



Human Dimension Implementation Meeting OSCE ODIHR.

Working session: Tolerance and non-discrimination II, including ensuring equal opportunity for women and men in all spheres in life, including through implementation of the OSCE Action Plan for the Promotion of Gender Equality

Human rights movement: «Bir Duino Kyrgyzstan»:

Theme: "Underage marriages, early motherhood, maternal mortality - a threat to reproductive health"

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Underage marriages, early motherhood, maternal mortality - a threat to reproductive health

Kyrgyzstan has ratified international conventions and has adopted a number of laws to ensure equal rights and equal opportunities for men and women. However, events including underage marriages, early motherhood and bride kidnapping are still taking place all around the country. Low level of legal awareness and literacy does not allow eliminate harmful practices and actions of abuse and discrimination against girls and women.

Underage marriages

At the international level several conventions and programs on regulation of underage marriages have been accepted. Those are: UN

Case 1

A woman named A. got married at the age of 17 to a man who was 12 years older than her. During her marriage she was subjected to various humiliations and abuse by her husband and his relatives. She tolerated this kind of attitude because of her children, and besides she had nowhere to go. Having no proper education and work made her depend from her husband. Moreover, her husband instigated their three children against her. They were not obeying their mother in the presence of their father. Over time, she began to feel a sharp pain in the abdomen. She several times talked about it to her husband. But he did not listen to her. He did not allow her to see a doctor, he said that there is no money. In the end, she went to the hospital because she felt an acute pain. There doctors told her that they urgently need to remove the ovaries, otherwise she may die. After a major surgery, her husband did not come to visit her at the hospital and did not even pay for medical services. He took their children from her and did not allow them to go to the school. At the moment, he took the children and does not allow his wife to see them. He filed a divorce. In addition, he has sold all the property so that after divorce his wife would not take the part of their property according to law. He did not show up at the court. It seems like he already agreed with the judge, because during the trial the judge humiliated the woman and ignored her arguments.

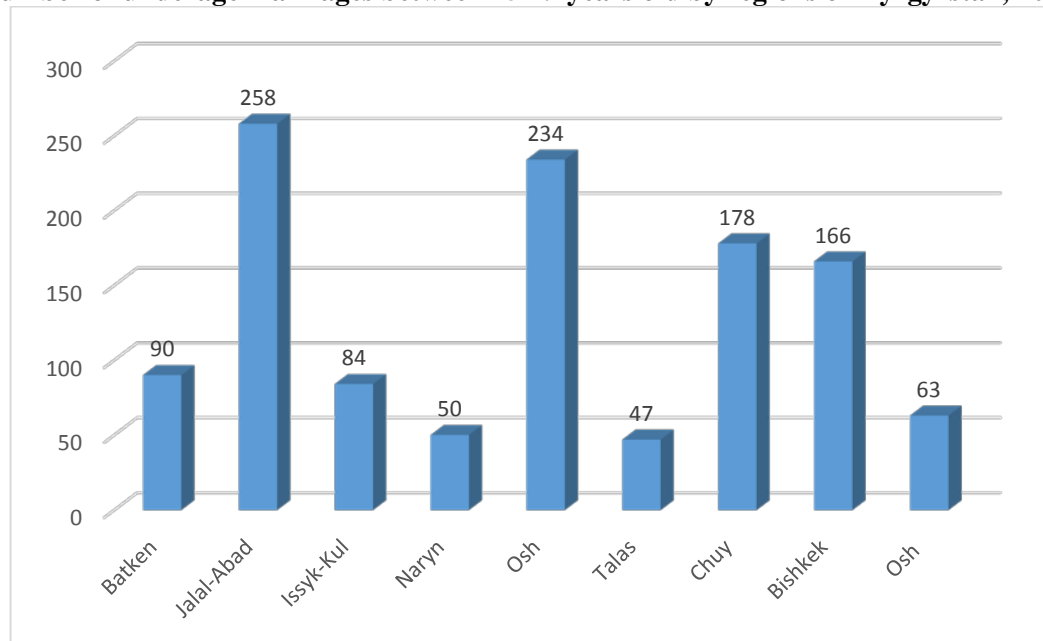
Source: Interview with Jumabaeva G.

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages in 1962; The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979; The Convention on the rights of child in 1989; and the Beijing Platform for Action in 1995. These international instruments require all States Parties to comply with the fundamental principles of the marriage, minimum age for marriage, consent, the freedom in the choice of a spouse, and marriage registration.

According to the Health and Demographic Research conducted by the National Statistical Committee of the Kyrgyz Republic (NSC KR), about 14% of women were married before the age of 18, including 1% under the age of 15. The analysis shows that underage marriages often take place in rural areas (14.6 %), mainly among the poorest segments of the population (15.9%). However, underage marriages happen also in towns and in rich families as well (by 9.2%). The proportion of teenage girls who started to bear children in rural areas (8%) is twice higher than in urban areas (4%)¹.

¹ Multiple indicator cluster study in KR. National Statistical Committee KR 2014.

Pic 1.

Number of underage marriages between 15-19 years old by regions of Kyrgyzstan, 2014.

According to the Constitution of the Kyrgyz Republic and the Code of Conduct on children and other normative and legal acts of persons under the age of 18, are recognized as underage. The minimum age for marriage in the Kyrgyz Republic established by the Family Code of the Kyrgyz Republic is 18 years old for both men and women. Marriage is registered by the state. Marriages according to religious ceremonies has no legal effect².

Underage marriage is one of the main reasons when girls are dropped out of schools, most of whom will never resume their studies³. This means that many underage wives are doomed to exist in poverty, as they are limited in their ability to make a living on their own.

We want to draw your attention to the problem of early marriages in Kyrgyzstan. Parents, members of the religious organizations, local authorities, law enforcement agencies do not pay enough attention to this problem, and are often themselves involved in illegal activities.

The reasons for the increase of underage marriages:

- Migration;
- Poverty, decrease of financial standards of families who do not have the opportunity to train and educate their children;
- Low level of awareness of parents and young people entering the marriage on the negative legal and reproductive effects;

Until recently, the state did not pay much attention to the issues of early motherhood and underage marriages. The situation changed only in recent years, thanks to researched conducted by UNFPA and human rights organizations, such as "Bir Duino-Kyrgyzstan" and "Coalition for Democracy and Civil Society". They began their active work on introduction of criminal liability for the parties involved in the commission of early marriages.

As a result of this work, the Kyrgyz Parliament passed a bill that introduces criminal liability in the form of imprisonment of parents of an underage child, a person conducting religious ceremony of marriage, as well as an adult getting married for violation of the law on minimum marriage age.

² Article #36 of the Constitution of KR, Article #14 of the Family Code of KR, Article #154, 155 Criminal Code of KR

³ Early marriages in Kyrgyzstan. UNFPA 2012. Available on: www.unfpa.org.kg.

Case # 2

A 14 years old young mother was admitted to the regional hospital under critical condition. She began to bleed. Under the supervision of doctors, she gave birth by caesarean section. Meanwhile, the regional police department officers detained a 24-years old man on suspicion of raping an underage girl. According to police, he was in a relationship with another 16 years old girl. *Young man named Umar, fraudulently promising to marry invited 14 and 16 years old girls to his rented apartment and raped them. After he threatened them that he will tell everything to parents, if they do not shut up. There has been an investigation, but the police could not find Umar. Then it turned out that in fact the name of the suspect was Askarbek. Meanwhile, the parents of a girl and a suspect started to look for ways out of the situation. Askarbek's mother expressed her point of view: "At first, I got angry and told my son that he should take the responsibility for his actions. Then, when I spoke to him, he said the intercourse took place in November and that the girl could not become pregnant from him. Now, I'm waiting for the test results. If the suspicions are confirmed, I will write an application. My son says that he is not afraid because those girls expressed their will for the intercourse. As far as I have heard these girls have been in a relationship with many of the guys". Opinion of an underage girl's mother: "After my daughter gave birth to a child relatives of the man came to visit her. They asked that the children would live together and promised to pay for all the expenses. I said that I should consult with my relatives. But my daughter does not want to accept their offer. We do not want imprisonment of this man. My daughter also said that it is necessary to solve this problem peacefully. Let them decides. If she wants to stay with us, I am ready to help her raise the child and let my daughter continue her studies".*

Source: <http://rus.azattyk.org/a/27534088.html>

Early motherhood

According to the WHO, each year 16 million girls become mothers between 15-19 years old and 2 million give birth under 15 years old. In low and middle income countries complications of pregnancy and childbirth is one of the main causes of death of women between 15-19 years old.

The minimum marriage age in Kyrgyzstan is 18. However, there has been a steady growth in the birth rate among underage women: from 4.4 children per 1000 women aged 15-17 in 2006 to 7.4 children in 2014.

According to the National Statistics Committee of Kyrgyzstan, 50% of pregnant women aged 15-19 give birth without having no marriage registration. This implies intractable social problems, teenage mothers are experiencing considerable difficulties in obtaining social security benefits, and in case of separation with a partner these girls and their children do not have a right to property and alimony⁴.

About 80% of maternal deaths in the country takes place in rural areas of the country, where the early and forced marriages are most common.

Rural women are more vulnerable due to several factors, among them are: high level of poverty, dependency from the extended family; living in a small community; lack of awareness about their rights; high degree of isolation; lack of anonymity; lack of access to helplines; as well as a higher level of religiosity.

Studies have shown that early motherhood in Kyrgyzstan is largely due to early marriages and bride kidnapping and to a lesser extent for other reasons such as early sexual activity of girls. For underage marriage of girls invariably means early pregnancy, it becomes a threat to the health of the girls as well as for the health of her children. The body of an underage girl is ready for motherhood, the girl does not have stable mentality and character. In the family of the husband underage wives, as a rule, are subject to various forms of discrimination and violence.

Following reasons might cause early motherhood:

1. Underage marriages (under the agreement of parents, bride kidnapping, polygamy and religious marriages);

⁴ Alternative report to the 4th periodic report of CEDAW 2015

2. The early experience of sexual relations and lack of knowledge about reproductive health;
3. Conflicts with parents, social distress in families;
4. Sexual abuse of an underage;
5. Deformation of moral and family values, the absence of mechanisms of state bodies in regulating the issues of marriage and family⁵.

Maternal mortality

According to the World Health Organization between 1990 and 2015, maternal mortality in Kyrgyzstan decreased by only five percent. This level is the highest among the countries of Central Asia.⁶

Case #3

On August 26, 2014 a young woman with a complaint of pain in the stomach came to the maternity hospital of Kant. She was checked up by an obstetrician. According to the words of young woman's mother "as a result of wrong diagnosis and treatment on 6 September 2014 her daughter died, and later her newborn daughter died as well". A special commission has been created, where a number of violations were identified: treatment and examination of pregnant women is not conducted on a proper level; specialists and doctors timely did not take timely and appropriate operational measures during the examination of the internal organs of the patient. Source: http://www.vb.kg/doc/321331_jenshina_obvinila_vrac_ha_v_smerti_docheri_i_vnychki_pri_rodah.html

The deterioration of reproductive health of women and adolescents, affecting the state and condition of women during pregnancy, childbirth and the postnatal period largely determines the high level of maternal mortality in the country. Maternal mortality is one of the main indicators of socio-economic development of the country. It results in an irreparable decline of the family and society as a whole and influences the development of unhealthy population.

Maternal mortality in Kyrgyzstan over the past decade ranged in + - 45 per 100 000 live births, and is not reduced to the target level.

According to the Millennium Development Goals the target the country took an obligation to achieve in 2015 looks like - 15 per 100,000 live. The damage, represented by an irreplaceable loss of population vital potential, is fundamentally different from mortality in other age groups, as women and unborn children are an invaluable human capital. According to the analysis of Maternal Mortality Confidential Inquiry Committee majority of maternal deaths accounted for able-bodied citizens, which was equal to 92%. Age of the dead women ranged from 15 to 46 years old. Among them were 34 women of young age under 35 years and 21 women over 35 years.

It should be noted that 41 out of 63 had their first labor. In terms of employment, out of 95 cases only 4 had a specific place of work. In one case, a woman was even homeless. In 95.7% (91 women who died) of cases women were housewives⁷.

Causes of maternal mortality in Kyrgyzstan:

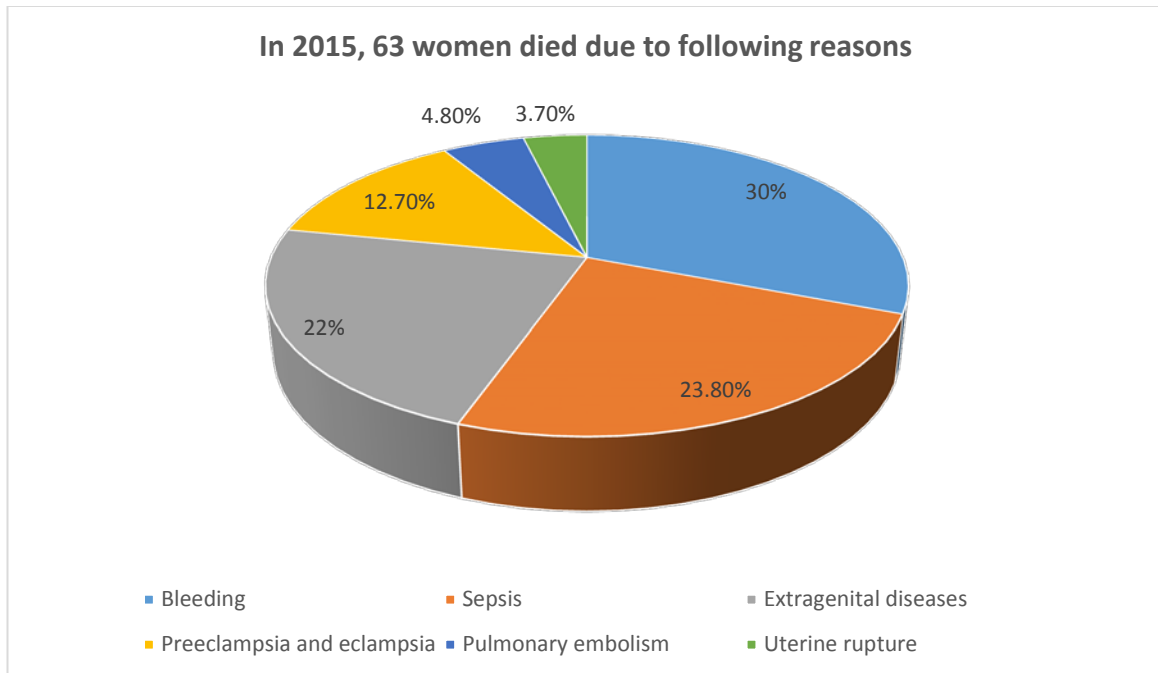
1. Migration. Almost one in four women who died were not transported to obstetric facilities on time because they did not have proper transportation opportunities.
2. Poverty. The lack of finances necessary for the purchase of products and all necessary goods.
3. Unsafe births. Lack of standard facilities in hospitals providing emergency obstetric care.

⁵ Early marriage and early motherhood analysis in Kyrgyzstan. Human Right Movement "Bir Duino-Kyrgyzstan", 2013

⁶ WHO Report «Trends in Maternal Mortality: 1990 - 2015».

⁷ The first report of a confidential audit of maternal mortality in Kyrgyzstan 2011-2012

Pic 2

Reasons of maternal mortality.⁸**Recommendations:**

1. The Parliament of the Kyrgyz Republic should pass a bill to prevent marriages involving underage.
2. To strengthen the information campaign on the prevention of early marriages, risk behavior among adolescents, sexual crimes against underage in cooperation with government agencies, NGOs and young people;
3. To create a monitoring group for the study of early marriages, motherhood and make recommendations to decision-makers;
4. To improve the interaction of health and education systems in the promotion of the lectures on marriage laws, the harmful effects of early and forced marriages, reproductive health and family planning for high school students, especially in rural areas, taking into account the age of children, national, ethical and religious norms;
5. To develop and implement a system for collecting statistical information on the number of religious marriages by Religious Administration of Muslims of Kyrgyzstan;
6. To monitor the conditions of detention in all maternity hospitals in Kyrgyzstan.
7. To create a single database system of women in labor with biometric and medical data;

⁸ Reply for the application of the Institute of Ombudsman by the Ministry of Health №04-1/1-9564 dd. 05.08.2016