Tajikistan Tightens Marriage Rules

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Move appears designed to stop foreign nationals marrying Tajiks to get passports.

Changes to the law in Tajikistan making it harder for foreigners to marry locals seem to be a move to stop Afghan and Chinese nationals entering into marriages of convenience.

The amended legislation, passed at the end of January, requires foreigners to have lived in Tajikistan for a year before they can marry locals. They must also sign a prenuptial agreement committing them to provide housing for their spouse. Since foreigners can only buy property after five years' residence, this provision seems designed to ensure the family home is registered to a Tajik national.

Since emigration rather than immigration is the main problem facing Tajikistan, it is hard at first sight to see the point of restricting marriages with foreigners who wish to settle in the country.

However, experts explain that the changes target two specific groups – Afghans generally, and ethnic Uighurs from China, a Muslim minority in the western Xinjiang province. There are suspicions that some of them wish to secure residence rights and accelerate the acquisition of citizenship, which takes three instead of five years if they are married to a local. Residence gives them the right to run a business more easily, while a Tajik passport opens the door to visa-free travel to other parts of the former Soviet Union, notably Russia.

Explaining the thinking behind the new rules on Stan.tv on February 1, Deputy Justice Minister Abdumannon Kholikov said, “It’s no secret that many foreigners enter into marriages not in order to start a family, but to smooth the process of acquiring Tajik citizenship.”

The majority of marriages with foreigners involve nationals of countries that share Tajikistan’s language and Muslim faith – Afghanistan and Iran – or just religion, in the case of Pakistan, Turkey and the Chinese Uighurs.

Officials statistics indicate that at least one in five of the 2,700 marriages with foreigners registered in Tajikistan over the last five years has subsequently ended.

Nilufar Sobir, a Tajik journalist who writes on social issues, welcomes the changes to the law, which she believes will protect vulnerable women and their children.

“There’s a recent trend for Chinese citizens of Uighur origin to opt to stay and work in Tajikistan,” she said. “There have been similar cases with men from Afghanistan.”

They often marry impoverished poor women and register property and businesses in their names, she said. Then, when they go back home, they leave the wife behind with nothing.

Aziza, a resident of the capital Dushanbe, was 18 when her mother arranged for her to marry a 35-year-old businessman from Afghanistan.

Unlike many women in Tajikistan, who go through Muslim weddings without registering with the authorities, Aziza was officially married. But she later learned that her husband already had two Afghan wives. When he then died, he left everything to his first wife, now living in Europe, and she and her three children were left destitute.

Nigina Bahrieva, head of the Nota Bene human rights group, is concerned that introducing legal obstacles to marriage may contravene international conventions guaranteeing the rights of the individual.

She warned that the regulations could leave women worse off than before, as their husbands are likely to seek only a religious wedding blessed by a Muslim cleric and avoid the complexities of legal marriage altogether. This would leave wives with no rights at all after divorce.

“This approach relieves them of any legal responsibility..., and may leave Tajik women more vulnerable and harm their social and legal position,” she said.

Alla Kuvvatova, who heads the Association for Gender Equality and Preventing Violence Against Women, said the prenuptial contract could equally be abused by a wife who might divorce her foreign husband once the home was registered in his name.

Others say the regulations run the risk of casting a shadow over all marriages with foreigners because of
the actions of a few. A Tajik woman called Shahnoza described how by the time she finished university and started work, she was considered “too old” in her own community, so she married an Afghan and they emigrated to Canada, where they have settled down happily and now have two children.

Deputy Justice Minister Kholikov said the law would not stand in the way of couples whose intentions were genuine.

Some rights activists say the focus on marriages with foreigners is at odds with the authorities’ failure to assist the much larger number of women who end up being abandoned by Tajik husbands who go abroad in search of work, and end up staying.

Various estimates put the number of expatriate migrant workers from Tajikistan, at between 800,000 and one million, the majority in Russia. A 2009 report by the International Organisation for Migration on the plight of abandoned wives estimated that about one third of men working abroad would settle down in the host country. (See IWPR’s recent report Plight of “Abandoned Wives” in Tajikistan.)

Faromarz Olamafruz and Yasmin Khushbakht are pseudonyms used by journalists in Tajikistan.

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