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EARLY AND FORCED MARRIAGES IN ROMA AND TRAVELLER COMMUNITIES: CASE STUDY OF FRANCE

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[1] * All references to Kosovo, whether its territory, institutions or population, should be understood in accordance with United Nations Security Council Resolution 1244, without prejudice to the status of Kosovo.

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GENERAL INTRODUCTION

Marriage is taken to mean a union between two people formalised by a state (legal) or religious body. Civil marriage is a contract between the two spouses in which both parties make commitments on a number of points such as mutual assistance, sharing and fidelity. In France, marriage between couples of the same sex, also known as “same-sex marriage”, is allowed by Law No. 2013-404 of 17 May 2013.

In the Catholic Church, marriage has been one of the most important sacraments since the Middle Ages. Marriages are made before God.

In most developed countries and among Christians, marriage is monogamous. In other countries, such as some Arab and African Muslim countries, polygamy may be authorised.

Marriage has long formed the basis of union between two families and, before this, between two tribes.

In France, marriage traditions are broadly observed and much the same in every region: engagement, wedding announcement, wedding list, wedding ceremony in a place of worship and/or the town hall, reception and buffet, wedding presents, honeymoon, thank-you cards, etc.

THE IDEA OF MARRIAGE

Dominic: Now he reviles marriage, which is one of the seven blessed sacraments.
Gomez: 'Tis liker one of the seven deadly sins […]

John Dryden, *The Spanish Friar* (1681)

THE ORIGINS OF MARRIAGE

From time immemorial it seems that, by and large, men and women have always wanted to formalise their unions with a marriage ceremony, even though the number of people living together and having children without being officially married has risen sharply in the West over the past few decades.

In ancient times, in Greece and Egypt for example, such unions reflected the marriages between gods.

Very early on, towards the fourth century, the Catholic Church formalised and codified marriage because of Saint Augustine, who thought it a crucial act for believers. In the Middle Ages, Pope Lucius III included matrimony for the first time in the list of traditional sacraments beside the Eucharist, penance and baptism in a papal bull condemning the heretics who challenged the sacraments. His bull was to be reproduced in a number of canonical collections and followed by further professions of faith along the same lines. At the Fourth Lateran Council in 1215, marriage was included in the official list of the seven sacraments of the Church.[2] The decretals of Pope Gregory IX in 1234 confirmed this inclusion of marriage in the seven sacraments of the Church.

In the sixteenth century the Council of Trent issued a decree requiring marriage to be celebrated by a priest before witnesses.[3]

Since the French Revolution, formalisation of marriage in France has been solely non-religious. From 1884 divorce was allowed in France for a fault, such as adultery, on the part of one of the spouses.

Grounds for divorce were extended in 1975, when divorce also became possible by mutual consent irrespective of a fault.

[2] The Fourth Lateran Council of 1215 reduced prohibited degrees of kinship from seven to four, banned clandestine marriage, punished marriage of priests more severely, and required publishing of the banns and the presence of a priest.

[3] According to Saint Paul, marriage of Christians was the visible sign (the symbol) of a spiritual reality: the love and union of Jesus Christ and the Church. The author is familiar with both the passage in Saint Paul in which marriage is presented as *sacramentum* (*mystêrion* in Greek) and Augustine's three benefits of marriage, which include *sacramentum*. But in the language of the early Christians, this word had a much broader meaning and its use was not confined to the seven sacraments recognised by today's Church.

FORCED MARRIAGES IN FRANCE

Marriage is based on the free and full consent of both spouses. Where pressure has been brought to bear on one party or both, a marriage is held to be forced.[4] Various names are given to a marriage to which at least one of the parties has not given full consent: forced marriage, marriage under duress, marriage without consent, arranged marriage, early marriage, etc. This is the same phenomenon. France is fully committed to stepping up action to combat forced marriage. This commitment has resulted in ratification on 4 July 2014 of the Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as the Istanbul Convention, which makes combating forced marriage part of combating violence against women (see its Articles 32 and 37), and highlights that violence is directed against a woman because she is a woman and that women are affected by all sorts of violence disproportionately.

It is also reflected in the Gender Equality Act of 4 August 2014, which gives French courts new tools for protecting victims in France or victims detained abroad.

Forced marriage is a form of violence that deprives the individual of free choice in the matter of love. It reflects an intention to control girls' sexuality and to assign girls the role of wife and mother. In addition to this intrinsic violence there is the violence endured before and after the marriage. The fact should not be concealed that sexual relations within a forced marriage constitute rape.[5]

Coercion in a forced marriage can concern various aspects, namely:

- Imposition of the marriage;
- Restriction of spouse's choice, whether to a specific individual or group of individuals;
- Obligation to marry the person with whom the spouse was cohabiting.

Coercion may take the form of no alternative to marriage because the person is unable to refuse. This definition broadens forced marriage to more than just cases of "active" coercion.

Coercion also occurs in the case of individuals who, because they are quite young, cannot refuse. This is why early marriages, before the minimum legal age, are forced marriages. Whatever the form or degree of coercion used to force a marriage, all forced marriages seek to restrict, or even prohibit, an individual from making independent choices relating to love and his or her sexual life.

Early marriage concerns both girls and boys, women and men. However, it cannot be considered a symmetrical phenomenon, firstly because girls are more affected than boys and secondly because, in social contexts in which the roles of women and men are unequal, the consequences of a forced marriage vary according to gender.

[4] See the section on definitions in the thematic report of the Ad Hoc Committee of Experts on Roma Issues (CAHROM) following a thematic visit to Romania with experts from partner countries (Italy, Netherlands, Poland, Republic of Moldova and United Kingdom).

[5] Definitions from the Observatoire national des violences faites aux femmes (French national watchdog on violence against women), Newsletter No. 3, October 2014.

FRENCH LEGISLATION ON MARRIAGEABLE AGE

Marriageable age, it should be recalled, is the age at which a person is old enough to marry.

Up to the French Revolution the marriageable age in France was 12 for girls and 14 for boys. A revolutionary law of 20 September 1792 raised this age to 13 for girls and 15 for boys.

It was not until the establishment of the Civil Code by Napoleon Bonaparte and the law of 1st Germinal Year XII (1 April 1804) that the age for marriage rose to 15 for girls and 18 for boys (Civil Code, Article 144).

The most recent change to the age for marriage dates from 4 April 2006,[6] raising it to 18 for girls. This amendment was passed in connection with two bills on domestic violence. For the first time in French history, the marriageable age for girls and for boys is now the same.

However, exemptions may be granted by the public prosecutor for "serious reasons" (Civil Code, Article 145). Parental consent is also required (Civil Code, Article 148). A minor who marries is declared of full age and capacity as a matter of law (Civil Code, Article 413-1).

In France the average age at first marriage was slightly lower for women than for men (30.6 as against 32.4) in 2013 and was becoming later and later.[7]

[6] Law No. 2006-399 of 4 April 2006 strengthening prevention and punishment of domestic violence and child abuse: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000422042&dateTexte=&categorieLien=id (in French)

[7] In 1994 the average age at first marriage was 26.8 for women and 28.7 for men.

FRENCH LEGISLATION ON FORCED MARRIAGE

Under French civil law, marriage cannot take place without consent.

In French law, marriage is founded primarily on consent, as Article 146 of the Civil Code provides that “there is no marriage when there is no consent”. This requirement for consent was strengthened by the Gender Equality Act of 4 August 2014, which amended Article 202-1 of the Civil Code by adding that “whatever the personal law applicable, marriage requires the consent of both spouses”. If one of the spouses has been coerced, the union, known as a “forced” marriage, can be annulled. The victim must prove the existence of mental or physical coercion. The application for annulment must be made within five years of the date of marriage (Civil Code, Article 181). For minors, nullity of the marriage is automatic.

Civil-law safeguards prior to marriage: A protection order can be issued by a family court for an adult threatened with forced marriage (Civil Code, Article 515-13). At the victim’s request it may also temporarily prohibit the threatened person from leaving French territory. For minors, such protection comes under child welfare. If a serious and imminent threat is reported, an application can be made to the children’s judge for a ban on leaving the territory.

Criminal offences relating to forced marriage: In 2013, Parliament established a new offence punishing with three years’ imprisonment and a €45 000 fine “the act, for the purpose of forcing a person to enter into marriage or conclude a union abroad, of using deception to persuade that person to leave French territory” (Criminal Code, Article 222-14-4).

Since forced marriage is often preceded by abuse, it is an aggravating circumstance for some offences such as abuse, murder, torture, acts of barbarism, and abduction. These offences are therefore punished more severely “when they have been committed against a person in order to compel him or her to enter into marriage or conclude a union or on account of his or her refusal to enter into this marriage or conclude this union”.

THE RESEARCH PAPER

The primary purpose of this research paper has been to study cases of early, or forced, marriage among Roma and Travellers in France. I have taken three different population groups to study the occurrence of this phenomenon in the communities covered by this study:

- Young Roma, Gypsies or Manush with French nationality belonging to the Traveller community;
- Young Roma from waves of migration from the former Yugoslavia (Bosnia and Herzegovina, Serbia, Kosovo*), from communities having lived in France for two or three generations;
- Young Roma from new waves of migration coming mainly from Romania and Bulgaria, from communities having lived in France for at least 10 or 15 years.

In this research paper, I have sought to understand how forced, or early, marriages occur in the above three population groups. I have conducted informal interviews with parents, grandparents and the young people themselves in order to gain a better understanding of the marriage process. Is it a forced marriage or an early marriage? Are we looking at traditional marriages with the consent of both extended families or love matches?

I have studied what happens in families and how marriage relates to culture and tradition. I have also explored family structures, sense of identity and the thinking behind marriage. How is the marriage chosen? What are the priorities for these three population groups and the codes that they have to follow when it comes to marriage?

In my informal interviews I wanted to see whether the phenomenon of human trafficking for the purposes of prostitution or stealing existed among young Roma.

Throughout this research I have made the connection between marriage and what it represents for these three types of community. Is marriage a free choice or a duty? What are the traditional influences and social and family injunctions, and how do they affect marriage? I have considered the role and place of Roma women in these communities by making a comparison with the outside world as represented by its official rules and institutions – particularly the relevant legislation – such as the Criminal Code and civil marriage.

RESEARCH PROCESS AND METHODOLOGY

For my research I chose to concentrate on Troyes, Romainville and other towns in the Paris suburbs such as Achères, Saint-Germain-en-Laye, Orgival and Vitry-sur-Seine. These places were chosen firstly because of contacts facilitated by a number of the parties concerned, particularly associations, and secondly on account of the large number of people claiming membership of the Roma or Traveller community there.

I had my introduction to these places through personal acquaintances, some of whom belonged to these communities, who were extremely helpful in putting me in touch with families. Thus in Troyes I was introduced to the wealthy Roma clans of the Jambazi group from Kosovo* and Serbia, who live in houses. These Roma have been in France for two or three generations. I visited settlements where I met families from Romania and Bulgaria, and also caravans occupied by Travellers, mainly Manouches with French citizenship.

I had preparatory meetings with the families prior to individual interviews. I conducted the interviews in Romani, making adjustment for the various dialects and language variants according to the Roma's origin – Romania, Serbia, Kosovo* or Bulgaria – in order to build trust from the outset and enable the respondents to open up in the course of discussion. The interview process began with informal discussion during meetings or lunch with the families, after which I met them again and took everything down in writing.

I began by noting key points, which I then developed when scripting and transcribing the interview. I sometimes had to visit some people again for answers to certain questions in order better to understand the thinking behind the marriage process.

I also met staff working in the French civil service and in the voluntary sector in order to understand the implications of this issue in France and the (political, religious and voluntary-sector) positions on the question. I thus met barristers at the Paris Court of Appeal and police officers. I also met heads of legal services at the French Office for the Protection of Refugees and Stateless Persons (OFPRA) and officials in associations working on women's issues and violence against women. In addition, I visited Paris prisons to conduct interviews with experts on human trafficking who were working with young women from Bosnia and Herzegovina.

Lastly, I contacted representatives of the French Government to ascertain what their positions might be on this matter, and more specifically representatives of the Interdepartmental Office for Accommodation and Access to Housing (*Délégation interministérielle à l'hébergement et à l'accès au logement*, DIHAL).

FROM THEORY TO PRACTICE: FIELDWORK AND FIRST-HAND ACCOUNTS

C* FAMILY CLAN FROM ROMANVILLE[8]

The father of a boy from the C family tells how his son was married at the age of 16:*

My son chose his wife himself; we had known my daughter-in-law's family for 20 years. My son told me that he liked the girl, and I agreed to begin the process of asking for her hand. We are Jambazi Roma from Kosovo*. In our community, young people marry with their parents' consent. When a boy chooses a girl, he tells his parents and waits for their consent.

Once the parents' consent has been given, steps are taken to ask for the girl in marriage. An uninvolved third person is sent to inform the girl's parents ("*Ingijarel o haberi"*). This third person must then report back to the boy's parents ("*Leparijarel"*).

Our children marry very young; for us, this is fundamental. Continuing their education or working is not so important, but they have to marry young. It is us parents who support our children. A girl learns respect in everyday life, and she is well looked after by her husband's family. The marriage proposal is made when a girl reaches 13 or 14; the engagement lasts two years, and we take the girl before she becomes an adult. In our tradition ("*Tabijati"*) young people are not allowed to go out together beforehand or get to know each other. We have cases in which the young people have never seen each other but the parents' consent has been given; the young people then have to marry, as they cannot disobey their parents; that just doesn't happen in our community. These are not forced marriages; it's "our tradition" ("*Amaro tabijati"*). The girl's father must tell us exactly what he is asking, and what he requires; he tells the third person sent by the boy's family to announce the proposal. The girl has to be a virgin, that's beyond question, otherwise it's impossible, and she has to eat properly before choosing her wedding dress. For example, for my son, the girl's mother brought us a certificate of virginity: she took her daughter to the doctor and then gave us the document. I think that's quite right, and very proper. We didn't ask, but the mother did it of her own free will; that was very decent on their part. And the mother was Polish besides, married to a Kosovo Roma, but she followed our tradition to the letter.

Before the wedding we have the engagement, which is very important; this is when we have to give half the girl's bride price. The price we agree when the proposal is made can be anything between 30 000 and 50 000 euros…[9] If both families already know each other, things are much simpler.

[8] To ensure privacy, only the initials have been given in the final version of the documents.

[9] Editor's note: This sum does not come from a single family as we understand it. It is collected from the entire community (clan) over one or two years.

When we discuss the girl's price the elders are there – the whole clan is there. Divorce doesn't exist in our community, and if the girl is not respectable ("*sar ijavilpe*"), we can cancel everything and ask to be reimbursed.

We have three weeks to get to know each other properly and build trust between us – as this is fundamental – before starting to request the girl in marriage, which we call *mangipen*. If the girl is not respectable, we must tell seven neighbours and then send her back home after having shaved her head, and it is a humiliation for her entire family. The family is disgraced. We're under considerable stress until we begin the marriage proposal. Now we are all living in Europe, in France, Germany, etc., we have to wait for the legal age of 16 to celebrate the marriage.[10] But we make the proposal and start preparations two years beforehand.

In our community a girl prepares for marriage from an early age. Her mother must teach her respect, obedience and honesty. The mother-in-law then takes over and looks after her daughter-in-law. The daughter-in-law must be very well-mannered with us; that's very important – essential really. I have a problem with my eldest son, who doesn't want to follow tradition: he doesn't want to marry a Roma girl and doesn't want to pay for his wife. We have all disowned him. Children who do not want to carry on the traditions are disowned by their parents.

Before asking for the girl, we have to make thorough inquiries about the family to find out where the girl comes from and what her roots are. We must have all the information about her conduct. Subsequently we will send someone from our family in whom we have absolute confidence to provide assurances to the girl's parents that everything will be fine. Careful consideration is necessary before we give our word! Much thought is required before making the marriage proposal. Respect is very important. The girl must learn certain rules almost from the cradle; she must be able to keep house properly. Her standard of education is not important to us.

Our conduct when making the proposal is very important. We have to get it right; every word is of the essence. When we go to make the proposal, we take a bottle of red raspberry lemonade. When the girl comes to join her new family she must afterwards spend two weeks with her parents for "*spari"*, when she tells her parents about her life and if she is not happy with her husband's family. This is when she can decide whether to remain with her parents or return to her husband's family for life.

Once a girl is married she is not allowed to reveal the family's secrets and must behave considerately towards all members of household, otherwise she may be sent back to her own family.

The parents are responsible for the young couple, at least to begin with: the couple must live at least two or three years with the whole family, after which they can leave and live separately.

The girl is taught the household rules, the meals to cook and how to look after the house by her mother-in-law. Young people can be forced to marry. When a boy's parents choose a girl, the boy cannot go against their will: he must obey and agree, otherwise he may be disowned by his parents and the entire family. The boy's parents may refuse to pay the price asked by the girl's parents, in which case the proposal may be rejected. Before the girl joins the family of her future husband, there is a week of preparation: two outside women are chosen by the community to look

[10] Editor's note: The speaker did not seem aware of current legislation.

after and prepare the young bride for her marriage. They thus change the hair colour and hairstyle of the bride-to-be, carefully prepare her and teach her everything she needs to know for her new life as a wife. The mother-in-law waits for the girl and welcomes her at the front door with homemade bread, sugar water and honey. Later the girl loses her virginity and the entire clan celebrates this event for two days. It gives great joy and happiness to the entire family.

If a girl is still unmarried at 18, the community begins to have a poor opinion of her and a marriage proposal becomes difficult. A girl must be married by 15 or 16. For the Roma of Kosovo*, school is a threat – a contact with the outside world that is not in keeping with the community's rules and traditions. It is very unusual for Roma from this community to marry people from outside; this can bring risks with it, including total rejection by the family. Girls belonging to the same community are respectful, familiar with its rules and expected behaviour, and prepared for marriage from an early age. We don't accept divorce: we marry for life and don't divorce. This is why careful thought is necessary before beginning the proposal process, which must have a sound foundation, particularly regarding agreement on the bride price, the proposal itself, the engagement and lastly the wedding. Civil marriage is not important for us; we make such marriages if necessary, when required by law, but otherwise we don't bother.

THE IMAM[11] OF TROYES FROM THE JAMBAZI COMMUNITY OF KOSOVO*

In our customs, for marriage, the boy's mother and father go to see the girl. The girl's parents bid them welcome and tell them the door is open to them. They check that the girl has not been chosen or already promised to somebody else. Then we start to prepare the marriage proposal. A lot of people come to go and make the proposal; we prepare the ring and the red headscarf for the girl. The whole family prepares to go and make the proposal, taking a bottle of a red, raspberry-flavoured sugary drink. We collect 20 000-30 000 euros to pay for the girl. When agreement (*zastava*) is reached on the bride price, we all raise our glasses to toast it. Every member of the boy's family contributes to the bride price. The mother-in-law prepares coffee with sugar for the gentlemen who have taken part in discussing and negotiating the bride price. Afterwards we have to bring all the girl's clothes, as well as jewellery, pillows and sheets, from the Thursday. And it is only on the Sunday that we will go to fetch the girl.

We celebrate the wedding on a Saturday. We have the boy's uncle, who is usually the "*Bairatar",* the man who leads the special dance with the daughter-in-law, and the whole family. When the bride enters the house her head is covered with a red headscarf; her mother-in-law prepares sugar water for the girl to drink and gives her bread and honey to rub on the frame of the front door. Afterwards it is the son who enters the house.

The bride brings gifts for the groom: a shirt, a pair of pyjamas, a suit. The groom breaks bread over the bride's head and expresses the wish that she may bring the house happiness and good luck. We have some preparations for marriage that are very important; we prepare a dinner for the *Bairatari*, the man who leads the dance with the bride. Then there is the Friday, when we have to share out the tasks for the wedding on the Saturday, so that everyone knows what they have to do. The girl's father organises a dinner to celebrate the agreement and his delight at the proposal for his daughter. When he gives away his daughter, the father says: "*Miro si o rat, tiro si o mas"*, "*Dikh lako hairi; ishala te stvorilpe latar jekh gav"*, and *"o Del anglal tumen palal"*: "The blood is mine, but the flesh is yours", "Take good care of her and God bless you; I hope you found a village with her", and "God be with you". The parents-in-law bring all the presents for the family and the girl. And the girls' parents are "*divano"*; they must really be equal to the occasion. The boy does not ask for anything. But the main thing is to make inquiries about the family and its roots. When the parents have chosen they have to be obeyed: it is they who take the decision and go to make the proposal. When a father gives away his daughter, he utters the words "*Davla tuke duvakosa, te inklel andar o kher chifinesa"*, which means, "I give her to you alive and well-mannered; I hope she will leave your home only in a shroud".

The young people do not have a say. If the girl is not a virgin, her father must pay back the money; the girl's head is then shaved and she is sent home. During preparations for the marriage the entire clan and extended family provide assistance

[11] The imam of the Roma of Serbia and Kosovo* is the community's highest authority: he acts as an adviser in the Roma's internal court, being consulted in divorce cases for example, and for major events in the community.

and subsequently attend the wedding. We have a lot of preparations: buying jewels, a watch, garments and gold. We prepare the chest, the dresser with all the things, with the girl's bride price. We put all the things into the chest, the "*sandako"* – it's our tradition. It's a Roma tradition. We choose an obedient girl, a girl from a good family, with no worries or problems. We have to have just one home and family. The girl must bow her head. She must obey, be well-mannered and uphold our tradition.

If a girl is not a virgin, nobody will want her. Divorce doesn't exist in our community; if there's a divorce, the money has to be paid back. If the girl's parents are not to blame, the boy's parents may let the matter drop and forgive it but not the virginity. The family's reputation and honour are very important. If there is a problem, we get the members of the family together, and we have family meetings to discuss it and take sensible decisions. The nature of the family is vital to us. If the girl cannot have children, she is a *nerodkinija* and we will send her back to her parents. We want as many children as possible. Children are a blessing for us; they are all welcome. We want and intend to have large families, as they mean strength; nobody can hurt a large family.

Mixed marriages are unusual in our community; even when *gadge* marry into our families, they uphold our traditions and adopt all the family customs. They speak the language and know our traditions and culture. Our traditions are very strong, as is our belief. Our girls leave to marry at 15, and the proposal comes when they are 13 or 14. The young people's keep is not a problem for us, since everybody lives together, and the parents support the young couple until they are able to support themselves. Respect and the family's reputation are vital to us; it's the basis for everything. Divorces are very rare or even impossible.

French Gypsies have the same traditions as us. Virginity is very important for both of us. It's the tradition. Our weddings are very expensive, and a lot of preparation is needed. This takes time and means organising the entire clan. A wedding can cost up to 100 000 euros with the clothes, presents, celebration, jewellery, receptions, etc. That's why we have to be very cautious when choosing the girl; very careful consideration is necessary before taking the decision to send someone to announce the proposal.

The daughter-in-law must be very well-mannered and able to do whatever is necessary to look after the house properly. In our culture the whole family lives together, and the girl must cover her body – it's a matter of respect; she cannot show her arms and some other parts of her body.

The girl must be taught respect, be well-mannered, know the rules and obey them. That's the Roma tradition.

N* FAMILY CLAN FROM TROYES[12]

In our community, we see marriages not as forced but more as dictated. We cannot decide on our bride by ourselves. It isn't a free choice: it's a choice that is dictated, or decided with all members of the family. The family clan represents all these members. Marriages in our culture are carefully considered and organised; we can't do just anything because they are expensive. The family structure is very hierarchical, and decisions are taken by the elders. When we decide to ask for a girl in marriage, we go together with all the family. Before making the marriage proposal, we study the situation of the two families; if there have been disputes or problems between them the marriage cannot take place. Both families must be on very good terms, as the young people's lives will depend on the relationship between them. Everything is based on respect and goodwill. We have our traditions that we uphold and obey – not as we used to, but we do at least observe the basics. Divorce does not exist in our community. There must really be a huge problem for a divorce to take place. Our marriages have a 90% success rate. The extended family contributes to the bride price; this is not a sale but rather a guarantee for the future. The girl must be very well-mannered and observe the household rules. The girl's father sets the price for his daughter, since this also reflects the care he has taken in bringing her up.

In our community the bride price is prepared by the boy's father. The boy's family must provide everything the girl's father demands: money, gold, garments. We are not like the Roma in the Beaches group, who have left Romania and are now living in Serbia. Those people take girls for their skill in stealing. The better the girl is at thieving, the higher her price, which may be anything up to 100 000 or 150 000 euros.[13] The girl's father takes this money, but the girl must pay it back to her husband's family by stealing. In our community this doesn't happen; the money for the bride price is given and never reclaimed. For us Roma, the most important things are to have a daughter-in-law who is very nice, a nice house and a nice car. The family is sacred to us, and the choice of a daughter-in-law is very important, since it's life, the passing on of our blood, of generation and identity. This is why marriages are so important for us, as is the choice of a daughter-in-law. It's just once and for life. We give a lot of thought to it; there is the proposal and all the organisation and preparations for the marriage, which take a year or even a year and a half or two years. It is expensive for us; family meetings are held and decisions are taken in common, never alone.

When a young person marries in our community, they marry the families too, with everything that entails. Respect is very important, as are speech and behaviour. We have to be very careful; we can't do just anything. The young people live with their elders to learn the rules of life and the rules of the household. Everything is very hierarchical and systematised in our community; everyone has their own role and place. We preserve and systematise our traditions. Young couples live with their elders until they have two, three or four children. Afterwards, once they are more

[12] To ensure privacy, only the initials have been given in the final version of the document. The Roma in this clan have been living in France for two generations.

[13] Editor's note: See Footnote 9.

mature, they can live on their own. But to start with that's impossible: they must live with the husband's entire family. The daughter-in-law must adjust to her new home and learn its rules. It's her mother-in-law who teaches her all the household rules. Our families are all close-knit and live in unity. Advice from our elders is very important; we listen to and respect it. We have to get on with each other, since the whole family lives together; we have to live, eat and share our lives together. We investigate the family's roots before committing ourselves. We have to start on the proper footing if the marriage is to succeed. Marriage is the most important thing for us, and it has to be a success. Family authority is very important and highly respected. The whole family is involved in our marriages.

In our culture young people do not go out together; they can make each other's acquaintance and go for walks together, but they must be accompanied by a third person and can never go on their own. We don't know what they might do, and virginity is sacred to us. Today times have changed, and young people can meet, whereas before this wasn't even possible; it was the older people who organised and settled everything, while the young people just had to obey them. That's how it is: it's the parents who decide; we cannot do otherwise.

The consent of the father and mother is needed to start with; they have to agree. If they don't agree, the marriage cannot take place or is doomed to failure. We have our rules, our traditions and our rituals, and we observe them. It's our tradition, all that remains to us – our identity in short. Our identity boils down to our traditions, our language and our customs. Education is not important to us; it's family upbringing that counts. There are families today who allow the young wife to continue her education or do training, but that is the family's choice. It's preferable for the girl to stop going to school once she's married.

P* FAMILY CLAN FROM VITRY-SUR-SEINE[14]

ONE YOUNG WOMAN FROM THIS FAMILY CLAN

Nowadays our young people marry at the age of 16, 17 or 18. Before, it used to be 14 or 15. They get to know each other, and if they like each other they tell their parents.

Before, it was their elders who took the decisions. They used photos for the introductions and took the decisions about the young people's marriage. The young people were not allowed to go against their parents' will; marriages were loveless and took place purely out of respect for the parents' decision.

Before the wedding we make inquiries about the place where the future bride will be going and the groom's family that she is going to join. We make sure that the place is suitable and that the parents are comfortably off, and if the groom is the family's eldest boy so much the better.

Before, when couples married young, they got used to one another. When the girl married, she remained with her husband's family to her dying day. She had to listen and obey and show respect. She had to watch her attitude and behaviour. She had to bow her head. That was how it used to be in our community; it was a different time.

For us, virginity remains very important: the bride has to be a virgin. My two girls were both educated in France, but at the age of 16 they married boys from our neighbourhood during the holidays. They told us about these boys, and we went to meet their families. Nowadays girls go off to lose their virginity in a hotel; before, it was at home. We celebrate this great event and display the nightdress in public. For the parents it's the most important thing; it's a great honour. For us Gypsies, the family is what counts; Gypsy love is twice as strong as anyone else's. For us the family is sacred: it's essential; everything else is secondary. The girl's virginity is the family's honour. There's schooling too, but it's not as important for us. Our grandchildren are our greatest happiness; they're all we have.

I let my daughters choose, and I told them, "*Save jakha dikhen, kala ka patin"* ("The eyes that look are the eyes that are going to suffer"). Once a daughter tells her parents that she has found a boy she likes, the parents must meet the boy's family and give their consent to the marriage. The family's reputation is very important, and its financial situation too, as the girl must be properly settled. Nowadays things are more easy-going, since young people can meet each other, although they can't go out together, whereas before it was the parents and grandparents who took the decisions about marriages. As for us, we had to obey, and they were loveless marriages, but we weren't allowed to defy our parents and grandparents; we were married very, very young. Nowadays things have moved on.

Divorce doesn't exist in our community. Girls can't go out; they don't leave the house. Our women don't have any choice, they aren't allowed to go out alone, they have to bow their heads and obey. A Gypsy woman must be a good housewife. She stays and endures to the end of her life. She only leaves her husband's home when she is

[14] These Roma belong to the Tsutsumani group from Bulgaria. They have been living in France for 15 years.

dead. In our community a woman's life is hard, as once she is married she neglects herself, she has children, and she forgets about herself. A girl must know how to do the housework properly, keep everything clean and cook; it's very important – she has to be a real woman.

We are attached to our identity, family and traditions. In our culture we all live together, our parents are with us, and we don't have retirement homes.

Our young people now marry at 18 for boys and from 15 or 16 for girls. Before, the young people had no say in the choice of spouse; it was the elders who took the decisions, while nowadays young people make their own choices and tell their parents. The parents must give their consent, otherwise the marriage cannot take place.

In our community the mother's role is very important, as she must ensure that her daughter is properly settled. When I speak of Gypsy women, I see women in the kitchen, busy preparing excellent meals. A Gypsy woman must be a good housewife. Love is important; before, we used to marry without love, but it came little by little, as the young couple got used to each other with time. Young people marry for life in our culture. You have to put up with it, see it through and be positive. Even if the daughter isn't leading a good life, the parents are not allowed to intervene: they cannot separate the couple; marriage is for life. You have to put up with everything, the disputes, whatever happens, everything. It really is for life.

ANOTHER YOUNG WOMAN FROM THIS FAMILY CLAN

I married at 15, and it was my mother who chose my husband. My husband was a neighbour. My mother wanted to settle me well, and this boy came from a family that was comfortably off. My parents didn't get on well; they argued a lot and were going to divorce. My mother feared for the family's reputation and was thinking about my future. It would have been very hard to find a husband for the daughter of divorced parents afterwards. And so she was in a hurry to marry me off before starting to divorcing my father. But so far they haven't divorced; they're still together.

The reputation of the girl's family, and the boy's, is very important for the marriage. I married without love; the choice was not made for love but was dictated. We are under the sway of my mother; the mother's role is crucial in our community. The parents are responsible for the choice, and you have to listen to and obey your mother.

I stayed with my first husband for five years. My husband was sterile; he couldn't have children. He went to see the doctor in secret with his parents. We held family meetings to discuss adoption of a child. I was willing to adopt a child, as my life was comfortable. In our culture the daughter-in-law's role is to look after the house and do everything: ironing, housework, cleaning the whole house. I had health problems, my hands were extremely painful, and my mother and mother-in-law often took me to hospital to have them treated. My mother-in-law often said that I wouldn't be able to take care of my child because of my hands. She was afraid that I wouldn't be able to look after the house or take care of my child because of my health problems.

In our community the daughter-in-law is like a servant. She looks after everything – like a servant who is not paid directly for her work but is paid in another way, since the girl's keep depends on her parents-in-law. It's good if the husband works;

otherwise, it's the girl's parents-in-law who look after the young couple. The girl works but in the home.

I didn't get on with my husband; our relationship had deteriorated a lot and I decided to leave him. I married for the second time at the age of 27. And today I have two children. My first marriage was my parents' choice; the second was my own, for love. I was adult, more mature and strong enough to make my own choice. I chose and took responsibility for the decision by myself. I became pregnant with my first son straight away, and later I had a second child. Today I have two boys, and I live in France with all my family. I should like my children to marry girls from our community. I keep telling them that they have to marry Gypsy girls because we're Gypsies. It's easier when the other person is like us; life is simpler and there aren't any problems. We have the same way of thinking and the same traditions; it's much better when the girl is adjusting to her parents-in-law's household.

Girls from other Gypsy groups, such as the Kaladjii, have no trouble leaving; they're like the *gadge*, like the Bulgarians. They're not able to build something permanent; as soon as there is the slightest problem they leave. They quit easily, not like in our group; there is nothing Gypsy about them. They are fussier. When we marry, it's for life; we stay for life, we see it through and we put up with each other for life. For us, it's really "*tsiganska lubov"* ("Gypsy love").

FAMILY CLAN OF ROMA FROM ROMANIA IN ACHÈRES[15]

YOUNG WOMAN FROM THIS CLAN

In our group, we marry among ourselves and we take someone from our *tsigania* or neighbourhood. Young people nowadays meet on Facebook and later the boy sends his parents to ask for the girl in marriage. The parents must know the boy's family well and get on with them. We have cases where the girl doesn't agree, but if the boy likes her he can "steal her" (kidnap her), and that's the end of the matter. Once she loses her virginity, everything's over. In our culture we marry very young, from 14 to 16 at most. Once a girl reaches 18, it's hard to find a husband from our community. Everyone looks down on her, and nobody wants her. People laugh at her. The girl is thought old and nobody wants her. So you have to hurry.

The girl has to meet a lot of conditions. She must be very well-mannered, show obedience and respect her parents-in-law and the whole family. The girl has to be a virgin; that's the rule. She must be able to do the housework properly and know how to look after the home. How the girl speaks is very important: she has to speak properly with the whole family; she must show everyone respect. Once she is married, a girl is not allowed to go out on her own in our community; she has to be accompanied by family members. She must put on long skirts, her hair must be worn in a bun and her arms must be covered. The girl is not allowed to wear trousers. She is not allowed to use make-up, other than just a bit when there are celebrations.

School is unimportant: the girl can continue as far as secondary school and learn to read and write a bit, but that's enough. School doesn't matter; the main thing is that she is able to look after the home, cook and take care of her children and parents-in-law. School is of no use to her.

A girl is given in marriage at 12 or 13, at which age the boy's parents come to ask for her hand. The girl's parents ask for money, 2 500 or 3 000 euros,[16] or gold. Once agreement has been reached there is a celebration to show the girl's virginity by displaying her "unsullied" nightgown.

If the girl is not a virgin, this is *ladz*, a disgrace to the family; she is then sent back to her parents. Her parents cut her hair or shave her head and have to pay the bride money back to the boy's parents. This girl will have no chance of marrying in the community afterwards. Nobody will want her, her family's honour has been destroyed and the family will have a bad reputation. It's hard in our community, it's very strict, we have a lot of rules. That's why we marry among ourselves, with people like us, as it's easier; it's simple with people from our community, our *viţa*. You have to know, observe and obey the rules properly.

Before, it was the young couple's parents who arranged the marriage; it wasn't a matter for young people themselves. Nowadays, young people meet on Facebook, contact each other and get to know each other. This wasn't possible before. Parents decided for their children, and the children consented.

[15] This clan belongs to the Laijashji group from Turnu Severin in Romania. They have been in France for 15 years.

[16] Editor's note: See Footnote 9.

The girl must have a lot of children; it's important. You have to have a large family. The girl must be able to do everything about the house and show respect; that's the main thing.

The family on both sides is involved in the wedding: the girl's mother may give her a dowry to set up home. The mother may give her presents of gold, but later on; first she has to see how her daughter's life will turn out. The mother says, "*Te trail mi chej shukar, davla, te ni trail chi davla"* ("If my daughter lives well, I will give to her; if she doesn't live well, I won't").

The mother-in-law believes deep down that her daughter-in-law must do everything; she must take good care of her husband, her children, her home and her parents-in-law. Or else what would happen? (*Dukhanla o tara*?) She answers, "Or else her wisdom teeth will ache" and then she laughs….

TRAVELLERS/MANOUCHES IN FRANCE, LIVING IN CARAVANS[17]

YOUNG WOMEN

Marriages in our community are made for love. Young people are allowed to see each other and go out together. But the foundation of marriage for us is love. We don't have any specific age at which we marry; marriage comes when there is love. If two young people love each other, we don't have the right to destroy their love: "God has joined them together, and we have no right to break them asunder."

School is impossible for us, as we travel. We move about and never stay longer than three months on any site; we cannot go to school; it's just impossible. For us, school doesn't exist: we have ministers who give Bible studies. Our children learn to read and write in school lorries.

We ourselves go on missions in the summer for three or four months. We are Pentecostalists; that's our religion. We have our "Life and Light" mission, which is very important, and we have 140 places of worship. Two or three months of the year are devoted to religion. This is when young people meet, get to know one another and marry. We come together to talk about the Bible.

Virginity is very important for us. It's not good if the girl is not a virgin; it's preferable she should be. We celebrate the wedding according to the family's resources: wealthy families throw large wedding parties, while other families just have a cake; it all depends on how much money the family has. Religion is very important for us; it's honesty. We have a lot of testimony of lives transformed through God. It all happens in the heart, and there's being blessed: these are things we don't understand. You've got to have faith and be true to be blessed. It is love that counts, just love; nothing must be done out of duty. It's not because he's rich or handsome; it's right if there is love.

In our community, schooling does not last long. You learn to read and write enough to teach others. We have to be able to manage, move around and stay together as a family. That's how it is, and that's how it will stay. We have our recognised ministers who give Bible classes. We have our missions, which are very important to us: we put the marquees up every year and stay two or three months preaching God's word. A lot of people are converted over this period.

Our sons and daughters can marry non-nomadic partners if there is love: we give them the choice. There is no set age for marrying in our community; it happens when we find a spouse.

We don't marry at the town hall or in church; we are married before God by our ministers. It is our ministers who officiate at weddings. They read passages from the Bible. We are fairground people, Travellers. We stick together. We help each and if there is a stranger next to us, he eats with us. We all live together as a family; that's very important. We have a lot of respect for the elderly; they live with us until their dying day.

[17] I visited these two groups of Travellers in the towns of Saint-Germain-en-Laye and Orgeval.

In our community a woman must be well-mannered: she cannot speak about certain things in front of her husband; that would be a disgrace to us. It's our tradition: we don't speak about certain things in front of men. We are not allowed to talk about anything before the men; we have to be careful.

In our culture the girl has to be a virgin; the family honour is at stake. If girls are not virgins, they are thought to be frivolous. Once we marry, we cannot divorce; we don't leave – it's for life. If a spouse is widowed, they are allowed to remarry. We are never lonely because we are always together. We don't have baptism.

Men are respected in our community. We have our elders in the missions who are not the oldest among us but people who have studied and become ministers. They are respected a lot and much heeded. We owe respect to a man of God.

Women in our community are not allowed to wear garments that are short or too low-cut and they mustn't speak loudly. It is the men who are in charge; women must be able to do the housework and cook… they have to be submissive and kind; it's important. We can't read or write; that's not important for us. Martine helps us read our mail and write our letters.

SOME OPINIONS ON EARLY AND FORCED MARRIAGE FROM THE JUDICIARY, POLICE, VOLUNTARY SECTOR AND GOVERNMENT

OPINION OF A HUMAN TRAFFICKING EXPERT AT THE PARIS COURT OF APPEAL WORKING WITH YOUNG WOMEN FROM BOSNIA AND HERZEGOVINA AND SERBIA

I work as a court expert on human trafficking. In the course of my work I come across various communities, particularly Roma girls from Bosnia and Herzegovina and Serbia. French law makes no provision for care of young women who are ill-treated after a forced marriage.

Serb and Bosnian girls are not married in a civil ceremony but are daily exposed to ill-treatment, as they end up in prison owing to the thefts they are forced to commit by their husbands' families.

Once given in marriage, a daughter-in-law has to "work" (steal) to pay back 80% of her debt to her parents-in-law.

These girls can be regarded as victims of forced marriage, since they are forced to steal to repay the bride price.

The legal framework provides no specific measures for dealing with such situations. We have the "*Hors la Rue*" association, but they don't cover this type of problem. They provide support, do street work and offer a day-care centre.

Unfortunately, we have no preventive measures to combat early marriage in such communities.

These Serb and Bosnian girls often end up in prison "for stealing" and are abused with regard to their rights. They are often as young as 12. In my line of work as an expert, I often come across girls aged 10 to 14.

Social workers working in prison take no account of this situation and so do not work on this aspect.

As for associations combating violence against women, they do of course have units focusing on that issue, but since the girls are minors they do not know their rights and have no assistance or associations able to advise them about what to do.

At government level, services are decentralised and report to the prefecture of the relevant *département*. The prefecture manages the *département* unit for issues relating to violence against women. In the voluntary sector and the prefecture there are no staff who work on these issues and have the language skills to be able to work with these communities. There are no programmes on early marriage and no associations working in this field.

These girls often give birth at 13; no preventive work is being done in the health field. The girls do not choose their partners and suffer domestic abuse if they refuse to steal.

They have a duty, and are forced, to commit theft to pay back the amount of their bride price.

Serb and Bosnian girls marry between 12 and 14. The girls are completely cut off when they come to France. They have neither the means nor the knowledge to attend school to learn French. They are totally isolated. The Médecins du Monde association offers some assistance but only to provide medicines. There are no associations that deal with and work on these matters with young Roma women in France. The decentralised services report to the prefecture, and courts and social workers do not work on these issues. Their work is confined to support in prison and appearance in court; it doesn't go any further.

OPINION OF PRIVATE LAWYERS WORKING WITH ROMA COMMUNITIES IN THE PARIS REGION

In our work we have no Roma young women who come to consult us. We have had no cases of Roma or Manouche girls wanting to lodge a complaint. These are matters that they settle within their community, not outside. The Criminal Code holds forced marriage to be “an offence”. We have occasion to work with Roma girls in connection with applications for refugee status. These cases very often involve arranged marriages where the girl is brought to France to be married, and we have to sort out the question of papers: either we try to get refugee status or we work on applications for family reunion. Roma girls do not complain. We have no court rulings in this field. They use their own tribunal and tend to come to an arrangement within the family.

OPINION OF A NATIONAL GENDARMERIE SERGEANT

Regarding the gendarmerie units, we contacted some military representatives about domestic violence. None of them mentioned being aware of any family problems in Roma or Gypsy communities for the very good reason that we don’t have any Roma or Gypsy communities in the areas where we operate. Besides, to contact them, permission from the gendarmerie group commander would be needed, since no information will be provided without permission to communicate with outsiders. As for the police, we contacted the sergeant at the police station that supervises the group monitoring domestic abuse in its area. He told us that he had received no information on this type of community but agreed to contact the community if necessary. Otherwise, by contacting the local prosecutor, this sergeant could provide useful information for the latter’s court. According to our information, this sergeant keeps a close watch on domestic abuse and is the focal point for victim support and action to combat discrimination.

OPINION OF A POLICE SERGEANT SPECIALISING IN DOMESTIC ABUSE

We don’t have much to do with this type of community in the course of our work. But we do see a few of them. We see them for failure to deliver a child to the person with custody, as decided by a court in divorce cases. It’s hard for them to abide by the court’s ruling, but they eventually end up accepting it. We also see them for domestic abuse, especially of women. We have very few complaints from women suffering abuse, very few, but we do have some. We have had no proceedings for early or forced marriage.

OPINION OF AN OFFICIAL IN AN ASSOCIATION WORKING ON SCHOOLING FOR ROMA CHILDREN FROM ROMANIA AND BULGARIA IN THE PARIS REGION

In our association we don't work directly on early marriage. We work on schooling for Roma children from Romania and Bulgaria living in shanty towns. The young people make their own marriage choices, but the ones who drop out of school are often girls. Boys go to school a bit more, as far as lower secondary school, but rarely to upper secondary school. Schooling is connected with early marriage indirectly, since children who go to school for longer marry later and those who drop out of school marry earlier. Early marriage for both girls and boys turns their lives upside down; it's a form of violence. The parents often take responsibility for marriages, and then it is up to the children to choose. Some pupils' parents have understood the point of school; they insist on their children continuing to attend. We had a case of a girl who flourished at school and her parents allowed her to continue to upper secondary level, but that is very much the exception.

We have found it extremely difficult to do our work in recent years because of fast eviction. The mayor of each municipality quickly evicts families after two or three months, and we cannot keep track of families for schooling; it's impossible. We cannot ensure continuity and get results because we are prevented from doing so by the evictions. The children have their schooling interrupted and are rejected by the system. We are unable to work consistently on a sound footing because we have this problem to contend with. We cannot work steadily with the families, since they are only there for two or three months before being evicted. We have a very few cases in which boys and even girls continue to upper secondary school, but that is their choice, their view and that of their parents. Our work is not long-term, and without long-term work we cannot achieve results. It's a sort of discrimination. We don't deal with issues of marriage directly, but we make the connection through the question of schooling.

REPLY FROM OFFICIALS IN THE *FEMMES DE LA TERRE* ASSOCATION

The Femmes de la Terre association – the only network in France working on violence against women and against female migrants – has stated, "We do not work with this type of community, and we do not see any members of these communities."

REPLY FROM THE FRENCH OMBUDSMAN

An interview was requested with the French Ombudsman: the reply was that "according to the Children's Office of the French Ombudsman, the latter has not handled such matters".

REPLY FROM ROMEUROPE

We are a federation of 40 associations. We do not work directly in the field. We work on publishing reports on various issues concerning communities living in shanty towns, including Roma from Bulgaria and Romania. The information in our reports comes from the Hors la Rue association, which is overstretched. We work mainly on children's education and child welfare. In our reports we allude to the issue of customary marriages between minors in the Roma community that have no legal force, but we do not discuss the issue.

As far as we know, there are no researchers or associations dealing with these issues. We hold regional meetings with our associations twice a year, which allows us to exchange information and ideas. We don't have any working parties on these questions. We draw up recommendations on various issues; it is quite organised and quite specific. We have heard that the Interdepartmental Office for Accommodation and Access to Housing (DIHAL) is thinking of setting up a working group. We believe that if this working group is confined to early or forced marriages this could be stigmatising. A working group dealing with questions of adolescence in general would be more acceptable.

REPLY FROM A PRINCIPAL PRIVATE SECRETARY AT THE MINISTRY OF HOUSING AND REGIONAL EQUALITY

The Principal Private Secretary stated that they were considering setting up a working group and a reception and guidance centre in the Paris region. The group would work closely with the Police Juvenile Department and the public prosecutor:

"We intend to review the situation in the settlements and make a social assessment. We have appointed a person who will begin work in December 2016. This person will be working on these issues in the shanty towns. We are not proposing to provide support; we are just going to review the situation in the shanty towns and settlements in order to produce an expert report. We will not be doing any support, advocacy or notification work.

"We are organising round tables attended by government representatives, Roma experts and non-Roma. We are going to set up this working group to gain a better understanding of the issue, of forced marriages, rituals and duties, what is acceptable and what is not, in this community. We are going to investigate these matter, have discussions and gain the expertise to produce an expert report that will be useful to the public prosecutor and the authorities. We are going to produce an expert report that will be helpful in developing regional strategies for shanty towns.

"Our training information sheet includes all the events that we are in the process of organising and all the latest news. We are seeking possible ways of getting rid of sticking points. We shall be working in the Paris region, in the field and in settlements."

CONCLUSIONS

This research was carried out among various groups of Roma/Gypsies and Travellers in France in an attempt to understand the meaning of marriage for these groups. Its focus was early, or forced, marriage, and how such marriages take place in these communities. What was the role and experience of early or forced marriages in these communities? How were such marriages viewed by the families?

In reality, from what these families were saying, it emerged that they did not consider marriages at 13, 14 or 15 to be forced or early marriages. During my fieldwork I encountered many similarities in respondents' accounts: marriage was important for everyone, as was the girl's virginity; the person should be chosen from the same Roma group, and divorce was very unusual and unwelcome. But I also observed differences on matters such as the procedure for making the marriage proposal, the preparation and organisation of the bride price, and the age at which young people married.

Thus I found that among the Kosovo Roma the marriage proposal could be made from the age of 13 and the process lasted between a year and a year and a half until the girl joined her future husband. The boy's parents had to pay a bride price to the girl's father and make the preparations for it. The bride price varied, depending on what was asked by the father and close relations in the clan. Various rules of conduct had to be observed, and individual roles within the family were clearly laid down. Social status was also important, and the marriage actually took place between the two clans (extended families) rather than between the two young people. The young couple could not marry without the consent of both families.

Regarding Serb and Bosnian Roma girls I found that they were often forced to steal and ended up in prison on this account. Exploitation of girls for theft was thus another aspect of the general issue of marriage, since they had to steal to repay their bride price in particular.

Among Bulgarian and Romanian Roma I found that the age for marriage could vary but a girl had to be married by 18. Once she was 18, a girl was considered a spinster and marriage within the community became impossible. A dowry would be prepared by the girl's parents: furnishing of the entire home, or gold jewellery. The young people chose their own spouses but had to have their parents' consent.

Lastly, among the Manouches and Travellers I found that there was no set age for marrying. Marriages were based solely on the young people's choice and made for love. The parents' consent was less important: the most important thing was love – nothing else was so important for the people from these communities. Religion played a very significant role for these families.

My interviews and observations suggested that the relationship to tradition was crucial when it came to marriage. Parental decisions, particularly in the Serb, Bosnian and Kosovo communities, were the determining factor in a young couple's marriage. The parents acted and took decisions on marriage choices on behalf of the young people.

In the Bulgarian and Romanian communities, I noted some small changes relating to tradition and attitudes to marriage, reflected by the fact that the young people were able to choose for themselves, although they had to have their parents' consent.

In the Manouche and Traveller communities, I noted a change in relation to marriage: tradition was not held to precisely, as young people were allowed to marry for love, preferably with someone from their own community. But one thing was important for all the groups: the virginity of the bride-to-be.

The cultural factors involved tended to preserve tradition: whatever the type of marriage, early or arranged, it entailed a change of lifestyle for the girls once they were married. Once she was married, a girl was not allowed to go out on her own, and she had to obey and respect the rules of her new home. I found that cultural change had a significant religious element among the Manouches and Travellers. They thus spoke about how lives had been transformed through religion, and the way they made sense of God had very significant implications: marriage choices were often made during large meetings in temporary marquees erected for two or three months every year that brought together Pentecostalists from all over France, coming together to preach the word of God.

I also found that failure to follow tradition could result in “disowning by the community”; this was the case for a boy from Romainville who did not want to abide by tradition and pay for his wife; he was disowned by his entire family.

Marrying in the family sphere, living as part of a community and sharing with one’s family seemed all-important in giving a meaning to life and marriage for the people interviewed in the communities. Holding to their values, social status and traditions provided security for all these people, who found themselves not accepted, or even rejected, by the outside world.

And yet the young women who gave their accounts wanted better lives and the possibility of training for an occupation or profession and having a job, even if only as a cleaner, and wanted literacy classes to learn to read and write. All these women lacked knowledge and did not know where to apply to do training or learn to read and write, rather as if nobody wanted them… They felt that they were not being listened to, or even that they were sidelined and rejected, as if they had to live apart without any contact with the outside world. They were not aware of any organisations that might be able to help them.

The outside world in my research was represented by the voluntary, institutional and religious sectors. No work has been reported by the outside voluntary sector aimed at working directly with this type of community on the issues relating to early or forced marriage considered in this report.

The institutional sector and legal world seldom have occasion to work on these matters, apart from in connection with complaints from young women – usually in the case of young women from Serbia and Bosnia and Herzegovina forced to steal to repay their bride price.

The religious sector approaches the subject from a religious angle, which does not directly concern the question of early or forced marriage.

As for the public authorities and the Interdepartmental Office for Accommodation and Access to Housing (DIHAL) in particular, they are currently considering whether it is necessary and feasible to set up a working group that could address these questions and work in shanty towns and settlements with the Roma and Traveller communities concerned.

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APPENDIX 1: List of interviewees

For reasons of privacy, it was decided to remove this list from the final document. However, it is available by request from the support team of the Special Representative of the Secretary General (SRSG) of the Council of Europe for Roma Issues (roma@coe.int), which reserves the right to withhold it.

APPENDIX 2: Relevant legislation

Until Law 2013-404 of 17 May 2013, marriage was an institution in which a man and a woman were united to live together and start a family. The new law enshrined the right to marriage for persons of the same sex. Articles 163 and 164 prohibit marriage between collaterals whether the prospective spouses are of the same sex or different sexes. Collaterals can, however, have this prohibition lifted by a decision of the French President.

As for the age of marriage, Articles 144 and 145 of the Civil Code provide that, unless the age limit is waived, which can be granted, on serious grounds, by the public prosecutor of the place where the marriage is to be solemnised, a man and woman cannot enter into marriage before the age of eighteen. For serious reasons, the French President may lift the prohibition enshrined in Article 161 regarding marriage between relatives by affinity if the person who created the relationship is dead, and the prohibition in Article 163 of marriage between uncle and niece or aunt and nephew. While marriage of an adult under guardianship has to be authorised by the guardianship judge, it is nevertheless an act whose nature entails consent that is strictly personal and cannot give rise to representation. Any application from a guardian to a guardianship judge for authorisation to take the place of the adult under guardianship to give that adult's consent to a marriage is inadmissible (First Civil Division ruling of 2 December 2015, Appeal No. 14-25777, *Bulletin d'information de la Cour de cassation* (*BICC* – Court of Cassation Information Bulletin) No. 841 of 1 May 2016 and Legifrance website). See notice by Jacqueline Rubellin-Devichi (2016), *Jurisclasseur périodique* No.°1-2, pp. 62-68.

A marriage is solemnised publicly by the registrar of the commune in which one of the spouses, or one of their parents, was officially or actually resident on the date on which notice of the marriage was made public or, if public notice was waived, on the date of the waiver granted by the public prosecutor. If prospective spouses of the same sex, of whom at least one has French nationality, are officially or actually resident in a country that does not authorise same-sex marriage and in which the French diplomatic and consular authorities are unable to solemnise it, the marriage is solemnised publicly by the registrar of the commune where one of the spouses was born or last resident or the commune in which one of their parents was officially or actually resident under the terms of Article 74. Failing this, the marriage is solemnised by the registrar of a commune of their choice.

The new Marriage Act provides that either spouse can officially use the name of the other, by substituting it for or adding it to his or her own name in any order.

Under the principle of freedom to marry, breach of a promise of marriage (breaking off an engagement) cannot, of itself, constitute a wrong and cannot therefore entitle the other party to damages. Damages can be awarded only if the breach is held to be unjustified (First Civil Division ruling of 15 March 1988, Appeal No. 86-16152, Legifrance website).

Concerning applications for annulment on the ground of a mistake relating to the essential qualities of the spouse, the Douai Court of Appeal, setting aside a ruling by the Lille Regional Court, has held that a lie that does not relate to an essential quality is not a valid reason for annulling a marriage (Douai Court of Appeal ruling of 17 November 2008, *State v. X*: JurisData No. 2008-371528 and *BICC* No. 699 of 1 April 2009). This is particularly the case when the alleged lie relates to the past love life of the bride-to-be and to absence of virginity.

Marriage implies that both prospective spouses intend to accept all the duties arising out of their marital union. A marriage can be annulled for lack of conjugal intent if it can be proved that the wife married for the sole purpose of appropriating her husband's assets or providing for her future or that of a son she has had with a third party (First Civil Division ruling of 19 December 2012, Appeal No. 09-15606, *BICC* No. 799 of 1 April 2013 and Legifrance website). See notice by Virginie Larribau-Terneyre cited in the bibliography. The new Marriage Act seems unlikely to change this position.

Concerning an action to annul or void a marriage, it has been found that its admissibility is subject to joinder of both spouses and that, with regard to civil status, objections to admissibility are a matter of public policy and it is incumbent on the Court of Appeal whose ruling has been challenged to raise of its own motion the objection to admissibility based on absence of joinder of one of the spouses (First Civil Division ruling of 6 May 2009, Appeal No. 07-21826, *BICC* No. 710 of 1 November 2009 and Legifrance website). The collaterals of a deceased husband who were entitled to receive part of their brother's estate established a present interest in applying for annulment of his marriage on the grounds that the husband's consent and matrimonial intent on the spouses' part were lacking, although the husband's severe mental disability had prevented him from appreciating the scope of his commitment on the date when the marriage was solemnised (First Civil Division ruling of 4 May 2011, Appeal No. 09-68983, *BICC* No. 748 of 1 October 2011 and Legifrance website). See notice by Anne Leborgne cited in the bibliography.

With regard to international law, the Public Prosecutor's Office lodged an objection to the marriage of a male French national and a male Moroccan national who were both resident in France. The men brought before a French court an application principally to have set aside and, in the alternative, have lifted the objection lodged by the Public Prosecutor's Office. The Court of Appeal before which the case was brought dismissed the application to have the objection lifted. The Court of Cassation upheld this ruling on the ground that, under Article 5 of the Franco-Moroccan Convention of 10 August 1981 on the Status of Individuals, the Family and Judicial Cooperation, the conditions relating to the essential validity of marriages, such as impediments, were governed for each of the future spouses by the law of the state of which he was a national. Article 4 of this Convention provides that the law of either of the two signatory states to the Convention can be set aside by the courts of the other if it is manifestly at odds with public policy. According to the Court of Cassation, this was the case for the relevant Moroccan law preventing marriage of persons of the same sex if, for at least one of these persons, either his personal law or the law of the state on whose territory he was officially or actually resident, permitted such marriage (First Civil Division ruling of 28 January 2015, Appeal No. 13-50.059, *BICC* No. 821 of 1 May 2015 with a commentary by the Documentation, Research and Reporting Department (SDER) of the Court of Cassation, which points out that the setting-aside of Moroccan law is not unconditional but applies only in the cases set out in Article 202-1 of the Civil Code, and Legifrance website).

See also the headings "Marriage contract", "Divorce/Judicial separation", "Civil partnership" and "Matrimonial regimes". As for marriages solemnised abroad when one of the spouses is a French national, see Articles 171-1 to 171-9 of the Civil Code.

When both spouses are foreign nationals, what law governs the validity of their marriage if it is solemnised in France? Prior to the promulgation of Law No. 2012-404 of 17 May 2013, the Court of Cassation had ruled that with regard to inalienable rights, a court should apply the choice-of-law rule and designate the law indicated by this rule, since the essential validity of a marriage was governed by the national law of each spouse. The 2013 law contains two articles (202-1 and 202-2) under which, on the one hand, the prerequisites for entering into marriage are governed, for each of the spouses, by his or her personal law. On the other hand, two persons of the same sex can enter into marriage if, for at least one of the spouses, either his or her personal law or the law of the state on whose territory he or she is officially or actually resident, permits it. The marriage is deemed to have been solemnised legitimately if this solemnisation complied with the legal formalities of the state on whose territory it took place. In the case of an action brought by a husband to have his marriage annulled for lack of matrimonial intent on the part of his wife, the applicable law was deemed to be Romanian (First Civil Division ruling of 11 February 2009, Appeal No. 08-10387, *BICC* No. 704 of 15 June 2009, and Legifrance website). Since the law of 14 November 2006 was not applicable to marriages solemnised before it came into force, the Court of Cassation found, in the case of a marriage between a Frenchwoman and a male Moroccan national solemnised in Morocco prior to the law of 14 November 2006 in the form required by the local law, that owing to an absence of matrimonial intent on the part of the spouses, the Public Prosecutor's Office was entitled to bring a case before a French court, not to have the marriage certificate, a foreign public document, declared void but to have it found that the effects of this marriage, deemed contrary to French public policy, were not binding in France (First Civil Division ruling of 6 May 2009, Appeal No. 07-21826, and Legifrance website). The First Civil Division has also pointed out that, because the essential validity of a marriage was governed by the national law of each spouse, a French court had to apply Algerian national law when ruling on the consent of an Algerian woman married in France whose husband was French (First Civil Division ruling of 1 June 2011, Appeal No. 09-71992, *BICC* No. 750 of 1 November 2011, and Legifrance website). On the basis of French law, the same Division held in a judgment of the same date that a marriage solemnised in Tunisia between a Tunisian and a woman of French nationality was null and void owing to lack of matrimonial consent, the marriage having been for a purpose contrary to the very essence of marriage, since it was intended to obtain a residence permit for France, thus establishing, for the purposes of the Tunisian Personal Status Code, that there had been no intention of starting a family and meeting the resulting cost (First Civil Division ruling of 1 June 2011, Appeal No. 09-67805, *BICC* No. 750 of 1 November 2011, and Legifrance website). The conclusions of the deputy prosecutor, Mr Chevalier, were published in the *Gazette du Palais* No. 201-202 of 20-21 July 2011, "Jurisprudence", pp. 9-14. See also the notice by Alexandre Boiché cited in the bibliography.

It should be noted that in order to prevent forced marriages and marriages of convenience designed to enable aliens to acquire French nationality, Law No. 2006-1376 of 14 November 2006 makes provision for new conditions for validity of marriages. This law covers both marriages solemnised in France between a French person and a foreign national and the conditions for validity of marriages solemnised abroad when one of the spouses is French. It sets out the conditions for referring cases to the public prosecutor with jurisdiction, who can bring an action for annulment of his own motion. It should also be noted that only the French diplomatic

and consular authorities of countries named by decree have the power to solemnise marriages between a French national and a foreign national. Decree No. 2007-773 of 10 May 2007 implementing the above-mentioned law on checking the validity of marriages lays down the procedures to be followed for obtaining a certificate of capacity to marry. On marriages abroad and action by the Public Prosecutor's Office, see the commentary by Mélina Douchy-Oudot cited in the bibliography.

Bigamy is the situation when a person enters into a second marriage before having dissolved the first. If the newly-weds plead the nullity of the first marriage, the validity or nullity of this marriage must be decided first (First Civil Division ruling of 26 October 2011, Appeal No. 10-25285, *BICC* No. 756 of 15 February 2012, and Legifrance website). See the notice by François Chénedé cited in the bibliography.

Posthumous marriage is recognised in France. Such marriage can be authorised by the French President. The Head of State, who rules after consulting the Ministry of Justice, has sovereign discretion to grant or refuse an application submitted by the survivor (First Civil Division ruling of 17 October 2007, *BICC* No. 675 of 1 February 2008). The admissibility of the application (Article 171 of the Civil Code) is subject to proof that, prior to the decease, the future spouses had completed the preliminary formalities required for solemnisation of the marriage. Participation in these formalities clearly demonstrates the intention of the prospective spouse, since deceased, to marry the survivor who is applying to the Head of State for permission to marry. Since the effects of posthumous marriage date back to the day before the date of decease, the surviving spouse is therefore entitled, in this capacity, to claim damages for non-pecuniary damage resulting from the death (Second Civil Division ruling of 10 July 2008, *BICC* No. 696 of 15 February 2009 and Second Civil Division ruling of 8 January 2009, *BICC* No. 702 of 15 May 2009.).

The law of 17 May 2013 inserted two new articles, Articles 202-1 and 202-2, on conflict of laws into the Civil Code. The personal law of each spouse governs the prerequisites for entering into marriage. As for the formalities relating to its solemnisation, the law of 17 May 2013 refers to the law of the state in which the solemnisation takes place. If local law prohibits marriage between persons of the same sex and one of the future spouses is a French national, the marriage can be solemnised in France by the registrar of the place chosen by the future spouses. The interview provided for by Article 63 of the Civil Code can be conducted by the French diplomatic authority acting on behalf of the registrar of the place chosen for their marriage by the future spouses. A same-sex marriage solemnised before entry into force of the law of 17 May 2013 is recognised for spouses whose marriage has been solemnised in compliance with the new law, and this marriage can be registered subject to the conditions of Articles 171-5 and 171-7 of the Civil Code. With regard to third parties the marriage will take effect from the date of registration. The Ministry of Justice circular of 29 May 2013 (*Bulletin officiel du Ministère de la Justice* No. 2013-05 of 31 May 2013) on moving of the bill for same-sex marriage draws attention to the wording of Article 34-1 of the Civil Code: "Civil-status certificates shall be drawn up by registrars. The latter shall perform their duties under the supervision of the public prosecutor." The public prosecutor can thus give directions to a mayor acting as registrar. The circular points out that same-sex marriage is still deemed to be an offence and sometimes even a felony by some foreign laws. This same circular requires the registrar to draw the spouses' attention to the possibility that their marriage may not be recognised abroad. See also "Matrimonial regimes".

Laws and decrees

- Civil Code, Articles 144 et seq., amended by Law No. 2013-404 of 17 May 2013.
- Law No. 2006-1376 of 14 November 2006 on checking the validity of marriages.
- Decree No. 2007-773 of 10 May 2007 implementing Law No. 2006-1376 of 14 November 2006 on checking the validity of marriages and amending various provisions relating to civil status.
- Law No. 2007-1163 of 1 August 2007 authorising France's accession to the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.
- Decree No. 2010-1520 of 9 December 2010 publishing the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages signed in New York on 10 December 1962.
- Law No. 2013-404 of 17 May 2013 extending marriage to same-sex couples.
- Decree No. 2013-429 of 24 May 2013 implementing Law No. 2013-404 of 17 May 2013 extending marriage to same-sex couples and amending various provisions relating to civil status and the Code of Civil Procedure.
- Decree No. 2014-1226 of 21 October 2014 on trial strengthening of safeguards against unpaid maintenance allowances.
- Decree No. 2014-1227 of 21 October 2014 on trial strengthening of safeguards against unpaid maintenance allowances.

APPENDIX 3: Useful links and further information

ROMEUROPE REPORTS

Ados en bidonvilles et en squats : l'école impossible ? Etude sur la scolarisation des jeunes âgés de 12 à 18 ans **("Teenagers in squats and shanty towns: making school impossible? Study of school enrolment of young people aged 12 to 18"):**
https://www.romeurope.org/IMG/pdf/etude_cdere_ados_bidonville_ecole_impossible.pdf (in French)

There is a passage specifically relating to girls on page 13:

Curtailed schooling for girls?

Grassroots women activists often say that girls drop out of the school system earlier. In the study, they were enrolled in school less than boys between the ages of 12 and 15. However, from 16, neither girls nor boys went to school. The reasons for dropping out and the time when it happened varied according to gender.

Exclusion in figures: In a 2014 ERRC survey of 118 adults living in shanty towns, only half the women claimed to be literate in Romanian compared with 78% of the men. Of the women, 17% said they spoke French as against 29% of the men. Lastly, only 2% of Roma women in the survey had completed secondary education.

Multiple discrimination: Women in society have less access to school, further education and employment. This situation is worse for people identifying or identified as Roma. Such women have to contend with both sexist and racist discrimination in France and Romania. To this is added the difficulty of living hand to mouth.

Gendered socialisation common to all women: From an early age, girls are brought up to play a specific female role. They thus have to take on household and domestic chores and look after close family – often younger brothers and sisters – as well as participate in income-generating activities that take precedence over their schooling. These gender inequalities become more striking when they reach adolescence.

The 2014 CNDH Romeurope monitoring report: *Le droit et les faits* ("Law and Reality"):
http://romeurope.org/IMG/pdf/rapport_d_observatoire_-_cndh_romeurope_-_septembre_2015_.pdf (in French)

The section on adolescence, "Accès à la protection pour les enfants en danger" ("Access to protection for children at risk"), begins on page 122.

OFPRA (French Office for the Protection of Refugees and Stateless Persons) ANNUAL REPORT

https://ofpra.gouv.fr/fr/l-ofpra/nos-publications/rapports-d-activite (in French)

OTHER INFORMATION (in French)

http://www.diplomatie.gouv.fr/fr/conseils-aux-voyageurs/infos-pratiques/assistance-aux-francais/mariages-forces/

http://stop-violences-femmes.gouv.fr/Mariage-force,318.html

ANNUAL REPORTS OF "HORS LA RUE" ASSOCIATION (in French)

http://www.horslarue.org/hors-la-rue/nos-publications/rapports-dactivites.html

ARTICLES ON FORCED MARRIAGE (in French)

***Le Figaro*: "Le cauchemar : forcées au mariage" ("Forced to marry: a nightmare experience")**

Available at: lefigaro.fr

***Libération*: "Je ne peux pas vivre avec un homme que je n'aime pas" ("I can't live with a man I don't love")**

Available on the *Libération* website:
http://www.liberation.fr/societe/2015/07/17/mariage-force-je-ne-peux-pas-vivre-avec-un-homme-que-je-n-aime-pas_1348790

Appendix 4: Bibliography

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Aynès L. and Malaurie P. (2010), *Droit civil : les régimes matrimoniaux* (3rd edn), Defrénois (civil law).

Boiché A. (2011), “Obligation pour les juges du fond d'appliquer d'office la loi étrangère en matière de nullité de mariage”, *Actualité juridique Famille* No. 7-8, pp. 380-381 (on First Civil Division ruling of 1 June 2011).

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Chénedé F. (2009), “Confirmation de la rétroactivité du mariage posthume”, *Actualité juridique Famille* No. 2, p. 86 (notice on Second Civil Division ruling of 8 January 2009).

Chénedé F. (2011), “La nullité d'un second mariage suspendue à la validité d'un premier mariage également bigame ?”, *Actualité juridique Famille* No. 12, pp. 613-614 (notice on First Civil Division ruling of 26 October 2011).

Chevalier P. (2011), Mariage mixte, loi applicable au consentement et contrôle de l'intention matrimoniale, *Gazette du Palais* No. 201-202, pp. 9-14 (on First Civil Division ruling of 1 June 2011).

Cormeil G.-R. (2008), Notice in *Jurisclasseur périodique Général*, II, 10122 (nullity of marriage on account of wife’s non-virginity).

Douchy-Oudot M. (2009), “Mariage à l'étranger et action du Ministère public”, *Procédures* No. 7, pp. 19-20.

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Egéa V. (2009), “Conflit de lois : office du juge en matière de droits indisponibles”, *Recueil Dalloz* No. 9, 5 March, pp. 564-565 (notice on First Civil Division ruling of 11 February 2009).

Fulchiron H. (2001), “Le mariage homosexuel et le droit français”, *Recueil Dalloz* No. 21, p. 1628 (on Dutch laws of 21 December 2000).

Fulchiron H. (2007), “Un homme, une femme : la Cour de cassation rejette le mariage homosexuel”, *Recueil Dalloz* No. 20, pp. 1375-1376 (on First Civil Division ruling of 13 March 2007, *Bulletin* 2007, I, No. 113, p. 98).

Gobert M. (2007), “Le droit de la famille dans la jurisprudence de la Cour de cassation”, *BICC* No. 673.

Hauser J. (2007), “Observations sous 1ère Civ., 9 janvier 2007, *Bull.* 2007, I, n°7, p. 6 et 1ère Civ., 6 février 2007, *Bull.* 2007, I, n°49, p. 43”, *Revue trimestrielle de droit civil* No. 2, pp. 313-315 (impossibility of interviewing future spouses together).

Larribau-Terneyre V. (2013), “Nullité du mariage conclu dans le but exclusif d'appréhender le patrimoine du conjoint sans référence au but étranger à l'union matrimoniale”, *Droit de la famille* No. 2, pp. 24-25 (on First Civil Division ruling of 19 December 2012).

Leborgne A. (2006), “Observations sous 1re Civ., 28 février 2006, *Bull.* 2006, I, n° 123, p. 113”, *Revue juridique Personnes et famille* No. 5, p. 16 (French president’s powers regarding posthumous marriage).

Leborgne A. (2007), “Contrôle de la validité des mariages : une loi de plus !”, *Revue juridique Personnes et famille* No. 3, pp. 8-11.

Leborgne A. (2007), “Observations sous 1ère Civ., 17 octobre 2007, *Bull.*, I, n° 324”, *Revue juridique Personnes et famille* No. 1, p. 17 (posthumous marriage, authorisation from French President, rejection, grounds, obligation, scope).

Leborgne A. (2011), “La vocation successorale des collatéraux constitue un intérêt né et actuel à agir en nullité de mariage”, *Revue juridique Personnes et famille* No. 9, pp. 32-33 (on First Civil Division ruling of 4 May 2011).

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Massip J. (2004), “Note sous 1ère Civ., 28 octobre 2003, *Bull*., n°215, p. 169”, *Répertoire Defrénois* No. 2, pp. 143-145 (conditions of validity of marriage: false representation).

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Vachet V. (2008), “De la réparation du préjudice moral en cas de mariage posthume”, *La semaine juridique, édition sociale* No. 42, pp. 46-47 (notice on Second Civil Division ruling of 10 July 2008).

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