

Child Marriage in Kyrgyzstan (Summary)



If I could go back in time, I would refuse to get married. I would not be afraid to say that I didn't want to get married, and that I should go and study... Maybe during my studies I would have fallen in love with someone... Maybe we would have gone on dates, maybe he would have said kind words to me, or we would have eaten ice cream together somewhere. But I didn't have any of that in my life...

—Child spouse

Legal context

The Kyrgyz Republic has ratified the UN Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Kyrgyz Republic has also acceded to the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages.

Under the Kyrgyz Republic's Children's Code, Criminal Code, Civil Code, and Code on Administrative Violations, as well as other laws and regulations, persons under 18 years of age are recognised as minors. However, under national legislation, an adolescent who marries before the age of 18 achieves full legal capacity. This means that they can receive access to medical assistance and services without permission from their parents or guardians, and can be claimants or defendants in court cases. Officials interviewed for this research noted that while the Kyrgyz Republic has a good legislative framework in place to protect children's rights, in practice, it is poorly implemented.

Under Article 14 of the Family Code, the minimum age for marriage is now 18 years for women and men. If there is 'good reason', local government authorities can give permission to reduce the marriage age by not more than one year, on the basis of a decision from the Commission on Family and child support departments. Both spouses must give their consent for a marriage to be legal, and only marriages registered at a register office have legal status.

Changes to the Criminal Code approved by the parliament in 2013 mean that the crime of abducting a woman in order to marry her against her will is now punishable by up to seven years' imprisonment (Article 155), compared to three years previously. Forcing a woman to marry or continue with cohabitation is also a criminal offence. In 2011, 28 criminal cases were registered by the Ministry of Internal Affairs under Article 155. These included several criminal cases of kidnapping and forced marriage of underage girls. Abducting and/or forcing a person under 17 to enter *de facto* married relations are also specific criminal offences (Article 154 of the Criminal Code), now punishable by up to ten years' imprisonment, following changes to the criminal code in 2013. At the same time, the law does not specify what measures should be taken if no element of compulsion was involved or if

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the minor was forced to get married by her parents or legal guardians. Very few cases are initiated under either of these articles.

Sexual intercourse and other activities of a sexual nature with a person under the age of 16 are criminal offences (Article 132 of the Criminal Code).

Family planning and reproductive rights

The reproductive and other rights of citizens that allow for reproductive health are guaranteed under the Constitution (Article 47) and also guaranteed in national legislation. National Statistical Committee figures for 2010 indicate that 30.3 per cent of women between 15 and 49 years use various forms of contraceptives. These figures are not disaggregated by age group.

Legislation upholds the rights of children and adolescents to have their reproductive rights protected, and to receive education on sexual and reproductive health, and preparation for married life. Responsibility for providing this education lies with schools, parents, and health authorities. Reproductive health services should be available free of charge to adolescents, under the State Guarantee programme.

In practice, aside from anatomy lessons in senior school, schoolchildren receive no dedicated classes on sex and healthy lifestyles, and current social attitudes mean that parents do not talk about sex and reproductive health either.

Almost none of the child spouses who participated in this research knew anything about reproductive health and family planning when they married. None went to see a doctor before getting married to receive information about reproductive health, as visiting a gynaecologist before marriage is culturally unacceptable. Most became pregnant soon after getting married, and reported that their husbands had forbidden them the use of any form of contraception in the first years of married life.

Child marriages in the Kyrgyz Republic

As of yet, no specialised research has been carried out into the scale, causes, and consequences of child marriage at a national level. In general, both at the state and the societal level, the issue of child marriage

is not taken seriously. Experts interviewed noted that the issue is not considered a priority, in comparison to other child-rights issues, such as the growth in the number of street children, neglect, child labour, and school non-attendance. The only entities working on the issue are organisations working on gender-based violence.

Statistical information about the number of registered marriages by age group cannot be used to investigate trends in child marriage, as most marriages at age 17, and all those up to 16 years, are not officially registered. The data from the Multiple Indicator Cluster Survey (MICS) provides some indication of the prevalence of child marriage (registered and unregistered). According to 2006 MICS data, about 12.2 per cent of women interviewed had married before the age of 18, with higher rates of early marriage in rural areas and among women from poorer households.

National and regional experts interviewed here believed that child marriage occurs within all ethnic groups, and throughout the country. Nevertheless, many respondents also stated that child marriage is more widespread among certain ethnic groups, including Uzbeks, Dungans, Turks, and Tajiks. There is evidence that child marriage is also widespread among Central Asian Lyuli people (related to Roma). The experts believe that child marriage is particularly widespread in Osh, Jalalabad, Batken, and Chui oblasts, and in Osh city.

The experts who took part in the research observed a rise in the frequency of child marriage in recent years. This is particularly noticeable in Osh and Jalalabad oblasts, following the violent events that took place there in June 2010 (during which high rates of rape and sexual assault were reported). Experts interviewed noted that parents married daughters off early to 'protect' them from the threat of sexual violence, and to ensure that they were still virgins when they married.

All the child marriages encountered during this research were contracted by means of the *nikah* religious ceremony. In a few cases, when the girl reached the age of 18, and in some cases much later, the marriage was officially registered. However the research also revealed many cases in which the couple separated before legal registration. As a rule, in this situation, the young women received no support from their husbands following the divorce.

The information collected indicates that child marriages take place among families with different standards of living. At the same time, there are many cases of girls being married off because of family poverty. However, desire to obtain *kalym* (bride price) did not emerge as an important consideration. Rather, marrying a daughter off early meant one less mouth to feed at home.

Another important factor driving child marriage is the desire of parents to marry daughters off early before they are 'spoiled', i.e., no longer virgins, and the wish to ensure their future well-being. In most cases, marriages are arranged by parents. Child spouses interviewed reported that they had not wanted to marry, but after facing pressure, threats, and persuasion from their parents and other relatives, they resigned themselves to it and consented to the marriage. Usually the prospective spouses did not know each other well before the marriage, and quite often they had only met each other a few times. Of 11 cases of child marriage included here, four were the result of bride abduction.

In the Kyrgyz Republic, boys are twice as likely not to complete school as girls. Boys leave school to begin working and feed their families. In contrast, girls leave school to marry. The research indicated that some girls were married off right in the middle of the school year. After marrying, the girls did not return to school, and most of them never studied again. No cases of child marriage involving adolescent boys were encountered in this study, and husbands were usually three to four years older than their wives.

Of the child spouses who took part in this study, almost all were taken to the husband's parents' house to live; there, they were expected to take on a large burden of domestic work, and often agricultural labour as well. They had little say in decisions made within the family, and if they needed money, had to ask their husband or mother-in-law. Child spouses were often very isolated, including only being allowed to talk with their own families at specific dates and times, and with the permission of their husband and parents-in-law. Most also experienced psychological, physical, or sexual violence from husbands and in-laws, but none sought help from police or women's crisis centres.

Poor health, in particular poor reproductive health, was also reported by child spouses interviewed for this study. Most reported that they had had

health problems during or after their pregnancies. However, they were still expected to carry out all their household duties during pregnancy and after giving birth, and were not given sufficient time to rest after the birth.

Most of the child spouses included in this research (nine out of 11) regretted that at the time they were forced to marry, they had not stood their ground and refused to do so. They all believed that they should have finished school, learned a profession, and only then married. They also believed that legal registration of marriage is necessary, as this would help greatly in cases of divorce.

Policy responses

Empowering girls to resist marriage. The Osh Resource Centre of the 'Interbilim International Centre' implemented a small project in 2011. Twenty girls participated, and undertook training on how to convince their parents not to marry off their daughters before the age of 18. The project was initiated by one of the participants in this research, who had been married as a child.

Raising awareness of the impacts of child marriage. Roundtable discussions were held in June 2012 in Osh and Jalalabad to raise awareness of the reproductive health impacts of child marriage, and to inform people about the legal minimum age for marriage. These were held with the support of the Kyrgyzstan Red Crescent society and the British Red Cross.

Information booklets and posters. With the support of USAID, the NGO 'Agency for Social Technologies' developed several booklets and posters on the prevention and elimination of gender-based violence, domestic violence, bride kidnapping, and unregistered child marriage for Committees to Prevent Domestic Violence, which are being created in pilot local government bodies.

Recommendations

- Draw the government's attention to the Kyrgyz Republic's international obligation to prevent child marriage, which is enshrined in the Convention on the Rights of the Child (CRC); the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages; and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- Conduct in-depth multidisciplinary quantitative and qualitative research into child marriage, as the development of policy and interventions demands comprehensive information that is more representative of the country as a whole.
- Continue improving national legislation for the prevention of child marriage, increase the legal penalties for parents forcing their children into marriage, and advance a draft law to make it illegal to conduct a religious marriage ceremony without evidence that the marriage has already been registered.
- Develop lessons on healthy lifestyles, which would include reproductive health issues, and introduce them into the school education system. These lessons should take into account the cultural context and student ages.
- Conduct an awareness-raising campaign on the harmful consequences of child marriages for parents and schoolchildren, involving a wide range of participants: representatives of the authorities, healthcare professionals, teachers, NGOs, crisis centres, international organisations, religious leaders, and all other interested parties.
- Take measures to improve statistical data on child marriage.



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