

Divorce System Works Against Uzbek Women

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Laws give women equal rights, but state institutions work to prevent them getting a divorce. Although the law gives women in Uzbekistan the right to divorce their husbands, many find it almost impossible since the system is weighted against them and the government does its best to hold families together, whatever the wife may want.

Despite the growth in overt Muslim observance and Uzbek traditional customs since independence in 1991, the state has retained Soviet legislation guaranteeing equal rights for women, and the government has policies to promote women in work. Legal marriage is governed by secular state institutions rather than the clergy, and women have full property and divorce rights.

While these safeguards look good in the law books, in practice things are very different. Strong social conventions make it difficult for women to complain about domestic abuse, and the ultimate step of divorce is discouraged by local community or “mahalla” councils and by the judicial system.

Adolat, a nurse in Andijan in the eastern Fergana Valley, recalled how she has spent months trying to secure a divorce with no success, “I decided to divorce my husband when I realised I couldn’t stay in his home any more, out of fear for the lives of my children.

“He used to assault me when he was drunk. Like many women in our society, I thought I had to put up with it, and that as time went by he would stop. But when my children were born, he started to take out his aggression on them.... Then I decided to leave home and divorce him.

“I needed an official divorce, as then my ex-husband would have to provide me with accommodation and pay alimony. But for a year now I have been living in a rented apartment, unable to get a divorce. The court postponed the hearing for six months, as I didn’t provide a certificate from the reconciliation commission of the mahalla committee.”

“Reconciliation commissions”, established by the government in 1999, form part of the mahalla committees, which in theory are independent neighbourhood associations but in reality operate as the lowest rung of local government - and as instruments of social control.

A member of one Andijan reconciliation commission insists they fulfil a positive role, “We have century-old traditions according to which the mahalla plays an active role in bringing up children and resolving conflicts between neighbours and even between family members.

But a women’s rights activist in the same city sees them as an obstacle to progress.

“The mahalla, or rather its component reconciliation commission, is one of the main hindrances towards realising a woman’s right to divorce,” she said.

The activist explained that before an application to dissolve a civil marriage can go to court, the

reconciliation committee reviews the case and tries to bring the couple back together. The women's committee attached to the mayor's office may also intervene.

"The mahalla committees usually try to preserve the family at all costs, even if one or both partners believe that all possible reasons for doing so have been exhausted. And often this is not out of a desire to save the family, but to maintain good divorce statistics in the mahalla," said the women's activist, who explained that the local committees come under pressure both from local government and from a central body called the Mahalla Foundation if divorce is seen to be on the increase.

Aside from the ingrained desire of government institutions to obey their superiors and fulfil social objectives as if they were economic plans, the authorities' hostility to divorce mirrors the strong societal conservatism in Uzbekistan.

Even the country's code of family law contains a stipulation that court decisions must strive to preserve the family. A court can postpone a divorce hearing for six months if it feels the grounds offered are inadequate, and it can inform the mahalla committee or the official women's committee of its decision.

But as a lawyer in Namangan, another city in the Fergana Valley, noted, "Nowhere is it stated that courts cannot accept a divorce claim without a form from the mahalla committee. The courts are secretly using this to delay the progress of divorce cases."

Because married women generally live in their husbands' family home, economic factors make it difficult for them to strike out on their own, and until they get a divorce they are not entitled to anything from an estranged husband.

"It's hard to feed two children and pay the rent on a nurse's salary, which is 40,000 sums (32 US dollars)," said Adolat. "My husband knows about my difficulties but doesn't even try to help his children."

A member of the women's committee for Namangan said the divorce rate was rising both because of economic hardship, and because more women were rebelling against the constraints of a traditional marriage.

"On the one hand it is caused by the families' economic situation – arguments frequently arise because the husband cannot provide for the family, or the woman is forced to earn the bulk of the income," she said. "Another factor is the crisis in traditional family life. An increasing number of women realise that they are not obliged to put up with patriarchal family system, and men cannot accept this."

When Adolat's husband came round and caused a scene outside her apartment recently, she called the police. But after they found out the couple were married, the officers just gave her husband a mild ticking off.

"They advised him not to treat his family badly, and left without doing anything. I went to my lawyer, but she replied that until I get a divorce, I will continue to suffer," she said.

(Names have been withheld or changed because of concerns for the safety of interviewees.)

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