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WAYS TO ELIMINATE PROBLEMS WITH EARLY MARRIAGE AND PREMATURE BIRTH

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ABSTRACT

In this article the relevance of prevention of early marriage and premature birth on a scientific basis, the causes and consequences of "early marriage" and "premature birth", the essence of the concept of "early marriage" as a scientific category and world standards, the interpretation of the concept of "premature birth" in international practice, its content as a scientific and legal category are analyzed, the normative legal acts regulating the issues of "early marriage" and "premature birth" used in international practice are identified and systematized, the general trends and changes in the situation of "early marriage" and "premature birth" in Uzbekistan are assessed, sociological research was conducted in the regions to study the situation of "early marriage" and "premature birth", the relationship of young people, parents and health workers on early marriage was studied, the experience of countries around the world that have succeeded in overcoming "early marriage" and "premature birth" was studied, the cases of "early marriage" and "premature birth" in the Republic of Uzbekistan were analyzed, and scientific proposals and practical recommendations for the elimination of "early marriage" and "premature birth" were developed.

KEY WORDS

Early marriage, premature birth, international norms, national legislation, observation map, statistics.

Early marriage and premature birth are inherently human rights issues. From a human rights perspective, a teenage girl's pregnancy restricts her rights, regardless of the circumstances or causes of the occurrence. In recent years, Uzbekistan has developed the concept of "Healthy mother - healthy child" and created a national model of protection of motherhood and childhood. In Uzbekistan, the state and society are interested in the strength of the family, and the tasks in this area have risen to the level of national interests of the country. As a result of preventive measures, the situation with early marriage of girls has changed for the better in the last two years. In particular, in 2020, 88 cases of early marriage were registered by the Civil Registry Offices of the Republic of Uzbekistan. Analyzes showed that compared to 2019, the number of early marriages decreased by 97.0%. One of the main reasons for this is that from September 1, 2019, the marriage age for men and women is equalized, with only Civil Registry Offices allowed by hokims of the district and city to reduce the age of marriage by 1 year. But practice shows that in most cases, early marriage has secretive character. In recent years, the number of premature births among girls under the age of 18 has also decreased, with 1,195 such cases reported in 2019, compared to 959 in 2020. It is worrying that the number of premature births is increasing among underage girls, especially 13-14 year old girls. In particular, such cases were observed in 2019 - 6, in 2020 - 9.

The purpose of the study is to collect and analyze reliable data on early marriage and early childbirth through sociological research, to develop scientific proposals and recommendations for the elimination of early marriage and premature birth.

During research following methods of study used: review and analysis of the literature on the problems of early marriage and premature birth; normative-legal documents and statistical analysis; generalization and analysis of foreign experience.



Theoretical and practical aspects of the problems of early marriage and premature birth have been studied by foreign scientists such as Svanemir Dj., Chandra-Mouli V., Kristiansen K.S., Mbizvo M [1], Gyok, M. [2], Askari, L. [3], Navid S., Batt D.K. [4], Pandya Yu.P., Bxanderi D.Dj. [5], Ozdjebe X., Bicher B.K. [6], Berdjess R.A., Djeffri M., Odero S.A., Rose-Clark K., Devakumar D. [7], Raxim M. [8], Taylor A.Yu., Murphy-Graham E., Van Horn Dj., White B., Del Vale A., Chislagi B. [9] and Bxat A. [10].

Reasons such as premature and unwanted births, young people's unpreparedness for family relationships, and social and moral instability in the family are also contributing to the crime of child trafficking. In particular, 41 such crimes were committed in 2019 and 36 in 2020. Adoption of the Resolution of the Senate of the Oliy Majlis of the Republic of Uzbekistan No.QQ-105-IV of July 13, 2020 "On measures to eliminate problems related to early marriage and premature birth and family divorces" and a comprehensive program of measures approved with an appendix to it [11], Resolution of the Senate of the Oliy Majlis of the Republic of Uzbekistan No. QQ-177-IV of January 18, 2021 on "On the implementation of the Comprehensive Program of Measures for 2020-2021 to eliminate problems related to early marriage and early childbirth and family divorces, approved by the Senate of the Oliy Majlis of the Republic of Uzbekistan on July 13, 2020 QQ-105-IV" indicate that the relevance of this research topic is highlighted by the need to conduct research on early marriage, premature birth and other negative demographic trends.

The national legislation of the Republic of Uzbekistan on the problem of early marriage and premature birth and its prevention is being improved in accordance with the requirements of international law and universally recognized principles. In particular, the Republic of Uzbekistan has ratified and is taking measures to comply with their requirements such documents as the Universal Declaration of Human Rights of 1948, the Covenant on Economic, Social and Cultural Rights of 1966 [12] and the Covenant on Civil and Political Rights [13], Convention on the Consent of Marriage of 1962, the Age of Marriage and the Registration of Marriages and Agreement on Marriage of 1965, Recommendations on Minimum Age and Marriage Registration, Convention on the Elimination of All Forms of Discrimination against Women of 1979, European Convention on Human Rights and Fundamental Freedoms of 1950, Convention on the Rights of the Child of 1989, the Beijing Declaration of 1995 and the Platform for Action. Over the past 5 years, the Republic of Uzbekistan has adopted 4 laws, more than 20 Presidential decrees and resolutions, more than 40 resolutions of the Cabinet of Ministers aimed at ensuring gender, family and women's rights, providing them with comprehensive support, providing them with various benefits and ensuring their active participation in public life. Since March 20, 2013, administrative and criminal liability has been established in the Republic of Uzbekistan for violation of the legislation on the age of marriage. According to Article 473 of the Code of the Republic of Uzbekistan "On Administrative Liability", the subject of liability is a parent or their successors who have actually entered into a marriage with a minor, married or married him, and performed a religious ceremony. It is stipulated that if the same acts are committed within 1 year after the imposition of a fine for the offense committed by these persons, they will be charged to criminal liability. Article 125 of the Criminal Code of the Republic of Uzbekistan establishes criminal liability for the above subjects for violation of the legislation on the age of marriage.

An analysis of the jurisprudence shows that in the cases under the article on violation of the legislation on the age of marriage [14], parents and persons who conducted religious ceremonies were held administratively liable. An analysis of the cases found that the girls were between the ages of 15 and 17, that most offenders were aware that they were violating the marriage age legal requirement, and that they regretted the offense. In the case heard in the Namangan city court on March 4, 2021, it can be seen that the father himself read nikah, and in the case in the Payarik district court of Samarkand region, a man read nikah while being an honorary imam at the Al-Bukhari mosque. The study of administrative cases in the Republic of Karakalpakstan is characterized by the abduction of the bride. The girl and the boy agreed to perform the abduction ceremony because of a mutual love affair. While the courts imposed fines ranging from 223,000 soums to 1,225,000 soums on



offenders, the largest fine in 2021 was 2,450,000 soums for a person who performed a religious ceremony in a case before the Margilan City Court.

Every year, 12 million girls in the world get married before the age of 18, which means 23 girls every minute and one girl every three seconds. The highest rate of early marriage is observed in Africa, where 35% of adolescent girls in continental countries, 30% in South Asia, 24% in Latin America, 17% in the Middle East and North Africa, and 12% in Eastern Europe and Central Asia. [16]. The rate of early marriage is higher in Niger, the Central African Republic, Bangladesh, while the absolute number of early marriages is higher in India, Bangladesh, Ethiopia and Brazil. According to statistics, 76 percent of girls in Niger marry before the age of 18 and 28 percent before the age of 15. The country has one of the highest rates of child marriage in the world. The reasons for early marriage are approached based on the diversity of factors such as the geographical location, culture, customs, religion and education and poverty level of each country. It can be observed that the following measures are being taken in foreign countries to prevent early marriage and premature births:

- *Educating women.* The Tostana Women's Human Rights Charitable Foundation in Senegal has developed programs to educate parents about the importance of educating girls [17].
- *Enhancing the dignity of women.* Dr. Ashok Dyalchand, who works at the Institute of Health Management, Pachod (IHMP) [18] in India, conducted research on adolescent girls living in rural areas. He used the Rosenberg Scale [19] to assess adolescent girls' self-esteem. According to him, the lower the dignity of girls, the higher the risk of boys getting married.
- *Support for married teenage girls.* CARE has launched a successful TESFA (in Amharic it means "hope") project to support early married girls in Ethiopia. This project aims to educate early married girls about their reproductive rights, contraception, and health [20].
- *Financial support for women.* In the case of the Bervan Xevane Project in Ethiopia, [21] we can see that providing poor families with goats or sheep has prompted parents to abandon their decision to marry girls early. Financial support for poor families seems to save young girls from the problem of early marriage.

According to the Family Code of the Republic of Uzbekistan, the age of marriage is set at eighteen for men and women. From September 1, 2019, the marriage age for men and women was equalized, before that the age of marriage for women was 17 years and for men 18 years.

Those who have reached the age of marriage in the Republic or are allowed one year by the decision of the district (city) hokim (governor) are registered for marriage through the civil registry offices. The state statistics bodies of Uzbekistan keep records of those registered in the civil registry offices. According to the State Statistics Committee of Uzbekistan, over the past five years (2016-2020) the number of early marriages officially registered in the Civil Registry Office has decreased. In particular, the number of early marriages in the country in 2016 amounted to 3708 people, while by 2020 this figure was 88 people, or a decrease of 97.6%. The decrease in the number of official early marriages in Uzbekistan is explained by the increase in the age of marriage, the registration of those who have reached the age of marriage or are allowed one year by the decision of the district (city) hokim. The low number of early marriages registered with the Civil Registry Office makes it difficult to assess the prevalence of this phenomenon. This increases the vulnerability of unmarried minors as they are deprived of their legal rights. Two-thirds of early marriages in the Republic of Uzbekistan are in Surkhandarya (24%), Tashkent (16%), Syrdarya (14%) and Samarkand (13%) regions. According to the State Statistics Committee of Uzbekistan, in 2020, 959 cases of premature births were registered in the country. This is a decrease of 29.6% compared to 2016. During this period, the number of preterm births in Kashkadarya region increased by 3.7 times, and decreased in all other regions of the country.

However, the analysis shows that the number of premature births in 2020 has increased in some regions of the country compared to 2019. In particular, in Khorezm region



- by 12.0%, in Navoi region - by 5.6%, in Fergana region - by 2.1%. It should be noted that more than a third of premature births occur in 2 regions: Samarkand (19.7%) and Kashkadarya (19.0%). In the analysis of preterm births by age of girls, 77.1% were recorded at the age of 17 years, 17.4% at the age of 16 years, 4.5% at the age of 15 years, and the remaining 1.0% at the age of 13-14 years (Figure 1). As can be seen from Figure 1, among 13-year-old girls, 4 births were recorded in 2016 and 2 in 2020. According to statistics, the number of births among teenage girls aged 14-16 is growing in the Republic of Uzbekistan. In particular, among 14-year-old girls in 2016 - 5 births, in 2020 this figure reached 7. It should be noted that 3 out of 7 cases (42.8%) were registered in Tashkent region. The number of reported births among 15-year-old girls increased from 40 to 43, or 7.5 percent. More than a third of births at this age occurred in Kashkadarya (21%) and Tashkent (14%) regions. In 2016, 163 births were registered among 16-year-old girls in the country, and in 2020 - 167. 41.7% of births at this age occurred in 2 regions: Kashkadarya (25.7%) and Tashkent (16%). According to the analysis, more than a third of births at the age of 17 were registered in Samarkand (21.6%) and Kashkadarya (17.4%) regions.

The task of preventing early marriage should be approached based on a variety of factors, such as the geographical location of each country, culture, customs, religion, and the level of education and poverty of the population. Therefore, problem-oriented solutions must take into account the above factors.

Studies have shown that no specific research has been conducted to determine the real social consequences of early motherhood for underage mothers and their children for the family, children and society, and data on early marriage and premature birth are often secondary products in other studies. Harmful customs and local (stereotype) and religious norms prevailed over legal norms. The implementation of the adopted normative legal acts and norms of responsibility is unsatisfactory, the main reason for which is the fact that in the implementation and application of the developed norms there are norms that do not work in practice. In remote rural areas, there is no mechanism for creating incentives for girls through inclusive education and financial support, and no social cooperation between NGOs and the state.

It is therefore advisable to make suggestions related to the prevention of early marriage and early childbirth by analyzing the above data:

- training of law enforcement and judicial authorities to ensure the effective implementation of existing legislation on the protection of girls and early marriage;
- it is necessary to establish clear criteria and procedures for reducing the age of marriage by one year by the decisions of local authorities. That is, it is necessary to establish in which case it is permissible to reduce the age of marriage;
- creation of a united portal system that reflects information on early marriage, premarital births, and the creation of a map of changes in the regions in the form of electronic detection of early marriage, premarital birth. This includes collaborating on strategic programs such as Girls Not Brides: The Global Partnership to End Child Marriage;
- training of health workers, teachers and other social workers in identifying girls at risk of early marriage, assisting in providing access to appropriate services for such married underage girls;
- introduce into the school curriculum a course on sexual education, sexual and reproductive health, taking into account the cultural and age characteristics of students;
- introduce mechanisms to monitor the implementation of the law on early marriages and the implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CCR);
- raising awareness of civil society, the media, religious organizations, representatives of various communities, religious leaders and parents on the consequences of early marriages for girls, the family and society as a whole;



- development of targeted regional programs aimed at preventing early marriage and premature births in districts and cities with high rates of early marriage;
- given that parents force their daughters to marry at their underage, girls are limited in their decision-making;
- training of male fathers; when fathers learn about the negative consequences of children's marriage, it can inspire them to change their views, talk about girls' rights, and encourage others to do the same;
- implementation of preventive measures among families to improve the effectiveness of activities aimed at protecting women from premarital childbirth and oppressed women among minors by local prevention inspectors and self-government bodies;
- formation of an online list of juveniles in family clinics, rural medical centers in areas where early births and pregnancies are observed, strengthening their control, thereby preventing the sale of infants;
- inclusion in the curriculum of training seminars promoting the culture of using social networks, access to pornographic channels for minors, organization of training courses with the involvement of inspectors on the negative consequences of the distribution of materials (prevention day at least once or twice a week);
- development of a new electronic statistical system on preterm birth and its causes and placement on the web portal of the State Statistics Committee. On this basis, it is possible to create a comparative analysis of the damage caused by this problem to the economy;
- to increase the role of administrative and criminal liability in the prevention of early marriages, it is necessary to raise awareness of the illegality of marriage with a minor, to strengthen punitive sanctions to limit the avoidance of administrative liability only, to improve the legal culture and literacy of the population, especially women; to increase the effectiveness of legal norms.

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