

UZBEKISTAN

1. Discriminatory family code

Under the 1998 Family Code, the **minimum legal age for marriage** in Uzbekistan is 17 years for women and 18 years for men, but special dispensation can be granted by the local *khokim* (which can be mayors or any other head of local administration such as governor and/or a head of district administration) up to one year before this limit if there are “valid reasons or exceptional circumstances”.¹ The issue of increasing the minimum legal age of marriage was actively discussed by the legislative authority (Oliy Majlis) in 2013, and although the age itself was not changed, some amendments were adopted to the Family Code, making the punishment for early marriages more severe.² Only marriages registered with the civil authorities are legally recognised under Uzbekistani law.^{3, 4}

According to several sources, some couples choose to not register their marriage with the state, instead solemnising them in a religious ceremony⁵. In some cases, this is to get around the statutory minimum age for marriage, or because a man wants to take a second or third wife. Women in unregistered marriages are left vulnerable in terms of exercising their rights to property and to child maintenance in the event of divorce or widowhood.^{6, 7} Research by United Nations Population Fund (UNFPA) found that imams are often prepared to marry couples even when they know that the bride is underage.⁸

Concerning religious marriages, imams cannot perform the ‘nikah’ (religious marriage) without civil registration papers.⁹ In 2009 the Spiritual Administration of Muslims of Uzbekistan adopted an internal regulation which stated that religious wedding (nikah) could only be carried out by an official imam after official state registration of the marriage (ZAGS).¹⁰ The marital contract was introduced by the Family Code on 1 September 1998.^{11, 12, 13}

¹ Velieva, Sevil (2012), p. 2

² Family Code changes, (in Russian and Uzbek), http://www.lex.uz/pages/GetAct.aspx?lact_id=104723 [accessed 23/06/2014]

³ Family Code, Article 13

⁴ CEDAW (2008), p. 123

⁵ Velieva, Sevil (2012), p. 3

⁶ Thomas, Cheryl (2009), p. 13

⁷ Velieva, Sevil (2012)

⁸ Velieva, Sevil (2012), p. 3

⁹ UNFPA (2012), p. 3

¹⁰ Uznews.net (2009)

¹¹ Family Code (1998), Chapter 6 “Marital contract” (articles from 29 to 33)

http://www.lex.uz/Pages/GetAct.aspx?lact_id=104723 and communication of Ministry of Justice [accessed 23/06/2014]

¹² Ministry of Justice of the Republic of Uzbekistan (n.d.), Family and Marriage Contract, http://www.minjustuz.ru/ru/content.scm_contentId=32538.html [accessed 19 June 2014]

Rates of **early marriage** are higher in rural areas. Pressure to ensure a ‘good match’ for daughters is apparently a strong factor in parents deciding to marry off their daughters before the age of 18, as are traditional attitudes towards the role of women in society and the importance attached to female purity and virginity. Early marriage is also not necessarily associated with poverty, occurring among all socio-economic groups.^{14, 15}

Under the Family Code, women and men have equal **parental authority** over children during marriage and following divorce.¹⁶

While not specifically addressed in the Family Code, the equal rights accorded to both spouses in marriage in regard to children and household decision-making would indicate that both women and men can be legally recognised as head of the household.¹⁷

Customary and religious laws are not considered valid sources of law under the Constitution, in regard to parental rights or any other matters.¹⁸

In practice, according to a shadow report submitted to the CEDAW Committee by the Coalition of Uzbek Women’s Rights NGOs, men are generally considered to be the heads of families in Uzbekistan, while women are responsible for domestic work and childcare. In the event of divorce or widowhood, younger women are expected to return to their parents’ home; they are only able to live independently if they already have children.¹⁹ Official rhetoric promotes the importance of ‘traditional Uzbek values’, including in regard to traditional gender roles.²⁰

In case of **divorce**, children stay automatically with the mother. It is hard for men to insist on their rights as fathers. They are considered as main providers for a family, the breadwinners – but interestingly enough, their rights as fathers are not very pronounced, and in case of divorce, they cannot take their children from their wife.²¹

According to the State Committee of the Republic of Uzbekistan on Statistics, in 2012, there were 2567 men divorced and 1981 women divorced who had higher education. Among adults with incomplete higher education, there were 162 men divorced and 196 women divorced.²²

Men and women have the same rights to **inheritance** in Uzbekistan, as wives and as daughters (Article 46 of the Constitution).²³

Customary and religious laws are not considered valid sources of law under the Constitution, in regard to inheritance or any other matters.²⁴

¹³ Uznews.net (2013)

¹⁴ Velieva, Sevil (2012)

¹⁵ Thomas, Cheryl (2009), p. 10.

¹⁶ Family Code, Articles 71, 76

¹⁷ CEDAW (2008) pp. 123, 125, 126

¹⁸ International Bank for Reconstruction and Development / World Bank (2011) p. 142

¹⁹ Coalition of Uzbek women's rights NGOs (2009b), p. 3, 13

²⁰ USAID (2010), p. 59

²¹ Suad Josef, Afsana Nağmābādī (2005), p. 104

²² State Committee of the Republic of Uzbekistan on Statistics (2013)

²³ FAO (n.d.)

²⁴ International Bank for Reconstruction and Development / World Bank (2011) p. 142

It is common practice for the youngest son to stay at home to look after his parents, and therefore he usually inherits the family home. Sisters may often concede their inheritance rights to their brothers, in order to avoid conflict, and ensure the ongoing support of their natal family.²⁵

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In addition to the provisions of the Family Code, the country has a system of mahalla Neighbourhood Committees that deal with day-to-day family matters, provide support to vulnerable families, and mediate in conflicts. While these committees have no legal authority, they can function as obstacles to women's rights: for example, women are unable to **obtain a divorce** if their local Neighbourhood Committee has not given its consent.²⁶ According to the Coalition of Uzbek Women's Rights NGOs, in many cases, women seeking a divorce are pressured by the mahalla into changing their minds, even in situations where they have been victims of domestic violence.^{27, 28} However, the same applies to men. In practice, mahalla committees do not interfere too often in the matters of divorce: a certificate is required from the mahalla committee to file a legal divorce. Divorce is submitted to the consent of the local Mahalla committee, which practices are regulated according to the "Law about local administrative bodies" n. 758-1, from 14 April 1999. The resolution of Mahalla committee is compulsory before addressing the request to the civic office or the court.²⁹

The government has introduced a position of an advisor specifically to deal with women's issues within the mahalla committees. They work with the local administration and the Women's committee (national mechanism to deal with women issues) which provides them with training.^{30, 31}

2. Restricted physical integrity

To date, there is no specific law addressing **domestic violence** in Uzbekistan, and domestic violence is not defined anywhere in Uzbekistani legislation.^{32, 33} In theory, domestic violence cases can be brought under assault charges in the Criminal Code, but a report from 2005 notes that criminal prosecutions usually only occur when the domestic violence has resulted in the death or very serious injury of the victim.³⁴

In certain cases, *mahalla* committees may step in to settle disputes between spouses; however this often results in women being pressured to return to violent husbands or abusive

²⁵ FAO (n.d.)

²⁶ FAO (n.d.)

²⁷ Coalition of Uzbek women's rights NGOs (2009a), p. 5

²⁸ Coalition of Uzbek women's rights NGOs (2009b), p. 40

²⁹ Kamp M. (2004), p. 29-57

³⁰ See the Decree of President "On additional measures to support the activities of the Women's Committee of the Uzbekistan", adopted by 25 May 2004 http://www.lex.uz/pages/GetAct.aspx?lact_id=214649 in Russian [Accessed 19 June 2014]

³¹ This Decree introduced the position of advisors on religious, moral and spiritual education of citizen's mahalla which employed senior women especially in concerning with women issues.

<http://www.mahallafond.uz/ru/news/fund/1914/> (in Russian) and

http://news.uzreport.uz/news_2_e_107118.html (in English) [accessed by 19 June 2014]

³² US Department of State (2013)

³³ CAGSAN (2012), p. 4

³⁴ Asian Development Bank (2005), p. 63

mothers-in-law.³⁵ Some assistance is provided to women who have been victims of violence in shelters and crisis centres.³⁶

USAID notes that domestic violence is a taboo topic in Uzbekistan.³⁷ Moreover, in official discourse, the term 'family conflict' is used instead of domestic violence, meaning that women experiencing violence cannot recognise or name it as such, and state institutions can justify inaction on the grounds that 'family conflict' should be resolved within the family concerned.^{38, 39, 40}

Women are often reluctant to report domestic violence because of shame, or fear that they will be blamed and ostracised by their communities and natal families for 'immoral' behaviour. Statements by political leaders that domestic violence does not exist in Uzbekistan also make it difficult for women to speak out.⁴¹

There are also reports of police discouraging victims from pressing charges against their husbands, in the interests of keeping crime figures low.⁴² There is said to be a high incidence of suicide among women who have suffered domestic violence (according to groups working with victims of domestic violence), but as most cases are not recorded it is very difficult to assess the scope of this issue.^{43, 44, 45}

Rape is a criminal offence in Uzbekistan.⁴⁶ Spousal rape is not specifically prohibited under the criminal code.⁴⁷

There is nothing in the Criminal Code to indicate that a rapist can escape prosecution by marrying the victim.⁴⁸

According to the official Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report for 2008, 829 people were criminally tried for rape in 2007. It is not clear how many of these people were convicted.⁴⁹

Shame, fear of stigma, and fear of retaliation often discourage victims of sexual violence from speaking out.^{50, 51} Rape and sexual violence within marriage are not generally recognised as a crime, due to the assumption that a husband has the right to use his wife's body when and how he wants.⁵²

³⁵ Coalition of Uzbek women's rights NGOs (2009a), p. 4

³⁶ CEDAW (2008), p. 86

³⁷ USAID (2010), p. 63

³⁸ Coalition of Uzbek women's rights NGOs (2009a), p. 4

³⁹ Coalition of Uzbek women's rights NGOs (2009b), p. 13

⁴⁰ Bureau of Human Rights and Rule of Law Uzbekistan (2009), p. 4

⁴¹ Rasulov, Bakhtiyor (2010)

⁴² Coalition of Uzbek women's rights NGOs (2009b), p. 13

⁴³ Coalition of Uzbek women's rights NGOs (2009a), p. 4

⁴⁴ Rasulov, Bakhtiyor (2010)

⁴⁵ Bureau of Human Rights and Rule of Law Uzbekistan (2009), p. 4

⁴⁶ Criminal Code, Article 118

⁴⁷ Coalition of Uzbek women's rights NGOs (2009b), p. 13

⁴⁸ Criminal Code, Article 118

⁴⁹ CEDAW (2008), p. 36

⁵⁰ US Department of State (2013)

⁵¹ Coalition of Uzbek women's rights NGOs (2009b), p. 13

⁵² Velieva, Sevil (2012), p. 5

There is no specific law addressing **sexual harassment**, and it is not covered under the Labour Code.⁵³ However, sexual harassment in the workplace is addressed under the draft Law on Guarantees of Equal Rights and Opportunities for Women and Men.^{54, 55}

Under the Criminal Code, prosecutions can also be brought under Article 121, which criminalises coercing a woman into sexual relations by exploiting a position of economic (or other) dependence.⁵⁶

According to a report on sexual rights in Uzbekistan prepared by an NGO based in neighbouring Kyrgyzstan, there is no mechanism in place to investigate sexual harassment claims.⁵⁷

According to USAID, sexual harassment is a particular problem facing women internal migrants working in the informal economy in urban centres.⁵⁸ The report on sexual rights mentioned above also notes that women who do not conform to popular stereotypes regarding women's behaviour and dress often face sexual harassment.⁵⁹ The US Department of State notes that social norms and the lack of legal recourse make it difficult to assess the extent of sexual harassment in Uzbekistan.⁶⁰

There is no evidence that **female genital mutilation** is practised.

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Human Rights Watch and a shadow reports submitted to the CEDAW committee in 2009 alleges that rape, or the threat of rape, and sexual humiliation are widely used against women and men in detention.⁶¹

Trafficking of women is still a big issue in the region of Central Asia, including trafficking to other countries. This is despite the Anti-trafficking law and adoption of the national program.⁶²

Abortion is available on demand in Uzbekistan.⁶³

3. Son bias

The male/female **sex ratio** for the working age population (15-64) in 2013 is 0.99 while the sex ratio at birth is 1.06.⁶⁴ There is no evidence to suggest that Uzbekistan is a country of concern in relation to **missing women**.

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⁵³ CEDAW (2010), p. 9

⁵⁴ CEDAW (2008), p. 137

⁵⁵ Coalition of Uzbek women's rights NGOs (2009b), p. 4

⁵⁶ Coalition of Uzbek women's rights NGOs (2009b), p. 32

⁵⁷ Labrys Kyrgyzstan (2010), p. 3

⁵⁸ USAID (2010), p. 60.

⁵⁹ Labrys Kyrgyzstan (2010), p. 3

⁶⁰ US Department of State (2013)

⁶¹ Coalition of Uzbek women's rights NGOs (2009a), p. 4; Human Rights Watch (2013), p. 509

⁶² Law of Republic of Uzbekistan "About a counteraction of human trafficking", adopted by 17 April 2008, http://www.lex.uz/Pages/GetAct.aspx?lact_id=1339438 (in Russian) [accessed 19 June 2014]; Resolution of the President of Uzbekistan (2008); U.S. Department of State (2013)

⁶³ United Nations Department of Economic and Social Affairs, Population Division (2013)

⁶⁴ CIA World Fact Book

In 2011, the ratio of female to male in secondary and primary school enrolment was 97%.⁶⁵

4. Restricted resources and assets

Concerning **access to land**, all land is owned by the state in Uzbekistan. Individuals can be granted leases to manage land and benefit from the produce of that land.⁶⁶ Current legislation has officially removed all legal obstacles that previously prevented Uzbekistani women from leasing land, and women have the same rights as men to obtain long-term leases on land, which come with inheritance and mortgage rights.⁶⁷

Customary and religious laws are not considered valid sources of law under the Constitution, in regard to land rights or any other matters.⁶⁸

The proportion of women who actually have access to land is relatively low. In the 2002 Demographic and Health Survey, only 1.6% of women reported that they leased land in their own right, while in its Concluding Observations, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee noted that women made up just 5% of farm managers in 2008.⁶⁹

In practice, land titles are usually registered to the name of the oldest male in the household, and women gain access to land through membership of a household. In addition, the Law on Peasant Farms states that land plots cannot be divided; this makes it very difficult for women to claim land from their husbands in the event of a divorce.⁷⁰

Under the Civil Code, men and women have the same **rights to ownership of property other than land**.⁷¹

Article 2 of the Family Code (1998) provides that a husband and wife have equal personal property rights. Property acquired during marriage is considered to be joint property, unless otherwise provided for by law or by marriage contract. In addition, each spouse retains individual ownership of property that they acquired before the marriage, and women's rights to their equal share of joint property in the event of divorce is protected at article 23 of the Family Code.⁷²

Customary and religious laws are not considered valid sources of law under the Constitution, in regard to property rights or any other matters.⁷³

According to a report by the Japanese International Cooperation Agency (JICA), the rights of married women are insufficiently protected, particularly in the event of divorce, when divorce courts sometimes disregard women's right to joint marital property.⁷⁴ The Coalition of Uzbek Women's Rights NGOs states that this is in part due to corruption in the judiciary (meaning

⁶⁵ World Bank Development Indicators Database

⁶⁶ FAO (n.d.)

⁶⁷ FAO, IFAD, ILC (2004), p. 48

⁶⁸ International Bank for Reconstruction and Development / World Bank (2011) p. 142

⁶⁹ Analytical and Information Centre, Ministry of Health of the Republic of Uzbekistan, State Department of Statistics, Ministry of Macroeconomics and Statistics, and ORC Macro (2004) p. 208; CEDAW (2010), p. 10

⁷⁰ FAO (n.d.)

⁷¹ CEDAW (2008), p. 119

⁷² CEDAW (2008) p. 119, 126

⁷³ International Bank for Reconstruction and Development / World Bank (2011), p. 142

⁷⁴ JICA (2005), p. 18, 42

that richer husbands can bribe judges), and to common perceptions that a woman who has not worked outside the home does not 'deserve' to receive a share in the property. The Coalition also notes, however, that in many cases, married couples live in property belonging to their in-laws, meaning it is very difficult for a woman to establish a legal claim to a share of the property.⁷⁵

Uzbekistani law guarantees the right of women to have **access to credit**.⁷⁶ Because so few women lease land in their own right, they are unable to access bank loans as they have nothing to offer as guarantee.⁷⁷

According to the official CEDAW report, the government has run various schemes to provide micro-credit to women living in rural areas. For example, the Microcreditbank was specifically created to facilitate women's access to credit.⁷⁸ Data from the Microfinance Information Exchange indicates that in 2012, women comprised 63.19% of recipients of microcredit in Uzbekistan.⁷⁹

5. Restricted civil liberties

According to the Coalition of Uzbek Women's Rights NGOs, media outlets tend to reinforce existing stereotypes regarding gender roles, portraying 'good women' as obedient and submissive, rather than providing space to challenge them.⁸⁰

There are no laws specifically restricting women's free **access to public space** or freedom of movement; for instance, a woman can apply for a passport and travel within and outside the country in the same way as a man.⁸¹

Women under 35 are required to come with a husband or a parent to apply for exit visa (in case of departure for permanent residence in a foreign country) and provide their written permission. Both male and female citizens must provide the consent of parents or spouse who remains in the country if they want to permanently leave the country. This obligation was introduced in the amendment to the Resolution of the Cabinet of Ministers "Order to travel abroad and enter the territory of the Republic of Uzbekistan for the Uzbek citizens", adopted by 7 July 2011, as prevention of trafficking of human beings (specifically women as sex workers).⁸² Religious expression is heavily restricted in Uzbekistan under legislation, limiting the free access to public space of women belonging to religious groups.⁸³

USAID notes that since Uzbekistan became independent in 1991, official rhetoric promoting traditional Uzbek values and the importance of national identity has translated into many families placing restrictions on girls' and young women's activities outside the home. For

⁷⁵ Coalition of Uzbek women's rights NGOs (2009b), p. 41

⁷⁶ CEDAW (2008), p. 136

⁷⁷ Coalition of Uzbek women's rights NGOs (2009b), p. 35

⁷⁸ Microcreditbank website, <http://www.mikrokreditbank.uz/en/> [accessed 16/06/2014]

⁷⁹ Microfinance Information Exchange (2013)

⁸⁰ Coalition of Uzbek Women's Rights NGOs (2009a), p. 3-4; Coalition of Uzbek Women's Rights NGOs (2009b), p. 18

⁸¹ International Bank for Reconstruction and Development / World Bank (2011), p. 142

⁸² Amendment to the Resolution of the Cabinet of Ministers "Order to travel abroad and enter the territory of the Republic of Uzbekistan for the Uzbek citizens", adopted by 7 July 2011. http://www.lex.uz/pages/GetAct.aspx?lact_id=426840#1853515 (in Russian) [accessed 19 July 2014]

⁸³ Amnesty International (2013) p. 293; Human Rights Watch (2013), p. 509-510

instance, some families are reluctant to let their daughters study away from home (where they would have to live in a dormitory).⁸⁴ In addition, women belonging to certain minority groups may face de facto restrictions on their free access to public space; for instance, women from the lesbian, gay, bisexual, transgender and intersex community have reported experiencing violence, harassment, and discrimination.⁸⁵

Legally, married women are free to choose their place of residence.⁸⁶ However, in practice women are for the most part expected to move to their husband's household on marriage.⁸⁷

In Uzbekistan, women have the same rights as men to vote in all elections and to be elected to any elective body.⁸⁸ Concerning **quotas**, Under the Law on Elections, women must make up at least 30% of all electoral candidates on a party's list, at both national and local level elections.⁸⁹

USAID, quoting the state Women's Committee, notes that 12% of *mahalla* committees were headed by women as of 2010.⁹⁰

Women are underrepresented in decision-making at central level (17% in Government and 13% in Judiciary) and local levels (there are no female *hokims* (mayors), although there are female deputy *hokims*). Women held 22% of parliamentary seats in 2013.⁹¹ Management positions across sectors are occupied by 27% women and 73% men.⁹²

As of 2008 there were 21 women Legislative Chamber deputies and 15 women members of the Senate; women accounted for 16 % of those serving in higher bodies of State authority and 15.2% of those in local bodies of legislative and representative authority.⁹³

In the first quarter of 2008, there were 40.4% of women in political parties in Uzbekistan, an increase from 35.6% in 2005.⁹⁴

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Concerning **workplace rights**, discrimination on the basis of gender is prohibited under Article 6 of the Labour Code.⁹⁵

Under the Labour Code, pregnant women are entitled to 126 days' paid **maternity leave**, at 100% of their salary. This is financed through the state social insurance scheme.⁹⁶ According to the 2008 Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report, employers are obliged to reduce production and service quotas for pregnant women or to transfer pregnant women and women with children under the age of 2 to a job

⁸⁴ USAID (2010), p. 58

⁸⁵ Labrys Kyrgyzstan (2010); CAGSAN (2012)

⁸⁶ Family Code; CEDAW (2008), p. 125

⁸⁷ Velieva, Sevil (2012), p. 4

⁸⁸ UN (2008), p. 89

⁸⁹ quotaProject (2010)

⁹⁰ USAID (2010), p. 59

⁹¹ OECD (2014), *Gender, Institutions and Development Database*, <http://stats.oecd.org>

⁹² Women and Men of Uzbekistan Statistical Bulletin, 2007-2010, p. 178

⁹³ UN (2008), p. 90

⁹⁴ UN (2008), p. 80

⁹⁵ CEDAW (2008) p. 65, 73

⁹⁶ CEDAW (2008), p. 80

with lighter workload; they are also required to keep their wages the same as those of the previous job.⁹⁷

According to the United Nations Development Programme (UNDP)'s policy brief on gender and employment⁹⁸, women are more prone to unemployment than men, and more bound to non-formal sector and part time jobs than men. In addition, there is professional segregation, as women are overrepresented in lower paid health and education sectors as a direct result of educational disparities. There are less preschool services in the country (they decreased by over 2.2 times between the years 1991-2010), forcing women to stay at home and look after their children. Finally, there are also pension disparities due to different retirement ages between women and men.⁹⁹

The government acknowledged the need to promote women's economic activity and has undertaken several programmes to increase women's employment and promote job women-specific jobs, such as the Regional Program for Increasing Women's Employment for 2005–2007, which was re-conducted in 2010.¹⁰⁰ From 1999 to 2008, the female employment rate increased at 3.4% per year on average, but the number of economically active women is still much lower than that of men.¹⁰¹

Finally, Women's lower salaries and smaller contribution to family budgets mean they have less influence than men over household decisions concerning investment in labour-saving devices, energy-efficient equipment, and children's education.¹⁰²

⁹⁷ UN (2008), p. 145

⁹⁸ UNDP (2010)

⁹⁹ UNDP (2010)

¹⁰⁰ ADB (2014)

¹⁰¹ UNDP (2010)

¹⁰² ADB (2014)

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