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Important step forward for girls' rights in Kyrgyzstan

A new law that will help protect adolescent girls in Kyrgyzstan from forced and early marriages passed its third and final parliamentary reading on 5 October, with 68 deputies voting in favour of the law and 40 against.¹ The law was drafted with considerable input from women's rights activists in Kyrgyzstan. Once signed into law by the President, the law will introduce criminal sanctions of up to five years' imprisonment for anyone involved in organizing or officiating at a religious marriage ceremony where one or both of the spouses is under the age of 18. This includes religious leaders, as well as parents of the would-be spouses.

Mirroring patterns in many other countries in Central Asia and beyond, most marriages involving girls under the age of 18 in Kyrgyzstan are not officially registered. This is because under the Family Code, the legal minimum age for marriage for women and men is 18, although this can be reduced by up to one year in certain circumstances.² It is a criminal offence to force someone to marry against her will, with higher sentences (of up to ten years) if she is under the age of 17; sexual intercourse with someone under the age of 16 is also criminalized.³ Some religious leaders, however, are prepared to marry couples where one of the intended spouses is underage; this means that the marriage is seen as legitimate by the extended families of the couple and the community in which they live, even though the marriage is not legally recognized and neither spouse has any legally recognized rights or responsibilities within it. This is exactly why the new law targets religious marriages.

Data collected by the National Statistics Agency in 2014 found that 13% of women aged 20 – 49 included in the survey had married or “entered into marital union” (i.e. an unregistered marriage) before the age of 18, and 0.5% had married before the age of 15.⁴ The survey did not include data on the number of married boys, but as in most other countries, far fewer boys than girls are married as children in Kyrgyzstan (in 2014, 948

¹ 24.kg, “Жогорку Кенеш одобрил законопроект о запрете обряда нике без регистрации в ЗАГСе” [“Jogorku Kenesh adopts the draft law on banning *niike* marriages without registration at a registry office”], 5 October, <http://24.kg/vlast/37815/>.

² Family Code of the Kyrgyz Republic, Article 14.

³ Criminal Code of the Kyrgyz Republic, Article 154.

⁴ National Statistical Committee of the Kyrgyz Republic and UNICEF, *Kyrgyzstan Multiple Indicator Cluster Survey 2014, Final Report*. National Statistical Committee of the Kyrgyz Republic and UNICEF, Bishkek, 2015, p.70

boys and men aged 15-19 married according to official statistics, compared to 11,797 girls and women aged 15-19).⁵

Child marriage is a serious human rights concern in Kyrgyzstan. In many cases in Kyrgyzstan the marriage is arranged by the girl's parents and she has no opportunity to say no, or she is a victim of "bride kidnapping" (where a woman or a girl is abducted by the would-be "groom" and then has little option but to agree to marry him, or risk being stigmatized, because of the assumption that she will have been raped by the abductor and will have lost her virginity).⁶ Forced marriage is recognized as a human rights violation under international human rights agreements to which Kyrgyzstan is a signatory, including the International Covenant for Civil and Political Rights (Article 23), the Convention on the Elimination of all Forms of Discrimination Against Women (Article 16), and the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages.

Even in cases where an adolescent has given her consent to marry, that consent may not be meaningful. For instance, she may agree to marry out of duty if her parents put pressure on her, or to ease the financial burden at home and to enable younger siblings to continue with schooling, or because in the face of very limited opportunities for further study or work, marriage looks like the least bad option.

Marrying very young also puts girls at risk of other human rights violations.⁷ In Kyrgyzstan, the usual practice is for a wife to move in with her husband and his family after the marriage. Highly unequal power relations between a married adolescent girl and her older, adult husband – and between her and her mother-in-law and other in-laws – mean that married girls are at risk of domestic violence, rape, and forced pregnancy, as well as health risks associated with early pregnancy and childbirth. Complications during pregnancy and childbirth are the second highest cause of death for 15-19 year-old girls globally.⁸ Married girls are usually unable to complete their schooling, violating their right to education. They may have limited freedom of movement (for instance, they may not be allowed to leave the house without permission) and suffer isolation if they are stopped from maintaining contact with their birth families and with friends. They may be stopped from working outside the home, or denied the right to keep any income if they do work.

⁵ National Statistics Committee of the Kyrgyz Republic, *Женщины и мужчины Кыргызской Республики 2010-2014 [Women and Men of the Kyrgyz Republic 2010-2014]*. National Statistics Committee of the Kyrgyz Republic, Bishkek, p.25

⁶ See Ilibezova, Larisa, "Child Marriage in Kyrgyzstan (Overview), 2014, UNFPA, Bishkek / Istanbul. There are no reliable statistics for the number of women and girls who are abducted for forced marriage ("bride kidnapping") in Kyrgyzstan each year. The most in-depth research on the subject to date found that up to a third of all Kyrgyz women had been abducted for forced marriage, but this study dates from the early 2000s (see Kleinbach, Russell, "Frequency of non-consensual bride kidnapping in the Kyrgyz Republic", *International Journal of Central Asian Studies*, 8(1), 2003 pp.108-128). The Women's Support Centre, a non-governmental organization in Kyrgyzstan, estimates that each year 11,800 women and girls are abducted for the purposes of forced marriage (see UN Women, "New law in Kyrgyzstan toughens penalties for bride kidnapping:", 6 February 2013, <http://www.unwomen.org/en/news/stories/2013/2/new-law-in-kyrgyzstan-toughens-penalties-for-bride-kidnapping#sthash.9RXd64iP.dpuf>).

⁷ See Ilibezova, Larisa, "Child Marriage in Kyrgyzstan (Overview), 2014, UNFPA, Bishkek / Istanbul.

⁸ WHO, Adolescent pregnancy, factsheet 2014, <http://www.who.int/mediacentre/factsheets/fs364/en/>

As the authors of the law acknowledge, passing this law will not eliminate the practice of child marriage in Kyrgyzstan, but in combination with the legal safeguards already in place, it will act as a deterrent and send a strong message that religion cannot and should not be used to legitimate human rights abuses against girls. The next step will be for law enforcement agencies and prosecutors to work together to ensure that the law is implemented, and for the authorities to work to challenge the discriminatory social attitudes and harmful gender stereotypes underpinning child marriage in Kyrgyzstan.

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