

## **Tackling Early Marriage in Tajikistan**

**Author:** IWPR

A change in the law will not stop Tajik women being forced into early marriages, activists say. A growing trend for young women in Tajikistan to marry as young as 16 deprives them of education, poses a threat to their health and leaves them vulnerable to abuse, rights groups and medical professionals say.

Rights activists have welcomed the government's plan to amend the family code to raise the official marriage age to 18 from 17. The proposal has been sent for consideration to President Imomali Rahmon by the State Committee for Women and Family Affairs. If Rahmon supports the initiative, he will propose it to parliament.

The move is the result of a two-year campaign initiated by non-governmental organisations, who say the change was long overdue, and backed by the United Nations.

But rights activists say the new legislation will not in itself solve the problem unless there is a mechanism for reinforcing laws aimed at reducing the number of early marriages and the awareness among young women of their rights.

The new proposal would not change a provision in the civil code that allows local authorities, in exceptional circumstances, to permit marriage below the official minimum age. Activists say that rather than being an exception, this provision has become the rule.

According to the director of the Association of Women Graduates, Guljahon Bobosadikova, "This excuse of 'exceptional' circumstances has been used to [force] girls into marriage en masse."

According to the last living standard survey carried out by the Tajik statistics office two years ago about nine per cent of girls aged between 15 and 19 were married.

Statistics from the register office in the capital Dushanbe show that in the first six months of this year there were nine marriages where the bride was under 16 years of age and 117 couples where the future wife was 17 years old.

The director of the capital's register office, Barno Nasimova, said that these marriages were conducted in accordance with the law, "These nine couples were registered following a decision by the court. The reasons [for the exception] have been given such as they love each other and want to officially register their marriage; or that [she] is an orphan, or other reasons were given."

Rights activists and doctors say that early marriage brings a whole array of problems. It puts strain on health of young women as they undergo early pregnancy and childbirth and they are deprived of personal development and education. Such young women can also become victims of domestic abuse.

According to the director of the Centre for Reproductive Health, Guljahon Tumanova, "When a girl gets married at 16 to 17 years of age she is psychologically unprepared for marriage, for pregnancy and

motherhood although physically she might seem to be mature.”

Seventy per cent of women in Tajikistan suffer from anaemia and the majority of cases are among young women. Early pregnancy also results in complications such as miscarriage or restricted foetal growth, medical experts say.

Tumanova said sometimes a 20-year-old woman is already a mother of two or three children and with no education and no life experience such women are not ready to cope with challenges of childcare.

The chairwoman of the public foundation Panorama, Tatyana Bozrikova, points out that girls forced into early marriage miss out on education.

“The social consequences of such marriages are firstly that it leads to girls leaving school,” Bozrikova said.

She said that this can be seen in the low girls-to-boy ratio, “If in primary school this ratio is more or less ok, then in grade 10 and 11 girls are only 38 per cent of the total and in some regions this percentage is even lower.”

Qimatgul Aliberdieva, the deputy chairwoman of the state Committee for Women and Family Affairs, agreed saying that misuse of the legal provision reserved for exceptional circumstances puts an end to girls’ education, “It turns out that at 17 years of age a girl is still attending school but she is forced into marriage. That is where the problem lies.”

Bobosadykova said finishing school is important as the first step in raising young women’s social status, “Before entering a new stage in their lives girls should have basic education [to be able to acquire] economic independence.”

The director of the Centre for Gender Studies, Maryam Davlatova, said a lack of education is a problem as some brides can be as young as 15. She believes this category of young women is particularly vulnerable to domestic abuse. Some of them can hardly read and write.

“What rights can we talk about? To be able to protect themselves they should be first aware of their rights. This makes them an easy target for domestic violence,” Davlatova said.

Firuza, 20, from Qurghonteppa, 90 kilometres south of Dushanbe, has already been married twice, the first time when her parents forced her at the age of only 15. She saw her husband for the first time at the wedding.

She found it hard to adjust to living with her husband’s family. Her mother-in-law was irritated by the fact that coming from a region where relations between family members were less formal, Firuza initially addressed her in an informal way. This was perceived by the mother-in-law as a sign of disrespect.

Her husband, however, fell in love with Firuza as he got to know her better but under pressure from his mother he left her when she was three months pregnant.

She went for an abortion on the advice of her sisters, who said this would increase her chances of starting a family with someone else. Firuza never coped with the loss of the child and was admitted to hospital with a nervous breakdown.

Firuza returned to her parents and soon met a man in her home village and married him after he proposed. This marriage also did not last long and Firuza was divorced for the second time at the age of 19. Her husband left her, unable to withstand pressure from his friends that he had married a divorcée.

Twice divorced and childless, Firuza has had another nervous breakdown and lives with her parents under a doctor's supervision.

Early marriage is considered traditional in Tajikistan but the practice has been more common in certain periods including the civil war from 1992 to 1997.

During the war there was a notable spike in the number of girls forced into wedlock, driven by parents' fears that their daughters could be the victim of rape during the unrest. This would bring shame on the family and might destroy the woman's chances of getting married.

Jumagul was a teenager during the war. Her parents were refugees who moved to Dushanbe from the Bokhtar district in the southern Hatlon region. They chose her a husband and she got married at 16.

The husband – who, as is customary, Jumagul first met at the wedding – did not like her. First they had rows almost every day then he started to beat her. His relatives disliked her country ways. According to Jumagul, “My mother-in-law and my husband's sister made my life difficult. They constantly reproached me saying, ‘You are a useless village girl.’”

Her own family provided little support, “My parents always tried to persuade me to be patient, saying that everything would be fine. For four years it was a living hell.”

When Jumagul divorced her husband and returned to the family home, her brothers accused her of being a burden on the family. Her future is uncertain, she said, “While my parents are still alive they [the brothers] can't do anything but as soon as they die they will kick me out of the house.

“Sometimes I am haunted by thoughts of taking my own life. Only my love for my son stops me from doing that.”

The issue of early marriage has reached a critical point and girls as young as 20 are now considered spinsters. As a result of parents pushing their daughters into early marriage more girls are unable to finish school. Education normally ends at age 18.

A shortage of men has contributed to a worsening of the situation as many Tajiks of working age have gone abroad in search of work. An estimated 1.5 million labour migrants from Tajikistan are working mostly in Russia and also in Kazakstan.

“Nowadays it has become absurd. In many regions 20-year-old girls are considered too old for marriage. Parents are under pressure to give [a daughter] away to the first man who asks for her hand out of fear that she will be left a spinster,” Aliberdieva said.

A resident of a village in Sadriddinshon, in Vose district in southern Tajikistan, who gave his name as Saadi, confirmed to IWPR that a girl is considered “hopeless” if she is not married within two years of leaving school.

“This year, girls born in 1990-91 are getting married. There are a lot young women who are not married and there are even more divorcées. There are no men. They all get married in Russia,” she said.

Rights activists point out that statistics cover only marriages registered with the state. This presents a problem in getting the real picture because some girls have been married according to religious rites.

The bulk of the population of Tajikistan are Sunni Muslims and it is standard practice to have a marriage blessed by a mullah in a ceremony called “nikah”.

The authorities tried to address the issue two years ago by adopting a law that forbids clerics to marry couples without having seen evidence of legal registration.

Although the legislation did play a positive role in reducing the number of unregistered marriages, more needs to be done to ensure its implementation, activists say.

Davlatova points to the absence of any mechanism to enable reporting to law enforcement bodies of instances where this law has been violated. Reporting to the police should not fall on young women involved and a better solution should be worked out, she said.

Early marriages, Nasimova said, are one of the factors contributing to the rising number of divorces in the country because some couples are too immature for marriage, “In our register office alone 441 cases have been registered in the first six months of this year. The figure for last year for the same period is 420.”

Activists and experts alike agree that the problem of early marriage can be solved only if it is tackled from all sides. Effective legislation, an awareness campaign among young women about their rights and better opportunities to complete school education are all things campaigners say will improve their lives.

According to Bozrikova, “The work should be done with all parties involved – with public opinion, with women, men and parents.”

Bobosadikova said the law on exceptional cases of under-age marriage should be clearer to prevent its misuse and differences of interpretation.

The executive director of the League of Women Lawyers in Tajikistan, Zebo Sharifova, thinks that without educating women into how the law can help them the problem cannot be solved. This is particularly important in rural areas, “We encounter early marriages often in remote areas. [In the countryside] very few women and few people in general are informed about their rights.

“They don’t know what the family code is or how civil relations are regulated, and they force their daughters onto young men who already have wives.”

Bozrikova added that a lot depends on the rule of law. She pointed out that it is not often that those responsible for forced marriages or for preventing girls from completing their education are taken to court.

She does not think that raising the marriage age will stop the practice altogether, unless underlying factors such as tradition and poverty are eradicated. But in creating a better legal framework, the authorities will be able to control the situation more effectively, she said.

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