

Child Marriage in Tajikistan (Summary)



I was forced to marry at the age of 14 during the civil war and know how destructive it is to marry early. Therefore when my friend was intending to marry off her daughter at 17 because of economic constraints, I persuaded her not to make a big mistake. ‘You found room for your daughter in your tiny stomach, so you can find room for her in your big house,’ I said.

—Child spouse

Country context

Tajikistan became independent from the Soviet Union in 1991, but soon after experienced five years of civil war (1992–1997). The conflict resulted in the deaths of over 50,000 people, and some 1.2 million became refugees or internally displaced persons. Tajikistan remains the poorest country in Central Asia, with high unemployment, food insecurity, and vulnerability to external shocks. Tajikistan is heavily dependent on remittances (more than 1.5 million Tajik citizens work in Russia and Kazakhstan); in 2010 migrant remittance inflows were equivalent to 42 per cent of GDP.

Legal context

Tajikistan has ratified both the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Laws relating to the protection of children’s rights include the Constitution (1994), Family Code (1999), Criminal Code (1998), and Law on Responsibilities of Parents for Bringing up the Child (2010). These laws, along with the regulations of the various administrative bodies, form the system of child protection in the country. However, there is no single law in Tajikistan that covers all aspects of child rights protection. Lack of resources and staff make implementation of the existing legal and policy framework difficult, according to government officials interviewed for this research.

As of 2010, the minimum age for marriage for women and men is 18 (previously, it was 17). The Family Code states that this can be reduced by one year, following a court decision; in such cases, the person who is married legally becomes an adult. The Constitution states ‘Men and women of marriageable age have the right to enter freely into marriage.’ The Family Code provides that a child is a person under the age of 18.

In Tajikistan, child marriages occur across the country, and among all social and economic groups. They are primarily linked to social and religious factors, although poverty plays a role in some cases.



Forced marriages of girls under the age of 18, or entering into a marriage contract with a girl under 18, are expressly outlawed under Tajikistan's Criminal Code (Articles 168 and 169). Child marriage carries a prison sentence of up to six months, while forced marriage can be punished by up to five years' imprisonment. In practice, in most cases underage marriage is only punished by a fine.

Because couples cannot register a marriage where one of the would-be spouses is under 18 years of age, many simply have a local religious leader perform the wedding ceremony. This leaves the bride with few legal rights.

Family planning and reproductive rights

Guidance from the Ministry of Education states that all students in grades 7 to 11 should receive classes on sexual and reproductive health. In 2020, the country will switch to 12-year schooling, and the curriculum for the 12th grade will include weekly classes on sexual and reproductive health.

Women in Tajikistan have the legal right to access and use contraception. The most recent Multiple Indicator Cluster Survey (MICS) in 2005 showed that 38 per cent of married women were using contraception, but that rates of use among married girls aged 15–19 were much lower than among other age groups. One in three women in this age group knew of no method for preventing pregnancy.

The National Programme on Reproductive Health has included expanding access to reproductive health services and to contraceptives. Young people under 18 are able to access reproductive health services, but need permission from parents for any form of treatment. This is not the case if a person under 18 is legally married.

Many of the respondents noted that young people, especially in rural areas, lack knowledge relating to marriage and reproductive health. Women's status within the household is closely linked to their reproductive role, and most girls in child marriages are expected to become pregnant and give birth straight after the marriage. They are not autonomous in the use of reproductive healthcare services, and it is either the husband or the mother-in-law or both who make decisions regarding family planning.

Child marriage in Tajikistan

This research has revealed that child marriages occur throughout Tajikistan, but that little action is being taken either by the government or civil society.

According to the Demographic and Health Survey (DHS), conducted in 2012, fewer than one per cent of women aged 25–49 married for the first time before age 15, and 15 per cent married before age 18. The median age at first marriage was 20.2 years. Child marriage in Tajikistan primarily affects girls: Census statistics for 2010 showed that 13.4 per cent of girls aged 15–19 were married, widowed, or divorced, compared to 2.2 per cent of boys in the same age group. This included registered and unregistered marriages.

Most of the respondents interviewed for the study highlighted that rates of child marriage were low during the Soviet period, but increased significantly during the civil war. Many girls were forced to marry during the conflict, because marriage was seen by parents as a way of protecting their daughters from rape, and safeguarding their reputation. Some young girls were forced to marry combatants, including one woman interviewed for this research.

There are several reasons behind the practice of child marriage in the country today. In some cases, poverty is a factor. Poorer families may view girls as an economic burden, so marrying a daughter off young means they no longer need to provide food, provisions, and physical space for her. Gender discrimination in employment and the weak state of the economy mean there is little incentive to support a daughter who wants to obtain higher education. High rates of male labour migration are exacerbating the situation, as parents are anxious that their daughters will remain unmarried unless they agree to the first man who asks to marry her. However, child marriages take place at all levels of society, including in families that are wealthy and influential, so it is important to highlight that social and religious factors also play a very important role.

An increase in religious influence after the civil war led to an increase in the number of religious leaders (mullahs), many of whom lack adequate religious and secular knowledge, including in relation to the status of women in Islam. Islamic clerics are often willing to perform the religious ceremony regardless of whether or not the couple has registered their marriage.

A lack of importance placed on girls' education is another factor, meaning that many girls are taken out of school after grade 9 (age 14–15). Due to limited resources, families make conscious decisions to educate boys over girls; parents also take girls out of school when they reach puberty to reduce their contact with boys and protect their marriage prospects. As the UN CEDAW Committee noted in its recommendations in October 2013, adverse cultural norms, customs, and traditions remain strong in Tajikistan, as do patriarchal attitudes and deep-rooted stereotypes regarding gender roles. These contribute to the continuation of child marriage and other harmful practices.

Rates of child marriage vary considerably across the country. For instance, in the Gorno-Badakhshan region, there are very low rates of child marriage (according to MICS 2005 data), and most adolescent girls complete secondary school, while in Bokhtar district (in Khatlon oblast), local NGO representatives estimated that 10 to 20 per cent of all marriages involved girls under 18. The experts interviewed for this research identified two main reasons for the higher prevalence of child marriage in some regions. First, they were the areas most affected by the civil war, and second, religious influence was/ is very strong in these areas.

Child marriage in Tajikistan is closely associated with early motherhood. The onset of childbearing at an early age has a major, negative effect on both the mother and the child's health, as well as restricting educational and economic opportunities for women. As such, it represents a major social and health concern. DHS data shows that 7 per cent of adolescents age 15–19 in Tajikistan had begun childbearing. Four per cent of teenagers had given birth, and another 4 per cent were pregnant with their first child.

In cases of child marriage, there is often a large age difference between the child spouse and her husband. Many young girls also face violence from their spouse or his relatives. There are no official statistics, but out of eight women married as children interviewed during the current study, six had faced violence within their marriage.

Most respondents interviewed for this research pointed out a strong link between child marriages

and divorce. The director of the Child Rights Centre of Tajikistan noted that because child spouses often have not completed education and/or have no employment experience, they have very limited options in the event of divorce. They also face stigma, as divorce is not considered acceptable in Tajik society.

Responses to child marriage

Mobilising religious and community leaders. Following an oral order made by the President of Tajikistan banning mullahs from conducting religious ceremonies before an official marriage registration has been submitted, meetings have been conducted with the participation of government officials, heads of *mahalla* (neighbourhood) committees, women leaders, religious leaders, and other activists to follow the order and to prevent unregistered marriages.

Youth education. In 2012, GIZ began supporting a project called 'the Route to Safety' where children from the senior grades in pilot schools travel to different regions of the country and teach lessons on sexual and reproductive health to their peers, using the 'peer to peer' method. UNICEF supports summer camps which include sessions on sexual and reproductive health, while UNFPA and the Education Academy of Tajikistan have updated the national programme of the Republic of Tajikistan on Healthy Life Style Education (HLSE) for schoolchildren, and integrated USAID-developed textbooks on HLSE into the programme. A Resource Centre for healthy lifestyles has also been established in Dushanbe by the Tajikistan Academy of Education in cooperation with UNFPA, to promote education on healthy lifestyles in schools.

Work with journalists. Journalists submitted articles on promoting healthy lifestyles to a competition run by the Ministry of Health, with support from the Open Society Institute/Assistance Foundation (OSI/AF) and USAID. Altogether, 22 applications from various newspapers and 130 articles were submitted.

Human rights discussions. At the 5th round of human rights talks between Switzerland and Tajikistan in Dushanbe in February 2014, particular emphasis was placed on the prevention of torture and early marriage.

Recommendations

- Encourage a change in social attitudes regarding child marriages and girls' education through raising awareness about the importance of girls' education and the harm caused by child marriages.
- Build the capacity of local religious leaders to present accurate information about girls and women's status in Islam, through working with the Islamic University.
- Involve local governments, community leaders, activists including women's committees, and law enforcement bodies in addressing the issue of child marriage.
- Provide sexuality education and raise awareness among young people about domestic violence and the realities of marriage through including these topics in the curriculum for primary and secondary education.
- Provide training to judges on the changes to the family code (raising the minimum age of marriage to 18) and encourage them to respect and implement the law.



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