

Child Marriage in Uzbekistan (Summary)



I myself have been told by my parents to get married. I don't know what to do; I'm desperate. I'm 16 years old: help me!

—Girl at risk of child marriage, interviewed for this study

Legal context

The Republic of Uzbekistan 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).

Children's rights are protected under the law 'On guarantees of child rights', as well as the Family Code, Civil Code, Criminal Code, and Code on Administrative Responsibility. None of these documents, with the exception of the Family Code, defines the term 'child'. Under the Family Code, a child is defined as a person under 18 years of age; an adolescent marrying legally before the age of 18 acquires full legal capacity.

The Family Code stipulates that men have the right to contract a marriage from the age of 18, and women have this right from the age of 17. The *khokim* (mayor) of a district or town has the right to reduce the marriage age by one year in 'exceptional circumstances' (which are not defined), under Article 15 of the Family Code. In practice, these circumstances can include unplanned pregnancy and emigration. Marriages can only be contracted with the full and free consent of both would-be spouses.

Article 13 of the Family Code states that religious marriages are not considered legal by the state.

Article 136 of the Criminal Code imposes criminal liability for forcing a woman to marry or cohabit, or kidnapping for purpose of forced marriage. During this research it was not possible to access statistics on criminal cases initiated under Article 136. This research did not uncover any cases of abduction for forced marriage, and interviews with experts indicate that the practice is no longer prevalent. Some child spouses did recount being 'kidnapped', but that this was staged and took place with their knowledge and consent, in order to avoid the cost of an expensive wedding.

Family planning and reproductive rights

Data from the Multiple Indicator Cluster Survey (MICS) for 2006 found that about 80 per cent of women aged 15-19 were not using any form of contraception at that time. However, the Government of Uzbekistan, in cooperation with international organisations and local NGOs, is fully committed to increasing awareness among women of reproductive health: the national 'Healthy mother – healthy child' project is set to include free anonymous consultations

In Uzbekistan, child marriages are more prevalent in rural areas. They occur at every level of society, and are more closely linked to maintaining traditions than to poverty.



for girls on starting a family and family planning, and all women's clinics provide opportunities for discussions on family planning and right to free choice.

Adolescents should receive lessons on reproductive health as part of the school curriculum. However in practice, according to representatives of Uzbekistan's Women's Committee, these lessons are often held irregularly and unprofessionally.

Before getting married, it is a legal requirement that a couple undergo a free medical check-up, which includes visiting a range of medical professionals, including a gynaecologist and urologist. This also includes information on family planning.

If a girl under 18 marries, she obtains full legal capacity, and has the right to visit a gynaecologist and other specialists without being accompanied by her mother or another adult. However, in practice, according to child spouses and healthcare professionals interviewed here, female child spouses go to the doctors with their husbands, mothers-in-law, or sisters-in-law, which affects their right to receive confidential advice.

Most of the child spouses interviewed for this research stated that they did not know enough about sex and reproduction, that they knew only a little about contraceptive methods from unreliable sources, and that they knew nothing about the rights of women to free choice and participation in family planning, or about prevention of sexually transmitted infections (STIs). The girls interviewed stated that they received information from female friends, sometimes from older women in their families, and in some cases over the internet.

Traditionally, a newly married couple is expected to produce their first child within the first year of married life, irrespective of the wife's age, according to an interview with a representative from the Ministry of Health. The child spouses interviewed indicated that they had been subjected to latent pressure to get pregnant as quickly as possible after the marriage, as husbands and relatives expected a child to be born within the first year. For the child spouses interviewed, this had led in some cases to serious health problems connected with early pregnancy and birth.

Child marriages in Uzbekistan

Statistical data on child marriages in Uzbekistan covers only marriages that are officially registered; that is about 2.6 per cent of the total number of marriages registered. However, the results of this research indicate that most child marriages are not officially registered or are registered only after the couple reaches the legal age for marriage. The couple usually begin living together right after their religious wedding – *nikah* – even if the woman and/or the man has not reached the marriageable age set in law. There are no data in the country on the number of religious marriages.

In 2009 the Spiritual Administration of Muslims of Uzbekistan adopted an internal regulation that stated that *nikah* could only be carried out by an official imam, and only after official state registration of the marriage. However, this seems to have had little impact in reducing the number of unregistered, religious marriages. All the child spouses interviewed here reported that during their *nikah* ceremonies the religious leader did not ask them about their age, or whether the marriage had already been registered with the state.

Religious marriage without legal registration leaves girls extremely vulnerable. A family law expert stated that if the couple divorces, the wife receives no alimony, property, or other financial support.

According to a State Statistical Committee representative, persons under 18 years of age living in rural areas are more likely to marry early than urban residents; girls are also far more likely to be married early than boys, according to representatives of women's rights NGOs.

This study revealed that child marriage is not only widespread among the majority population but also common among minority ethnic groups. However, the reasons for contracting child marriage may differ between ethnic groups. While child marriage among the majority population is primarily the result of traditional attitudes towards the role of women in society, among other groups the reasons could include romantic infatuation, the possibility of emigration from the country, or unplanned pregnancy.

Child marriages take place in families with different income levels, and in fact cases of girls being married off because of family poverty are rare, according to the child spouses and NGO representatives.

Research participants believe that the main reason for child marriage is the traditional understanding of the role of women in society and in the home. Families believe that their daughter's main destiny is to marry, as soon as possible. Some girls are forced by parents to leave school to get married or start preparing for married life, as marriage is considered more important than an education. This is despite the fact that 12 years of vocational or academic education are free and compulsory for all.

In general, according to the study findings, the initial decision on child marriage is most frequently made by the parents, who traditionally see arranging a marriage for their daughter as an important part of their 'parental duty'. Another reason for child marriage, according to representatives of women's rights NGOs, is that in Uzbekistan, loss of virginity before marriage is considered a disgrace to the entire family.

A daughter is informed about her impending marriage and her future husband only after the groom's parents have sent official matchmakers to the girl's parents, and they have agreed to the marriage. The reaction of the girls interviewed for this study varied: some refused initially, but when faced with persuasion and pressure, reconciled themselves to marrying, while others agreed immediately. They reported having little opportunity to get to know their future husbands before the marriage. With regard to the difference in age between the spouses, most respondents were married to men who were six to seven years older, although in some cases, the age difference was more than 10 years.

In almost all the cases considered, the newlyweds went to live with the husband's family, where the girl, as the youngest daughter-in-law, quickly assumed responsibility for housework and serving, in essence, her husband's whole family. Child spouses interviewed reported that it was difficult for them to communicate and visit with their own parents. They also did not feel equal to their husbands, and had little say over decision-making within their husbands' families.

Domestic violence is still a very serious issue in the country although its true extent is unknown. The child spouses surveyed refused to talk about the topic or denied that violence occurred. Some revealed evidence of violence, but that the victims did not consider it as such. The child spouses

interviewed did not understand that sexual assault can also take place between spouses. Meanwhile, as an NGO representative noted, child spouses rarely seek assistance in cases of violence because they are ashamed of their situation, do not know who to ask, or are reluctant to take their personal problems outside of the home.

In most cases, the child spouses who participated in this study regretted marrying so early. Rates of divorce from child marriages appear to be high; the child spouses interviewed here state that this is often because they cannot cope with the situation any more, although women's rights NGO staff members point out that often husbands 'throw out' their young wives.

Policy responses

Raising awareness. Uzbekistan's Women's Committee is conducting a systematic awareness-raising campaign about the harm caused by child marriage and early births. In cooperation with local *maballa* committees, the committee regularly holds public meetings with community representatives and girls studying in schools, colleges, and lyceums, in order to raise awareness of the importance of education, self-reliance and financial independence, and the right to a free choice.

Legislative measures. In May 2013 new provisions were introduced into the Administrative and Criminal Codes to increase punishment for officials, parents, and religious leaders who allow early marriages to take place. The provisions stipulate a large fine and imprisonment of up to three months in cases where the law has been breached repeatedly.

Pre-marital consultations. Local governments maintain various measures to ensure that would-be spouses and their parents are aware of the potential consequences of child marriage. One example is from Samarkand oblast where since 2009 the administration, in cooperation with Sabr NGO, has introduced premarital consultations for would-be spouses. When submitting an application to the registrar, if one of the couple is not yet 18 years old, they are both sent to Sabr, where a staff member explains as much as possible to the couple about married life, and the difficulties which young couples can face, to clarify whether they are ready and willing to get married.

Recommendations

- The marriage age for women should be increased and equalised with that for men: Until 18 years of age it should not be legal either for men or for women to register a marriage, except in exceptional circumstances clearly stated in law.
- As the process of improving legislation intended to protect the rights of married women continues, particular attention should be paid to girls who married as children. In cooperation with local government bodies (*maballas*) and NGOs, the true numbers of unregistered child marriages and possibilities for establishing social guardianship over them should be clarified.
- Campaigning work against child marriage should be intensified even further. This should include continuing to work through the mass media and local government. Work should continue to improve the quality of courses in the compulsory curricula of specialised secondary and higher educational institutions to prepare young people for married life. These should address psychological issues, the ethics of family life and sexual relations, family planning, reproductive health, and the right of women to choose.



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