



WOMEN AND GIRLS IN TAJKISTAN

FACING VIOLENCE,
DISCRIMINATION AND
POVERTY

STOP VIOLENCE
AGAINST WOMEN

AMNESTY
INTERNATIONAL



Violence in the family is widespread in Tajikistan. One third to one half of women have regularly been subjected to physical, psychological or sexual violence at the hands of their husbands or their in-laws.

Violence against women is not only a crime but also one of the most pervasive human rights violations across the world. It happens in every country and often remains hidden in the family. However, states have international obligations to prevent and prosecute it both in the public and the private sphere. In Tajikistan, violence against women is still considered a “family affair” and is not yet recognized as a distinct criminal offence and a human rights violation.

ZAMIRA'S STORY:

Zamira was married at 18, in a traditional Tajikistani Islamic marriage or *nikoh*. The marriage lasted for five years, and in all those years Zamira was never allowed to leave the house. “It was like in prison,” Zamira said. Her husband and his parents did not allow her to go out or talk to other people. She told Amnesty International that when she asked his permission to go out or when they had a quarrel, her husband would beat her. One day her husband divorced her, by saying “*taloq*” (meaning “repudiate”) three times in the presence of two witnesses, and she was thrown out of the house by his parents.

Now, Zamira and her nine-year-old son live with her parents, but the house is crowded as 10 people live there. Zamira dreams of having her own house for her and her son. She did not finish her secondary schooling, and is now attending literacy classes at an NGO women’s centre. She would like to work at the local post office when she has finished her courses.

PHYSICAL, PSYCHOLOGICAL AND SEXUAL ABUSE IN THE FAMILY

The experience of abuse and violence in the family results in a high number of suicide cases among women. Domestic violence is given as the first reason for committing suicide. This includes physical and psychological violence such as restrictions, humiliation and the feeling of being treated as a servant or the in-laws’ family property.

Domestic violence may often involve rape or other forms of sexual violence. But while rape perpetrated by a stranger is strongly condemned in Tajikistani society, marital rape is not explicitly defined as a criminal offence in the Criminal Code of Tajikistan.

LACK OF SAFEGUARDS

State authorities reflect the societal attitude of blaming the woman for domestic violence. They see their primary role as mediator, to preserve the family rather than protect the woman. The failure of the state to adequately address its obligations has resulted in perpetrators of domestic violence enjoying virtual impunity.

There are insufficient services to protect survivors of domestic violence, and most of these are provided by internationally funded local NGOs rather than by the state. The police, judiciary and medical staff are not sufficiently trained to deal with cases of domestic violence. Although a draft law explicitly criminalizing domestic violence and provisioning for more crisis centres and shelters has been discussed for several years, it has not yet been introduced to parliament. There is a lack of political will for this law to be approved and implemented.

‘TRADITIONALIZATION’ OF THE GENDER ROLES

Traditional family structures were reinforced after the break-up of the Soviet Union and imposed further discrimination against women by narrowing their identity to that of wife and mother, or pushing them into the lowest paid sector of the job market. The same discriminatory societal attitudes underlie the acceptance and justification of violence against women.

The majority of women are economically dependent on their husband’s family after the marriage. They may be subjected to harsh treatment not only from their husbands, but also from their in-laws, and in particular from their mothers-in-law.

Women’s rights are hampered in Tajikistan not only by violence in the family and discrimination in the labour market. The early drop-out of girls in the education system, and early and unregistered marriages are also of particular concern.

UNREGISTERED MARRIAGES

In Tajikistan, there are two marriage procedures: the civil registration in a registry office, ZAGS (*Zapis Aktov Grazhdanskogo Sostoyaniya*), and *nikoh*, the traditional, religious marriage under Shari’a law. The official registrations of marriage and divorce, although legal requirements, are seen as costly obligations that can easily be dispensed with in favour of the *nikoh* and *taloq*.

Civil registration is still a legal requirement in Tajikistan. It is a contract that gives both parties certain justiciable rights – to property, alimony, and child custody – in case of divorce. The *nikoh*, on the other hand, is a form of contract that can be broken by the husband alone, without advance warning, and with no penalties. Mullahs are required to check whether marriages have been registered before they proceed with *nikoh* marriages; however, this is frequently not done.

There has been no change to the law sanctioning polygamy or unilateral divorce, but these have become widespread in practice since the end of the civil war in 1997. It is difficult for women in polygamous marriages to claim their rights as these marriages are unregistered and do not have legal status.

THE COST OF MARRIAGE

In practice, most couples first take part in a traditional *nikoh* ceremony and then register the marriage, or do not register it at all. The official marriage registration fee is considered high for most people, at approximately one third of the minimum monthly wage. Young women traditionally move into their husband's family home. The Soviet-inherited system of *propiska* (obligatory civil residency registration) connects the registration of one's residency with social entitlements and property claims, but many wives do not obtain such a registration when they move to their in-laws' house, and can then face difficulties in proving their rights after divorce.

Massive labour migration in the years after the civil war in Tajikistan has also affected the position of women in *nikoh* marriages. Urged by the high levels of unemployment and poverty, many men left their families in search of work in Russia. They may initially have sent remittances to their family, but



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were also able to divorce their Tajikistani wife on the telephone and start a new family in Russia or elsewhere. In these cases, in-laws are even more determined to force the ex-wife with the children out of the home as they become another economic burden to the family.

EARLY AND POLYGAMOUS MARRIAGES

The minimum marriageable age in Tajikistan is 17 years old, but there are many cases of marriages of under-17-year-olds, sometimes endorsed by a judge, for example in the case of pregnancy.

Girls attending a computer course at the Women's Resource Centre in the village of Huroson, Tajikistan, July 2009.

Young and uneducated girls are at a premium as prospective brides, because their lack of experience is thought to make them more compliant. Many of these young girls find themselves in unregistered marriages, and may also have polygamous husbands. By marrying at less than the legal age, these girls have already had their human rights violated.



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Cover photo: Rudaki's monument in a park in central Dushanbe. Tajikistan, July 2009.

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Left: At the bazaar in Dushanbe. Tajikistan, July 2009.

They are also more likely to suffer domestic violence. Among survivors interviewed by Amnesty International, it was mostly the older women with an education who had managed to escape violent marriages, and then acquire property and alimony.

The authorities very rarely punish polygamy or illegal early marriage. The department for the regulation of traditions, festivities and rituals has the power to check if a civil marriage registration had been obtained before the religious ceremony is conducted, but it is failing to do so.

GIRLS DROPPING OUT OF EDUCATION

Education is a key factor for girls' empowerment to avoid and escape situations of violence. The state is failing to ensure that girls get an adequate education, which contributes to the overall picture of violence and discrimination against women in Tajikistan.

Girls are dropping out of school for various reasons. Firstly, five years of civil war interrupted education for many and led to a serious decrease in literacy among the younger generations. Secondly, many families are too poor to be able to pay for basic costs of sending their children to

school (such as transport, shoes, books). However, girls from towns with schools also drop out, and this demonstrates another reason: the prevailing perception of the woman's role solely as wife and mother, without a need for education.

The school enrolment and inspection system does not reveal the problem in girls' drop-out rate from education. Drop outs and unregistered children (for example, from unregistered marriages, or from people who had moved and not registered in their community) are not reflected in the figures.

CONCLUSION

The government has declared its commitment to combat domestic violence, stop the practices of polygamy and early marriages and to enforce compulsory education for girls until the age of 15. Although Tajikistan has ratified relevant international human rights treaties, in reality it is falling short of its international obligation to protect and fulfil women's rights.

RECOMMENDATIONS

Amnesty International calls upon the Tajikistani authorities to improve their efforts to respect, protect, fulfil and promote the rights of women. The authorities should act now to:

- prevent and prosecute violence against women in the family through translating international human rights treaties into effective domestic law and nationwide support services;

- address the unlawful practices of unregistered, polygamous, and early marriages by carrying out a nationwide public awareness campaign on the registration of marriage and registration of the place of residence and ensuring that religious marriages are carried out only after a certificate of civil marriage is obtained;

- remove all barriers to girls' education by promoting its value and addressing the root causes for girls dropping-out.

Please write to the President of Tajikistan:

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TAJKISTAN

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