequate law enforcement by law enforcement institutions, not excluding the lack of inter-institutional cooperation and of citizens with the police as it should be. Only one case is mentioned in 2024, while for 2022 and 2023 no case handled by the police is mentioned relating to early marriages in the Roma, Ashkali and Egyptian communities.

This absence of data indicates the need to improve reporting mechanisms and cooperation between institutions. It is also essential to strengthen the capacities of the Police for proactive identification of cases and train police officers on the sensitivity and complexity of early marriages, especially in marginalized communities that are the subject of this research.

FINDINGS AND RECOMMENDATIONS

1. FINDINGS

1.1 General:

As may be seen from this research, the Republic of Kosovo has very advanced legislation, in line with the highest European and international standards, including in the field of child rights protection in general, including early marriages in particular. However, one of the problems identified relates to insufficient implementation of legislation, insufficient professional and institutional capacities to address the phenomenon of early marriage, as well as a lack of proper coordination between parties involved in researching, preventing and reporting the phenomenon of early marriage.

Early marriages are a worrying phenomenon present in the Republic of Kosovo, as a result of the exclusion and discrimination from society of children from the Roma, Ashkali and Egyptian communities in general, and girls and women in particular. As a result of this exclusion, and for other socio-economic reasons, these communities often see early marriage as a means of stability and survival. However, this practice violates the basic rights of children and their autonomy to decide the fate of their lives in adulthood, when they become aware of and understand their rights and obligations, including marital responsibilities.

What follows upon all the assessments made in this research is the fact that there is insufficient sensitivity regarding the phenomenon of early marriages of children of these communities, both from institutions, the media, and also civil society in general. Raising awareness among the media, and training them on how to report appropriately on these issues, is vital. Likewise, there has been a lack of necessary willingness to develop genuine and implementable policies to vigorously engage in the eradication of segregation and discrimination against these communities, which render early marriage a survival mechanism.

1.2 From the research:

The study conducted with minors from the Roma, Ashkali and Egyptian communities in Kosovo has brought to light a series of important data on the interruption of education, knowledge and attitudes towards early marriage, as well as its impact on the individual and the community. Based on the results collected from self-reported data from the survey of minors aged 13-17, a significant portion of the young people interviewed discontinue their education at an early age due to lack of interest and financial problems, with the most pronounced interruption at the primary and lower secondary education levels.

According to survey data, early marriages continue to be practiced in some segments of these communities,

despite limited knowledge of the legal and social consequences they entail. A large portion of respondents are not informed about the legal age for marriage and express concerns about the negative impact of these marriages on the health and well-being of young people. Furthermore, domestic violence, closely linked to early marriage, is reported as a persistent problem that adversely impacts the lives of young married people.

To address these challenges, respondents suggest various measures such as improving access to education for girls, providing economic support to families in need, and raising awareness through educational programs. These suggestions reflect their perception of the role of education and economic stability in reducing early marriages. Based on these findings, it may be concluded that there is a high awareness of the need for structural and cultural changes to protect young people from these practices.

On the other hand, research conducted with adults from the Roma, Ashkali and Egyptian communities who married before the age of 18 offers insight into the experiences and factors that influenced these marriages. While a significant portion of respondents in this age group perceive marriage as a personal choice, traditional norms, family pressure, and gender expectations continue to play an important role in decision-making. Gender differences are evident, with women reporting less autonomy in the decision to marry and more often facing external influences, especially from the father or extended family.

Early marriage also directly impacts education, and the economy, especially for women. All women who were enrolled in school at the time of marriage have discontinued it, while this percentage is lower among men. Overall, low levels of education suggest that early marriage may limit opportunities for personal and professional development, especially for women, creating a persistent cycle of inequality and economic dependence.

Regarding employment, a large portion of respondents say they are currently unemployed or housewives, with very little representation in the formal labor market. Furthermore, for some individuals, the economic situation has worsened after marriage, reflecting the financial challenges faced by young couples who marry early and have limitations in their employment opportunities and stable income. Economic responsibilities after marriage also differ by gender, with men reporting more pressure to work to support the family. Knowledge about laws prohibiting early marriage is limited, while awareness of its consequences remains low, both at the family and community levels. Furthermore, more than 90% of respondents have no information on any policy or measure to prevent this phenomenon. These findings indicate the need for institutional interventions, improved access to education, increased awareness of the consequences of early marriage, and greater community engagement in protecting the rights of girls and young women.

1.2.1 From the questionnaire with minors (13-18 years old):

- A significant portion, 37% of respondents in this age group, report that they are not attending education at the time of their interview. The majority of these interruptions, 55%, are reported to be due to lack of interest, while 34% of interruptions are a result of financial problems, indicating a great need for financial support for families in these communities.
- Regarding legal knowledge about marriage, 44% of respondents are not informed about the legal age for marriage in Kosovo, a statistic that reveals a lack of awareness among young people. This lack of information differs based on ethnic group and level of education, with some groups showing higher levels of awareness compared to others.
- About 63% of study participants believe that education has an important role in preventing early marriages, while another 32% hold the opposite opinion. This shows that education is perceived as a key factor in shaping attitudes and personal choices.

- Early marriages have been recognized as a serious obstacle to the personal and professional development of individuals, with 64% of respondents viewing them as harmful. This highlights the need for interventions to change perceptions and provide better alternatives for young people.
- Regarding the support for this phenomenon from the area where they live, 53% of respondents indicate that early marriages are not supported by their communities, a sign that attitudes are gradually changing against this practice.
- Domestic violence, especially physical violence, was a phenomenon reported in 20 cases by study participants, indicating the consequences of early marriages on family stability and personal well-being.
- To counter early marriage, 49% of respondents suggest that economic support for families is critical, while 37% highlight improving access to education for girls as important, indicating that education and financial support are key tools in preventing this practice.

1.2.2 From the questionnaire with adults (18-40 years old):

- Early marriages in the Roma, Ashkali and Egyptian community occurred mainly at the age of 16-18, with 56% of respondents reporting being married at the age of 17 and 29% at the age of 16.
- Decisions about marriage are often influenced by family, especially for women. While 60% of respondents reported that they made the decision to marry themselves, the father was the decision-maker for 30% of them, with greater influence among women.
- Lack of information on marriage is widespread, as 68% of respondents feel they did not have enough information before getting married. This is particularly pronounced among women, where 75% report a lack of information.
- Education is significantly affected by marriage, especially for women. All women attending school at the time of marriage have reported to have dropped out, while only 1 of 8 men had the same experience.
- Economic responsibilities after marriage differ by gender, with 47% of men reporting being forced to work to support their family, while only 10% of women experienced the same situation.
- Social norms and pressures play an important role in early marriage, according to the perceptions of respondents. 66% believe that girls are safer in marriage, and 41% link early marriage with preserving family honor. This pressure is perceived as higher by respondents in rural areas.
- Personal choice and traditional norms are among the main reasons for early marriage. The majority of respondents (47%) report that marriage was their choice, while 45% attribute it to customs. Other factors such as religious beliefs, lack of education, and family pressure also play an important role.
- Knowledge about the law prohibiting early marriage is limited, as 70% of respondents were not informed that marriage under the age of 18 without judicial permission is illegal and punishable.

Awareness raising, and policies to prevent early marriage, are weak, as more than 90% of respondents were unaware of any measures or policies to prevent this phenomenon, highlighting the need for stronger institutional and community interventions.

2. RECOMMENDATIONS

2.1. For state administration institutions:

- Draft and implement new comprehensive policies and legislation aimed at harmonizing the legal framework of the Republic of Kosovo with the standards of international conventions, especially in the proposed new amendments and changes to the laws under review, which should also specify aspects that prohibit early marriages and marriages under the age of adulthood, also supported by existing strategic documents. These policies should strengthen measures to combat discrimination, guarantee compulsory and quality education for all children from the Roma, Ashkali and Egyptian communities, and provide sustainable social support to prevent early marriages and empower the girls and young women in these communities;
- Strengthen legal and punitive measures for parents and persons who enable child marriages;
- Establish counseling centers for parent education and career guidance for young people;
- Support for girls at risk of early marriage with scholarships and funds to pursue secondary and higher education, would be a very important factor, and with this, the economic factor of early marriage would decline, while education would also have an impact on changing harmful practices;
- Improve cooperation with local and international organizations to implement programs for the education and empowerment of girls and women;
- Improve the living conditions and social integration of the Roma, Ashkali and Egyptian communities, through urban and social development policies;
- Expand the capacities of CSWs and adequate training of officials to provide psychological and legal services to victims;
- Establish specific shelters for girls who are victims of early marriages, and provide relevant specialized services, in all cases where victims need to leave the family environment and receive adequate treatment and services.
- Monitoring and annual reporting of progress regarding the implementation of policies to prevent early marriage.

2.2. For investigative and judicial bodies:

- Strictly implement the applicable legislation, with particular emphasis on the provisions referring to the prevention and adequate treatment of cases of early marriage, pursuant to the relevant provisions;
- Apply constitutional and legal provisions in line with the ECHR case law by domestic courts in their rulings, pursuant to the Article 53 of the Constitution;

- Proactive prevention of early marriages through cooperation and coordination with all stakeholders and communities, through investigative actions by the police and prosecution. This would also serve as a prevention for other potential cases.
- Courts should take action to annul harmful marriages, namely remove children from early marriages, when legal requirements are met, and in cases where such action is considered more reasonable, upon court review of such cases. The courts should also ensure that the relevant bodies are required to provide support services for these children, to provide social, family and health services, and to minimize their consequences.
- Courts should assess each case separately for the possibility of legalizing early marriages, when they were entered into over the age of 16, where the legal requirements are met, and if it is found that this way is in their best interest;
- Comprehensive support for victims of early marriages and provision of free legal aid in any *ex officio* procedure, as many children who are victims of early marriages may not be aware of their rights or of the competent bodies to which they can turn to enjoy appropriate support;
- Change perceptions, and more consistently apply the law by law enforcement agencies and the judiciary, but also efforts to defer from being influenced by customs, traditions and cultures and rejecting the customary laws of communities, but applying the laws in their decisions;
- The Police Academy, the Justice Academy, the Bar Association Training Center and other institutional and social mechanisms should update their training curricula on anti-discrimination, gender equality, criminal offenses against sexual integrity and specifically the issue of early marriage;
- Police and Prosecutors should have a more active role in family matters and the prevention of early marriages through *ex-officio* criminal prosecution, from any source of information, including the media and various social networks;
- Ensure that lawyers recognize and are able to defend the rights of children from early marriage;
- Urgent measures and actions should be taken regarding cases of underage marriages, and there should be coordination and interaction with all state mechanisms of the justice system and state administration, as well as monitoring by civil society of cases related to early marriages with the aim of preventing, protecting, combating, and reintegration of victims of this phenomenon and eliminating as much as possible their consequences.

2.3. For civil society and organizations for the protection of girls' and women's rights:

- Organize campaigns within communities to debate the issue of early marriage, especially among the Roma, Ashkali and Egyptian communities;
- Raise awareness among women and girls to combat this practice through education and economic empowerment;
- Support institutions to create and operationalize special mechanisms for reporting and investigating cases of early marriage, and undertaking investigative actions and adjudicating cases, including the imposing of criminal sanctions;
- Provide vocational training for women and girls, to raise their awareness in avoiding early marriage, promoting their education and helping them create their economic independence;
- Involve practitioners from all fields in an effort to change the mentality around early marriages and eliminate traditions and cultures that are contrary to the law.

2.4. International organizations and donors:

- Inter-institutional coordination for financial and technical support of programs that focus on preventing early marriages is essential;
- Strengthening organizations that promote and protect the rights of marginalized communities, through supporting concrete intervention projects in the lives of communities affected by early marriage;
- Implementing pilot projects to provide alternatives for girls at risk of early marriage, through education and economic opportunities.

2.5. Media and awareness raising:

- The media and information campaigns should be used to promote human rights in general and children's rights in particular, informing communities that engagement does not create a legal obligation to necessitate marriage, while early marriage entered into under duress and without the consent of the spouses should be prevented;
- Training journalists and media on proper tracking, research, detection and reporting of early marriages;
- Training journalists on reporting ethics and protecting the privacy of victims of early marriage.

2.6. Efforts within communities:

- The commitment of communities themselves and their leaders to promoting the education and economic independence of women and girls;
- Eliminate family and community pressure on young girls and boys to enter into early marriage;
- Develop various mentoring programs, where successful women and girls within the community offer advice and help young women and young men on the necessity of avoiding early marriages;
- Provide institutional support for the organization of support groups for children in general, and for girls and their families in particular, to offer alternatives and assistance to build a future where early marriages will remain part of the painful past history of these communities.

2.7. Easy access to information, free legal aid and counseling, as well as updating statistical data regarding early marriages

- Establish family, premarital and divorce counseling centers to inform young couples about the responsibilities and prohibitions of early marriage, including criminal sanctions, as well as marital rights and obligations for those of legal age;
- Data on early marriages for both sexes, as well as on cases of gender inequality, should be updated and harmonized between institutions such as the Kosovo Agency of Statistics, the police, the prosecution, the courts, educational services, health care services, social services, as well as other institutional actors and civil society.

2.8. Improving access and quality of education, legal awareness, strengthening mechanisms, economic support, changing social norms and promoting gender equality

A) Improved access and higher quality in education

- Ensure an adequate environment in schools, creating a friendly environment that does not encourage or favor discrimination and where students from the Roma, Ashkali and Egyptian communities feel integrated, avoiding segregation in classes;
- Introduce more teaching units on children's rights and gender equality education in the MESTI curriculum, which should be strictly implemented by schools;
- Develop training for teachers regarding anti-gypsyism, as well as the prevention and consequences of sexual harassment of students;
- Education regarding the legal, health and social consequences of early marriage, improve school curricula, and involve schools in prevention and awareness-raising;
- Invest in educational infrastructure in Roma, Ashkali and Egyptian communities to improve conditions and attract students to schools;
- Develop motivational programs and scholarships to support families in need and reduce the economic reasons that lead to early marriage;
- Provide support for girls and young women to continue their education after marriage;
- Increase educational programs in schools on children's rights, the impacts of early marriage, and the importance of education.

B. Legal awareness and education

- Hold awareness raising sessions for youth and the community on the legal age for marriage and the legal consequences of early marriages;
- Collaborate with community leaders and schools to integrate legal education and civil rights into school curricula;
- Improve citizen awareness of the law prohibiting marriage under the age of 18 and the penalties for violators;
- Organize information campaigns for parents and the community on the long-term consequences of early marriage, including the impacts on education, the economy and well-being;
- Promote success stories of individuals who have pursued education and careers to challenge societal norms that support early marriage.

C. Strengthening legal mechanisms and policy implementation

- Strengthen institutions to identify and address cases of early marriage, including the involvement of schools, social services and non-governmental organizations, strengthen them, with particular emphasis on the insufficient capacities of CSWs and the training of social workers;
- Deepen cooperation between local institutions and civil society organizations to prevent and address early marriages in the community.

D. Social and economic support for girls and their families

- Establish vocational training programs and employment opportunities for women who marry at an early age, to assist in their economic independence;
- Provide psychological and social support to women and girls who experience pressure to marry or have married at an early age.

E. Promoting gender equality and changing societal norms

- Establish programs that empower girls through education, life skills training, and support for economic independence;
- Involve boys and men in educational programs to challenge gender stereotypes and promote gender respect and equality;
- Engage community and religious leaders in promoting norms that support the education and empowerment of girls, instead of early marriage.
- Organize discussion forums with parents, youth, and community members to challenge perceptions that early marriage is a favorable solution for girls.
- Create support networks for girls and young women, to give them opportunities to share experiences and receive advice from professionals.

Ultimately, it may be said that the solution to this problem is not simple, but through reforms and investments in improving the quality of education, advocacy, economic empowerment, legal and institutional reforms, early marriage can be largely reduced in the medium term, and it may be eliminated entirely as a widespread practice within the Roma, Ashkali and Egyptian communities, in a longer period of time, if continued with awareness-raising and better implementation of the law.

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2. Criminal Code of the Republic of Kosovo No. 06/L-074, published in the Official Gazette No. 2 dated January 14, 2019;
3. Code no. 08/L-032 of the Criminal Procedure Code of the Republic of Kosovo, entered into force in 2022;
4. Law no. 08/L-036 amending Code No. 08/L-032 on Criminal Procedure, of 2023;
5. Code no. 06/L-006 on Juvenile Justice, entered into force in 2018, and began implementation in 2019;
6. Law No. 03/L-007 on Non-Contested Procedure, published in the Official Gazette No. 45/2019 dated 12.01.2019;
7. Law no. 04/L-003 on Civil Status, published in the Official Gazette, no. 6/2011, on 22.07.2011;
8. Law no. 06/L-084 on Child Protection, published in the Official Gazette no. 14/17 dated July 17, 2019;
9. Law No. 08/L-255 on Social and Family Services, published in the Official Gazette No. 1/2024, dated 05.01.2024;
10. Law no. 08/L-028 on Private International Law, published in the Official Gazette no. 30/5, September 2022, Prishtina, Articles 26-27;
11. Law No. 2004/32 on the Family of Kosovo, published in the Official Gazette no. 4/2006, dated 01.09.2006;
12. Law No. 05/L-020 on Gender Equality in Kosovo, entered into force in 2015;
13. Law No. 08/L-185 on the Prevention and Protection against Domestic Violence, Violence against Women and Gender-Based Violence, entered into force in 2023;
14. Law no. 05/L-021 on Protection against Discrimination, entered into force on 2015;
15. Law no. 04/L-017 on Free Legal Aid, entered into force in 2012;
16. Law no. 08/L-035 Amending the Law 04/L-017 on Free Legal Aid, entered into force in 2022;
17. Law no. 06/L-082 on Personal Data Protection, entered into force in 2019;
18. Law no. 04/L-076 on Police, entered into force in 2012;
19. Law no. 2004/26 on Inheritance, entered into force in 2004;
20. Law no. 03/L-110 on the Termination of Pregnancy, entered into force in 2009;

21. Law no. 08/L-158 on Early Childhood Education;
22. Law no. 04/L-032 on Pre-university Education in the Republic of Kosovo;
23. Law no. 04/L-037 on Higher Education in the Republic of Kosovo;
24. Law no. 04/L-125 On Health Care, part referring to health care;
25. Law no. 2004/38 On the Rights and Responsibilities of Kosovo Residents in the Health System.

III. International treaties

The Republic of Kosovo, though not a member of international organizations such as the UN, EU, Council of Europe, which have issued the above international legal treaties and instruments, has decided, as per the Article 22 of its Constitution, to make directly applicable some of the main international treaties and instruments in the field of human rights, listed as follows:

1. Universal Declaration of Human Rights, 10 December 1948;
2. International Convention on Economic, Social and Cultural Rights, 3 January 1996;
3. International Covenant on Civil and Political Rights, 23 March 1976;
4. Charter of Fundamental Rights of the European Union, 1 December 2009;
5. European Social Charter of the Council of Europe, 26 February 1965;
6. Council of Europe Convention on the Exercise of Children's Rights, 25.1.1996;
7. European Convention on the Protection of Human Rights and Fundamental Freedoms and its Protocols, Rome, 04.11.1950;
8. Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 26 June 1987;
9. Convention on the Civil Aspects of International Child Abduction, adopted on 25 October 1980 at The Hague;
10. The Council of Europe Framework Convention for the Protection of National Minorities, signed in 1995 and entered into force in 1998;
11. *Convention on the Elimination of All Forms of Discrimination against Women*, which entered into force on 3 September 1981, Article 16, hereinafter known as "CEDAW";
12. *Convention on the Rights of the Child*, 25 November 1989;
13. United Nations, "Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages";
14. *Supplementary Convention of the UN on the abolition of slavery, the Slave-Trade, and Institutions and Practices similar to Slavery*;
15. *Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the "Istanbul Convention"*;
16. UN General Assembly, "Report of the Special Rapporteur on Contemporary Forms of Slavery, including its Causes and Consequences - Thematic Report on Forced Marriage", published on July 10, 2012, page 7, point 27, for more see link: https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-41_en.pdf [Last accessed on 09 February 2025];
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