

Kyrgyz Divorcees Left Out in the Cold

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Women left to raise children on their own with no support from their ex-husbands.

Bermet, a mother-of-three from Bishkek, was recently abandoned by her husband after three years of marriage.

Despite their official divorce – he has since remarried – and a court order ruling him liable for monthly child support payments, 26-year-old Bermet has yet to receive a penny.

She now works as a cleaner to support her family, while her parents take care of the children.

“As far as I know, my husband is not going to pay child support,” she said. “What I earn is hardly enough to pay for the apartment. My relatives support me a lot. The court ruled he should pay 5000 soms (70 US dollars) every month, a small amount, but I haven’t seen this money.”

According to Kyrgyz law, a divorced father must pay a quarter of his monthly wage in child support until the child reaches 18 years of age. If there are two children, the father must pay half of his wage.

In practice, the children of divorced parents rarely receive the financial support they are entitled to.

Supreme Court officials say they have logged about 38,000 complaints about the failure of ex-husbands to pay alimony. The authorities believe the real figure is much higher.

The Kyrgyz criminal code provides for up to two years in prison for non-payers of child support, although this has never been put into practice by a judge.

The interior ministry said that around 1,000 warrants for arrest for non-payment had been issued over recent years.

A new legislative initiative aims to prevent men who have failed to pay child support from leaving the country, as well as withholding driving and hunting licences from them. Child support will also be payable until the dependent turns 21.

The bill, passed in late January by parliament, is waiting for the president’s signature to pass into law.

Other proposals include posting photos of men who refuse to pay at railway stations and airports, as well as publically denouncing them.

Until now, men have found it very easy to evade paying child support. One issue is that most private employers don’t formally register their workers, leaving many men officially unemployed.

“Bailiffs cannot wheedle child support debts out of debtors as many of them produce evidence of unemployment, while being engaged in business, and don’t pay child support,” said legislator Maksat Sabirov, one of the authors of the bill.

A large number of men become migrant workers in Russia or Kazakstan, making it hard to track them down

Many husbands leave the country soon after the wedding party, leaving their wives to live with their in-laws. It is not uncommon for these men to go on to marry other women while abroad and announce they are divorcing their wives back in Kyrgyzstan.

In some cases, the parents tell their daughters-in-law to leave their house, even if they have children.

The issue is complicated by the fact that not all couples are officially married.

Many simply go through a traditional Islamic ceremony, known as nikah, which has no legal basis. While many couples, especially in more remote parts of the country, view the nikah ceremony as mandatory, they fail to officially register their marriage.

Since wives in this position are not married in the eyes of the state, their rights to a share of household assets in the event of break-up are greatly reduced.

Zarina Karimjanova, a 22-year-old from the southern Osh region, found herself in this situation after marrying the imam of a local mosque.

“Since he was a preacher, I didn’t think I needed any marriage certificate,” she told IWPR. “We lived together for two years and, despite the fact that we have a daughter together, he kicked us out of the house,” Zarina said. “Lawyers I turned to said they could not help because I didn’t have a marriage certificate. My husband does not pay child support to me. I was left without a home.”

According to the State Registration Service, the number of officially registered marriages fell by 3,000 in 2016 compared to 2015. The number of divorces, on the other hand, rose by 1,500.

Some labour migrants go as far sending their wives a short text message with the word “talaq” [I divorce you in Arabic] three times to their wives.

Although the government and human rights defenders have roundly condemned this practice, the Spiritual Directorate of Muslims of Kyrgyzstan and a number of other Islamic authorities allow this method of divorce, noting that Islamic law mandates that a former husband must support both his wife and children.

Kadyr Malikov, director of the Religion, Law and Politics think tank, said that one solution would be to recognise religious marriage as a legal institution.

He suggested that the imam should, as part of the religious ceremony, issue a document certifying the marriage.

“This should be done to officially register the nikah performed by a mullah without state registration,” he said. “In case of divorce, a former wife can sue the husband for non-payment of child support. The document issued and registered by a mullah should be recognized as a legal document,” he said.

“If we solve this issue, all nikahs which are not currently registered will be recognised by courts so as to protect the children involved.”

However Tolekan Ismailova, head of the Bir duino human rights NGO, strongly opposed awarding nikah legal status.

“Nikah has played only a negative role in Kyrgyzstan,” she said, noting that it was often employed when the bride was underage.

“People do nikah anyway, but it never has been helpful for women or provided them with any benefit.”

The solution was to strengthen current legal mechanisms, Ismailova argued, as well as better inform women about how to protect their rights. She noted that the ministry of justice and the bar association were both now offering free legal assistance for women in this situation.

“We know that when a woman has an official certificate she can [try to] defend her rights, the rights of her children and protect their future of children through family law, she continued.

“Given the vulnerability of women in our patriarchal society... official registration must be mandatory.”

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