

# Kyrgyzstan: Unregistered Marriage

## The Impact of Unregistered Marriage to Rural Women in Kyrgyzstan

Kyrgyzstan's independence in 1991 led to an economic crisis. Many people no longer can afford *kalym* (bride prices), and 40% of marriages post-independence are from kidnappings, which enable men to avoid paying *kalym* or costs of ceremonies. Underage marriages are common particularly in rural areas. Forced and underage marriages are not legal, and therefore marriages (many blessed in Muslim *nikeh* ceremonies) are not registered.

In cases of divorce in unregistered marriages, women and their children are not entitled to social services, welfare, payments from former husbands, or an equal share of property.

### Factors for Unregistered Marriage

**Underage Marriage:** 57% of women from poor families are married before 18 years of age (vs. 9.1% from rich families). Many parents believe child marriage will protect their daughters. The groom's family often hope that underage brides will be more accommodating and patient.

**Bride Kidnapping:** 50% of Kyrgyz women in this research were married through bride kidnapping. Statistical analyses show that the practice was nearly non-existent before the economic crisis in 1992. Now it is a way to avoid *kalym*

(bride prices). Rape is a common element of bride kidnapping, and social stigma from rape forces women to stay with abductors. In some cases, bride kidnapping leads to homicide or suicide.

*"Many marriages are unregistered because bride kidnapping is illegal. [Men do not] register marriages because initially they aren't sure if they will want to change wives later."*

*"Bride kidnapping is very easy and money saving. I was married through bride kidnapping. I tell to my son to kidnap a bride. We do not have money to pay a *kalym* or keep other traditions."*

**Religious Ceremonies:** Clerics bless underage or polygamous marriages in *nikeh* ceremonies without official marriage registration.

**Polygamy:** Polygamous marriages are illegal and thus not registered.

**Control of Property in Divorce:** Men who do not register divorces do not have to share property or support children in cases of divorce.

**Economic & Social Conditions:** Data shows that unregistered marriages are common among rural poor. Therefore, legal illiteracy, poverty, and limited access to education, health and social services are contributors that must be addressed.



Women's group, Ysyk-Ata, Chui oblast, Kyrgyzstan, Research Focus Group Discussion

### About the Research Programme

The feminist participatory action research for this brief was conducted by Shazet (Public Association) from Sept 2012–Sept 2013 in 5 villages and a small town in Ysyk-Ata district and 2 villages and a small town in Sokuluk district. For the research, Shazet worked together with the rural women's association, Alga, and with women leaders in rural Kyrgyzstan.

This research is part of APWLD's FPAR Programme in 8 countries.

### Case: Bride Kidnapping

*I was kidnapped at the school graduation. I was 16, had just finished Class 10 and wanted to study to be a teacher. I was in the school yard with friends when 5 young men grabbed me and put me in a car. I was shocked. I remember everything like in a fog. I cried. There were many women around. An old woman said that if I left she would curse me. She lay at the door and said, "If you step over me, your feet will wither." The first night, I was not ready – nobody had told me about sex. I had seen in movies that sex is something good, pleasure. But for me even now sex is like a torture. I am afraid of it, I hate it. I have three children from him now. I have lived with him for 20 years. I do not have job, and I do not know how can I feed my children, but I cannot live with him more. I can't breathe. I am still like in a fog." - 36-year old woman from Sokuluk district*

## Shazet & APWLD Rural and Indigenous Women Claiming Rights: Kyrgyzstan

### Women Want Rights

*My marriage was not registered. Even the women's committee in our village could not help. They talked to many government officials but, because these kind of marriages are not registered, we, all bride kidnapping victims, do not have rights.*

*Two months ago I had a baby. Hospital officials say that because I do not have a marriage registration, they cannot give her my husband's name. My daughter will take my name. I was told that I am a single mother. How can I be single mother if I have husband? My husband assured me that our marriage has been contracted through Shari'ah, so there is no problem. But I have doubts. Would this happen if I gave birth to a son?"*

### Harmful & Missing Kyrgyz Legislation

The Kyrgyz Family Code sets the legal age of marriage at 18 years for both men and women, but this can be reduced by up to two years in exceptional circumstances (such as pregnancy). The pregnancy exception has served to encourage underage bride kidnappings that involve rape.

A 2011 amendment to the Code states that marriages established through religious traditions do not have legal status. Largely dominated by men from regions where bride kidnappings are common, Kyrgyzstan's parliament has consistently voted down legislation banning clerics from blessing unregistered marriages.

Rape is a criminal offence, but spousal rape is not specifically included as a criminal offence in the Kyrgyzstan Criminal Code. Rape cases are seldom reported to the police, and very few of those that are recorded are subsequently taken to court.

### Helpful Legislation that is Not Implemented

As with child marriage and rape, bride-kidnapping and polygamy are illegal. There are few convictions, or indeed police investigations of these. Legislation stating that marriage must have consent from both parties is also unimplemented.

Relevant policy is not enforced. A Ysyk-Ata official stated: *There is no responsibility for regulations. The state does not interfere; nobody reacts to breaking of laws.* A lawyer noted: *Nobody is accountable. The office of public prosecutor would never be interested in the implementation of marriage legislation.*



Youth Group of Teenage Girls, Sokuluk, Chui oblast, Kyrgyzstan, Research Focus Group Discussion

Nearly half the expert stakeholders interviewed did not see child marriage as a problem. Ministry of Health representative: *Nowadays girls' reproductive functions develop very quickly, thus early marriages are not so serious of a problem.* Sokuluk religious leader: *There is no problem related to early marriages and no such thing as child marriage. As far as girls have menstruation it means that she is ready to marry, to start new responsible life.*

Other laws ensuring rights for women fail to be implemented: Equal rights for men and women to inherit family property; punishment for and protection from domestic violence; and non-discrimination of women in regard to access to land.

### Changes Required/Policy Recommendations:

- The Government must fulfill obligations in marriage related laws. Indifference to child marriage is unacceptable.
- Temporary measures are needed to support women in local elections and their access to local decision-making bodies. Women's participation would help ensure legislation is implemented.
- Parents and young people must be informed about negative legal and reproductive consequences of early and unregistered marriages.
- Mechanisms for rapid and confidential assistance to victims of abuse should be created, including: hot lines, a range of medical, social and psychological services.