



“Bird in a Cage”: Traditions and Customs That Restrict Women’s Rights in the Kazakh Context as a Research Topic



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Abstract: Kazakh traditional wisdom says “Kaytyp kelgen kyz zhaman” – a girl who returns to her parental home after marriage is a disgrace to the family. According to a women’s rights organization, up to 5,000 bride kidnapping acts occur annually in contemporary Kazakhstan. The authors would like to approach this socio-cultural phenomenon through considering the current situation of women and their rights in Kazakhstan. The article examines how outdated traditions and customs violate women’s personal boundaries and rights in Kazakhstan. Its main purpose is to attract the attention of the reader and potential researcher and to familiarize them with the topic (a specific form of violence against women), research methods, and research challenges. Until September 2019, there was no special legislation in Kazakhstan aimed at combating domestic violence. However, with the adoption of the Law “On the Prevention of Domestic Violence and the Protection of Victims of Domestic Violence” in September 2019, Kazakhstan introduced institutional measures to prevent and punish domestic violence. Nevertheless, people continue to follow their traditional customs, rather than live in accordance with new legislation.

Keywords: Bride kidnapping; Kazakh customs, traditions and wisdom; violence against women; women’s rights in Kazakhstan; restricted freedoms; personal boundaries; legal prevention of violence; the feminist thought and movement in Kazakhstan; research; challenges.

Introduction

Systematic research on violence against socially, culturally or otherwise disadvantaged groups, or even just documenting it, is a difficult task. Access to those being directly harmed, who are subject to control by their harmers, is already difficult. This is precisely the case of the Kazakh women, which we would like to introduce here. It is barely explored also due to its complex history and geographical location. It concerns a particular type of violence, legitimized by certain traditional cultures that involves the abduction of women for forced marriage (the so-called bride kidnapping)

(e.g., Dimovska 2023). This Central Asian yet local context of originally customarily legitimized violence against women is still not reflected in global bibliometric analyses covering recent decades (see e.g., Tavassoli, Soltani, Jamali, & Ale Ebrahim 2022). In the global literature on violence against women, Tavassoli et al. identified “a total of 2746 keywords (...) suggested by the authors of the documents” (Tavassoli et al. 2022, 429) to cover the widest range of typologies of such violence. However, kidnapping a woman in order to marry her against her autonomy and rights is missing among them. It may fall under several of the top 30 keywords listed by the authors, notably under “gender-based violence,” “gender inequality” and “intimate partner violence,” but at the same time it manifests its own peculiarities and deserves to be examined as a distinct category of violence. And investigating and documenting acts of violence against women and gender-based violence is essential for identifying them as crimes and effectively prosecuting their perpetrators. Since customs of this kind are culturally based and still receive social acceptability, this goal is still a distant one, and its implementation is also dependent on major changes in social and public mentality.

Given the scarcity of scholarly literature on traditional forms of violence against women, such as bride kidnapping, our study has essentially no investigative ambition: we can only refer here to data from the few official sources (such as statistics) and reliable (documented) research findings. Anecdotal sources are only mentioned as a reference for ongoing socio-cultural narratives. Thus, we provide examples of socio-cultural and literary narratives expressing approval of the custom of bride kidnapping in the Kazakh context. We can also indicate surrounding contexts, as Kazakhstan is not isolated in terms of the practice under consideration. This practice, i.e., bride kidnapping, has been documented also in Kyrgyzstan and Uzbekistan, among others. Furthermore, we are aware of a need for expert methods in the study of traditional forms of violence against women in societies that still accept it (e.g., Lomazzi 2023; Ras-Work 1999). Nonetheless, the problem of such violence in Kazakhstan, where the population of women is 10,277,000, deserves exposure even in the modest way that we propose in the following.

Let us begin with two framework definitions of (1) violence against women, (2) gender-based violence, and (3) bride kidnapping. According to the United Nations, violence against women includes

any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Declaration on the Elimination of Violence against Women Proclaimed by General Assembly Resolution 48/104 of 20 December 1993).

Although “the terms ‘gender-based violence’ and ‘violence against women’ are frequently used interchangeably in literature and by advocates,”

the term gender-based violence refers to violence directed against a person because of his or her gender and expectations of his or her role in a society or culture. Gender-based violence highlights the gender dimension of these types of acts; in other words, the relationship between females’ subordinate status in society and their increased vulnerability to violence. It is important to note, however, that men and boys may also be victims of gender-based violence, especially sexual violence (UN Women, *Defining Violence against Women and Girls* 2010).

As for bride kidnapping,

Although bride kidnapping can be a form of staged elopement, in the majority of cases it is forced abduction, and generally targets young women, including those under 18.

The kidnapping is usually planned in advance, often with the assistance of the man’s family. The most common scenario is that a woman is abducted off the street as she goes about her daily routine by a group of young men, stuffed into a vehicle, and taken to the “groom’s” home, where she is held against her will, subjected to psychological pressure, and sometimes even raped to force her to submit to the marriage. In some cases, the woman may not even have met the man before the abduction (CCSE 2017).

In addition, in rural environments across countries where bride kidnapping is still practiced,

an unmarried woman’s reputation can be irrevocably damaged if she spends even a single night outside her family home. As a result, victims often feel that the honor of their families is at stake, so they have no recourse other than to consent to the marriage. Even their families may pressure them to acquiesce (CCSE 2017).

Between the most general (1) and most specific (3) categories of violence, the scope and type of properties (women’s freedoms, rights, interests, goods, etc.), short-term and long-term; physical, mental, emotional, and symbolic; personal, interpersonal, professional, and communal; more or less irreversible, that bride kidnapping harms, are specified.

I. The Traditional Context of Gender-based Violence with the Focus on Bride Kidnapping in Kazakhstan

Each nation has its own traditions and customs that have developed over centuries and still permeate social reality to one degree or another. But there is a Kazakh proverb “Dasturdin ozygy bar, tozygy bar” (in English: Each time has its own customs). People damage society by distorting and taking advantage of the basic meaning of a tradition that has continued for many years. One of these traditions is bride stealing. According to the Kazakh tradition, two young persons got married with the choice and consent of their fathers. However, when the parents did not allow the two young persons to get married,

the man stole his beloved woman, forcefully married her and created a family with her (Akbergenova 2018). And now stealing a bride against her will is considered a violation of human rights. Forcing underage young women to marry, unplanned pregnancy and domestic violence are now very relevant in Kazakh society.

Violence, neglect and disrespect towards Kazakh women have existed for a long time, no matter how harsh, insulting and unpatriotic this may sound. This attitude was largely one-sided, rude, and unfair: women were ashamed of failures, accidents, misfortunes, weakness – for belonging to the female sex, the female share. No one thought about what a Kazakh woman thinks, or dreams, what powers and abilities will remain undiscovered in her. She was a “guest” in her parents’ house, then she became a wife, daughter-in-law, mother, mother-in-law, grandmother, but hardly ever just a person. As we mentioned before, the true essence of the tradition has been distorted and now everyone gives it a different meaning, thereby carrying out their bad deeds against poor and helpless women.

Speaking about the abduction of brides (Kazakh: “kyz alyp kashu”; English: bride kidnapping) it should be noted that this crime is one of the types of violence against women. According to UN statistics, in the neighboring country, Kyrgyzstan, every fifth girl is abducted for the purpose of forced marriage, and according to *Freedom House*, about 10,000 documented cases of abduction of girls are recorded annually in the country. In Kazakhstan, these practices of abduction and forced marriage are also still very common, but, according to official statistics over the past year, only 20 cases of abduction of women and 27 cases of illegal imprisonment were recorded in the country (De Oliveira 2021). Here it is necessary to take into account the fact that in most cases criminal cases are not initiated and these figures do not show the real picture. What is the actual number of victims and what measures are being taken?

The Kazakh tradition of bride stealing, known as “kyz alu” or “ala kauyru” (in English: bride kidnapping), was common in some regions of Kazakhstan and neighboring countries in the past. However, it should be noted that this practice is considered outdated and prohibited by law in modern Kazakhstan.

II. Have Brides Been Kidnapped in the Past without Their Consent?

Historically, within the framework of this tradition, a young man, wanting to marry a certain girl, could organize the bride “theft.” This usually happened with the consent of the bride herself, who played the role of the coveted “trophy.” In the process of stealing the bride, a young man and his friends could “kidnap” the bride from her ancestral home or village. Then the game began, in which the bride’s relatives tried to “free” her, and the groom and his supporters tried to keep the bride at home. Ethnographer Bulbul Kapovna gave an interview to *massaget.kz*, saying that in the past the girl was taken away for two reasons:

The tradition of bride stealing has a long history, no one disputes this. One problem here is that there was never a unilateral agreement, the girl was taken away by mutual agreement between her and the guy. Why did he run away? The girl and the guy agree, but the parents were against it. This is the first case. The second case was when the girl was betrothed from the other side, paid healthy cattle, but if the girl objected, and the other guy was in the mood, the two ran away. This is reflected in many epic songs, in the history of Kalkaman-May, Enlik-Kebek¹.

However, it should be noted that the theft of the bride in the past was perceived as a custom that rather symbolized the consent of the bride to the marriage, rather than an actual crime or violence. It was a kind of game where all the participants knew what was going on and agreed to it. But some of the elders say the opposite, that Kazakh women used to have no rights to choose anything. This is evidenced by an interview from the information portal *Qamshy.kz* with an 80-year-old grandmother named Nazymkul:

There was an escape in our time. The girl's consent to the abduction did not matter. When a girl does not agree, our older sisters and grandmothers lie on the threshold (...). If you cross over me, your garden will not open, I will give you a negative blessing, he coaxed the girl and put a white handkerchief on her head. Running away with a girl is a long-standing tradition. Thanks to this tradition, many families live a happy life, now they have a large family, grandchildren and great-grandchildren (Akbergenova 2018).

This statement is a vivid reflection of that time, and it is also possible to imagine what the fate of women of that time were. But nevertheless, it would be a mistake to say that many women did not run away of their own accord.

Let us delve into the traditions and customs of the Kazakh people to find out the reality of that time and the position of women in society. Kazakhs have such sayings as “balany zhashtan, katyndy bastan”. This saying translates as a child should be brought up from an early age, and a woman should be brought up kept in check. We would like to pay special attention to the statement “Zhol maksaty – zhetu, kyz maksaty – ketu,” which means the following in English: *The main goal of a girl in this life is to get married and leave her parents' house*. Many Kazakh proverbs associated with girls, their social roles and destinations, only have meanings that express discrimination against the female sex. These proverbs still permeate social discourses in the country. Furthermore, from a psychological point of view, the huge pressure that society exerts on girls from a young age can be observed. These pressures are rooted in the discourse, and so the discourse includes powers such as the power to blame women, as suggested in this proverb “Kuyeu zhaman bolsa kyzynnan” (in English: if your husband treats you badly, it is your fault and you deserve it). Therefore, our society is accustomed to accusing women even if they are victims of violence, referring to the fact that they themselves are to blame.

¹ “Kalkaman-May” is a saga released in connection with a historical event that took place in 1722. The author is Shakarim Kudaiberdiuly. Although the young man Kalkaman and the beautiful girl may fall in love with each other, due to the fact that they are from the same clan, the two young people are sentenced to death for “breaking traditions.” Available online at: <https://kk.wikipedia.org/wiki/>

III. Discriminatory and Harassment Practices Targeting Women

The discriminatory treatment of a Kazakh girl is shown in the Oscar-awarded film (2020) *Uly Dala Zary* (in English: Cry of the Great Steppe) by Marina Kunarova, filmed in connection with the famine of 1932-1933 (see also Young 2000). Running away from the hungry wolves, the mother throws her little daughter to the wolves and takes her son with her. The poor girl, who was screaming “Mom, do not leave me,” was eaten by wolves. The meaning here is that the mother is forced to save only her son, because the son is the progenitor. Of course, it is absolutely impossible to compare what happened then and the current situation. But there are many people in society who consider the birth of a boy to be joy and happiness, but are sad when a girl is born. If there are many girls in the family, a newborn boy is given the name “Ulbolsyn,” “Ultuar” (English: “to be a boy”) with the belief that a boy will be born after the youngest girl. And this means that the girl starts being discriminated against and is a child that family members did not want from the very beginning. From the beginning, therefore, boys learn to treat girls like a thing, even when they take girls and give them brides. This estranging and discriminatory social pattern destroys the fate of many girls and even causes death.

Currently, bride stealing is common in the southern part of Kazakhstan. For example, in 2019, 210 cases of kidnapping of girls for the purpose of marriage were registered in the republic, the largest number of them were committed in the Turkestan region – 102 cases. In particular, in Turkestan – 29 cases; in the Sairam region and Kentau – 19 cases, in Zhetysay region – 11, and in Maktaaral, Keles and Tolebi regions – additional 6 cases (as documented in Eldes 2020). But these are just the official numbers. Unfortunately, many such cases are not disclosed and discussed. They end with the reconciliation of the parties, which contributes to the longevity and even renaissance of this ‘tradition’. According to a women’s rights organization, up to 5,000 bride kidnapping acts occur annually in Kazakhstan. The perpetrators take young women against their will and run away. To ‘convince’ them (or rather: break their resistance), the perpetrators even place the Holy Scripture (Quran) in front of their victims. There are also cases when a girl is raped. As a result, she does not leave the perpetrator.

Harassment comes from the belief that a woman who spent one night in the abductor’s house is a priori considered “used,” which for men is a reason to assume that they also have the right to “use” the victim of abduction to satisfy their sexual desires and lust. Rape victims, divorced women, widows, as well as women who have not married for some personal or independent reasons, i.e., single women, who, as a rule, have little support in a society where traditional views are strong and married women have more weight, often find themselves in similar situations. Such single women are harassed, as a rule, by familiar men: distant and even close relatives, non-blood family members, neighbors, colleagues and other acquaintances. Lesbian women are often offered “corrective rape” (compare Human Rights Watch 2011; Doan-Minh 2019; Gaitho 2021-2022) when such

an offer comes precisely in connection with gender identification and sexual orientation. For many years, the victims of abduction and early marriages are most often women aged 15 and over. Among them are not only Kazakh women, but also representatives of ethnic minorities: Uighurs, Dungans, Turks, Kurds, Uzbeks, Azerbaijanis, Chechens, etc. Marriages with minors are not officially registered (the official age of marriage for both women and men is 18 years). There is no article in the Criminal Code of the Republic of Kazakhstan (the Criminal Code of the Republic of Kazakhstan) according to which it would be possible to enter into early marriages, and few people declare the facts of bride theft. The legal illiteracy of teenage girls is one of the reasons for the existence of these problems: it is in the hands of those who want to live not according to the laws of a secular country, but according to old traditions and religious norms. Unfortunately, harassment is still not a crime in the legislative acts of Kazakhstan. In total, since 1998, only twenty five convictions have been handed down under Article 123 of the *Criminal Code of the Republic of Kazakhstan*, while imprisonment has never been applied.

In our contribution to the topic of stealing brides, we would like to add that in the minds of many Kazakhs, it is still considered a shameful thing to marry a divorced woman or one whose honor is in doubt. Since childhood, men have been instilled with the word from the depths of centuries “Esik korgendi alma – besik korgendi al” (in English: do not marry the one who has been married, but marry the one who was only in the cradle), which probably broke the life of more than one Kazakh woman. The saying suggests that you should not choose the one that has already slammed one door of another’s house, but the one that did not go beyond its cradle. It turns out that a woman who was not a virgin, even if she was a victim of rape, until recently could not actually count on marriage with a healthy candidate “without a past,” but on the proposal of a widower, an old man, a man with a physical or mental disability, as evidenced by “Barine birday kyz kaida? Biransaran katyn al” (in English: “Are there enough virgins for all of us? Marry the damaged goods,”) which relatives tell widowers or men with disabilities who are planning to get married. Now such discriminatory practices are mainly used in rural areas and are almost obsolete in large cities.

Conclusion and Prospects

We want to note that violence always breeds violence. If the attitude of the community to this phenomenon does indeed change, it would be foolish to expect drastic changes. On the one hand, it seems paradoxical that women are involved in these crimes. Usually, the abducted girls are persuaded by name to take the cards and observe the continuation of violence. On the other hand, there is no way to get help, because the violence of society has been normalized, and women do not know other models of behavior; they only know that resistance is useless. This happens because no one helped them at the time.

Thus, according to the national research project *Gender in Social Representations*

conducted by the National Statistical Commission of United Nations agencies, including “Women,” 52% of respondents consider the participation of female relatives in the abduction of the bride to be the case, and almost a third of women justify their participation by saying that they should help their relatives (Executive Summary Kyrgyz Republic 2018, 29–30).

In order to solve all these problems, raising awareness must begin with the children. The basics of gender equality and the refusal to accept violence and discrimination need to be taught from the beginning. At the national level, it is necessary to improve the work of law enforcement agencies and courts dealing with cases of gender-based violence, and to tighten the penalties for all types of crimes against women. It is necessary to root out all patriarchal views and traditions that promote violence against women, destroy all stereotypes and adopt a serious program aimed at implementing all these measures.

The authors – like their fellow female citizens of Kazakhstan – hope to live a safe, free, happy life in a safe, free, happy society that respects women, their rights, vital interests and basic freedoms, that does not discriminate against them and which, moreover, develops and legitimizes institutions that are fair and just to women in all social positions and contexts (e.g., Arystanbek 2023; Mekhdi 2023). But at the same time, they understand that everything depends on public discourse (also international), the community’s voice (e.g., Sullivan & Bybee 1999) which can influence legislation and policies and change male citizens’ mindsets (e.g., Flood 2015); and community-advocacy (Pyles 2008). Each of us should say ‘No more violence’ and ‘No more tolerance of violence’. One must be aware that while the perpetrators of bride kidnapping are interested in brides ‘without a past’, kidnapped brides are deprived of their future, dignity, autonomy, rights, capabilities (e.g., Nussbaum 2000; Pyles 2008 and 2010), and satisfaction as individuals, professionals, and citizens: They “may not have finished school. After their marriages, many are denied access to educational or economic opportunities, resulting not only in the loss of their personal dreams but also in a negative impact on the national economy at large” (CSCE 2017).

It should not be overlooked that the practice of kidnapping and raping women is by no means limited to the Kazakh context (e.g., Zhussipbek & Nagayeva 2021; Pietrowiak 2020; CSCE 2017; Werner 2009; Kiefer 1974; Galop 2022 including data for United Kingdom) or postcolonial and post-apartheid contexts (e.g., Weissman 2023), but it is undoubtedly nurtured by factors familiar to various cultures, and not infrequently tolerated by socially dominant groups, policy makers, and legal institutions (e.g., Cook 1994). Respect for victims and setting up the most efficient normative prevention require that the factors, dependencies and mechanisms of violence be reliably studied.

Until September 2019, there was no special legislation in Kazakhstan aimed at combating domestic violence. However, with the adoption of the Law “On the Prevention of Domestic Violence and the Protection of Victims of Domestic Violence” in September 2019, Kazakhstan introduced institutional measures to prevent and punish domestic

violence. Nevertheless, people continue to live by traditional customs (customary laws) which perpetuate violence against women, rather than by new legislation which is designed to limit such violence and protect against it.

Among the noticeable challenges for researchers of the issue is the fact that the realities they seek to study are often “hidden violent realities” (Boethius & Åkerström 2020). Here we are referring to areas of spousal, family and domestic life that have been given their foundation by violence against women, such as kidnapping of brides. This violence may evolve in various and permanent patterns, which would represent a broad range of domestic violence and aggression. Moreover, in the case of the legal delegitimization and criminalization of the violence against women discussed here, if the latter occurred in discordance with (often silent and bottom-up) toleration by society or its considerable part, respectively, this violence may be even more intensely hidden and difficult for communities to disclose and report, and for researchers to examine. Yet potential research should involve both victims and offenders, as well as family and socio-cultural contexts (e.g., Peek-Asa et al. 2005). Last but not least, “worldwide, many women who experience domestic violence keep their experience secret” (Anderson et al. 2010), which is another challenge for researchers – and for the administration of justice as well.

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