**Call for input on ending child, early, and forced marriage
issued by the office of the high commissioner for human rights**

****Submitted by:

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**Answer to Question No. 1:**

**What efforts have been made to address the issue of child, early, and forced marriage?**

Child and forced marriage are prevalent in Pakistan due to several reasons including customary practices, poverty, lack of awareness, lack of education and skills, and lack of rule of law. The government has introduced the following measures to protect women’s and child’s rights, however, serious steps need to be taken to address child and forced marriage in Pakistan.

* Reformed laws to criminalize customary practices such as; child marriage, Vani (wedding of girls as retribution against offenses such as murder), marriage with Quran etc., and has banned informal Jirga (informal council of elders) preventing them to issue verdicts, and has taken action against those involved in such crimes.
* Laws to deal with crimes dealing with gender-based violence have been promulgated, however, existing laws need to be enforced and strengthened, and laws against crimes such as; forced faith conversion need to be enacted. Moreover, the court needs to issue verdicts according to the laws of the land.
* Cash scholarships and financial incentive have been provided to promote the enrolment and retention of girls at schools, however, more serious efforts are needed to establish safe and girl-friendly schools with appropriate facilities and support services, and encourage families so that girls are not forced to drop out of school owing to marriage and/or childbirth, and girls are allowing girls to pursue higher education and delay marriage.
* A national action plan on human rights has been introduced, however, the measures dealing with child and forced marriages need to be implemented.
* Youth skills development, entrepreneurship programs, and vocational training and social protection schemes have been introduced, however, their benefits need to be extended to girls and women so that they are able to gain economic independence.
* Introduced healthcare services, including sexual and reproductive health, antenatal and postnatal care, and offered incentives for pregnant girls and women for their regular check-ups from hospitals and basic health units, and for completing the vaccination course for infants. It also promotes family planning and access to contraception to enable women to make informed choices about their reproductive health.
* Helpline services and shelter homes have been set up to provide victims and survivors of child marriage, forced marriage, and gender-based violence, etc. refuge, and support services, including counseling, medical care, and legal aid, to address their needs and promote their well-being.
* Included the representation of women in the legislative assemblies, committees, and human rights institutions, however, the government needs to promote a participatory approach to ensure the voices and perspectives of girls and children when making decisions about resource allocation, and integrate child and gender consideration into budgeting processes. For this, it needs to conduct an analysis of budgets to integrate child and gender considerations so that the authorities are able to assess how resources are allocated and spent, and identify gaps and disparities that affect girls and women. The implementation of child and gender-responsive budgeting will help set priorities in areas such as; education, skill development, livelihood, health, etc., and inform policymakers to invest resources in targeted interventions to address the specific needs and rights of children, particularly girls.

**Answer to Question No. 2**

**What prevention mechanisms have proved effective to eradicate child, early and forced marriage?**

The government of Pakistan has introduced the following prevention mechanisms, which proved to be effective to some extent in the country.

* Promulgated the Child Marriage Restraint Acts; however, they vary on the minimum legal age of marriage. For instance, the Sindh province has raised the minimum age of marriage to 18 years for both boys and girls, whereas the federation capital and other three provinces including; Punjab, Balochistan, and Khyber Pakhtunkhwa maintain laws wherein the minimum age of marriage for girls is 16 years while it is 18 years for boys.
* Child marriages continue to perform in rural areas particularly, and police mostly arrest the persons involved, in case, they receive complaints timely.
* The girl victims of child marriage, forced marriages, and forced conversion appearing before the courts for getting their statements recorded or seeking protection, are usually referred to shelter homes (Darul Aman) under Social Welfare Department, which provide free medico-legal aid and psychological support, and boarding and lodging facilities.

**Challenges**

* Laws addressing child marriages are not effectively enforced, as the courts mostly validate child marriages giving reasoning resorting to injections of Islam according to which girls reaching the age of puberty, no matter if underage, are eligible to get married.

* The traditional practices and cultural norms perpetuate child marriage. Moreover, the lack of rule of law, and weak judicial system embolden the people to engage in child marriage despite it is an offense in Pakistan.
* Laws dealing with offences of child marriage and forced marriage are inconsistently enforced, which let the practice continue. For instance, Section 498 B of the Pakistan Penal Code[[1]](#footnote-1) addressing the forced marriage of minority girls is an offense, and is punishable with imprisonment for a term 5-10 years with a fine. However, this provision is not applied to register and investigate the cases involving allegations of forced conversion and marriage of girls from minority communities.
* Lack of legal literacy amongst people hinders the effectiveness of laws aimed at preventing child and forced marriage, and makes it difficult to aware the people about the negative consequences of child marriage.
* Religio political parties tend to resist efforts to address child marriage, perceiving them as interference in religious or cultural practices. Mostly, the religious groups have been resisting to amendment in child marriage restraint acts aimed at raising the minimum age of marriage for girls from 16 years to 18 years like Sindh province, and they have been terming this proposed amendment against the injunctions of the Islam.
* Limited access to quality education and low literacy rates particularly among girls make them vulnerable to become target of child marriage.
* Poverty, economic instability, and limited livelihood opportunities contribute to child marriage.
* The underage girls from religious minorities, particularly the victims of child, forced marriage, and forced faith conversions are influenced by the staff at shelter homes, and pressurized not to make statements before the court against their purported husband, and not to deny conversion to Islam.
* The government failed to pass ‘Prohibition of Forced Conversions Bill 2021’ as the religious bodies particularly Ministry of Religious Affairs and Interfaith Harmony (MoRA) and the Council of Islamic Ideology (CII) raised objections to the proposed provisions regarding limitation of the minimum age and the adoption of a legal procedure for faith conversion, against the principles of sharia, and termed it an attempt to limit Muslims’ right to religious freedom to convert Non-Muslims to Islam.

**Possible Solutions:**

* Adopt and implement comprehensive laws, policies and strategies to address the drivers and causes, the systemic and underlying factors which facilitate child marriage and forced marriage to persist.
* The existing laws must be effectively enforced to eradicate child, early, and forced marriage in Pakistan.

* A law must be introduced to criminalize the offense of forced faith conversions of underage minority girls to bring perpetrators of child marriage, forced marriage, and sexual violence to justice.
* The Child Marriage Restraint Acts must be amended to set the minimum legal age of marriage at 18 years for both sexes, making the national identity card mandatory for both bride and groom, and making the child marriage null and void.
* The Christian Marriage Act 1872 and the Christian Divorce Act 1869 must be amended in conformity with human rights standards, particularly gender equality and religious freedom.
* Citizens committees involving religious leaders, traditional influencers, and community leaders must be set up to address child, early, and forced marriage in Pakistan.
* The shelter homes must not engage in influencing the decision of minor girls regarding their future life with purported husband or parents, and ensure the availability of adequate, child-friendly, and gender-sensitive services, and must protect the victims and survivors against sexual violence.

**Answer to Question No. 3**

**What kind of approaches and tools have been used to collect disaggregated data?**

* National surveys, such as the Pakistan Demographic and Health Surveys (PDHS) and Multiple Indicator Cluster Surveys (MICS) collect information regarding age at the time of marriage, prevalence rates, regional variations, and factors associated with child marriage.
* The union council maintainsdata on marriages, births, and deaths, and issues certificates of registration accordingly. National Database and Registration Authority (NADRA) maintains databases of citizens and issues national identity cards to adults, and citizen registration certificates to minors, and marriage certificates to couples.
* The UN bodies, INGOs and national NGOs gather data on child, early, and forced marriages and forced faith conversions, and focus on information regarding age, religion, province, educational attainment, and socio-economic characteristics of those involved.

**Challenges:**

* Child, early, and forced marriages often go unreported due to various reasons, including social stigma, lack of awareness about legal protections, and limited access to reporting mechanisms.
* Collection of comprehensive and disaggregated data specifically focused on child, early, and forced marriages across various factors such as age, gender, geography, and socio-economic status remains a challenge in Pakistan.

**Statistics:**

* According toPDHS data[[2]](#footnote-2), young women aged 15-19 are more likely than young men to be currently married (14% versus 3%). Early marriage before the age 18 increases the risk of teenage pregnancy, which can have a profound effect on the health and lives of young women and can contribute to high fertility rates. 8% of women aged 15-19 engage in childbearing; 6% have had a live birth, and 2% are pregnant with their first child.
* According to MICS data[[3]](#footnote-3), women aged 20-24 years were married before the age of 18 years in Sindh (25%), Punjab (14%), and Balochistan (22%). While, women with no education are more than twice as likely to marry before age 18 years compared to women with a higher education. Girls from rural areas are twice as likely to be married before the age of 15 years than those girls who live in urban areas. Women from poor households are twice as likely to be married before the age of 18 years than those women who belong to rich households.
* According to UNICEF's data[[4]](#footnote-4), 18% of women aged 20 to 24 years in Pakistan were married before reaching the age of 18 years. Pakistan has the 6th highest number of women married before the age of 18 in the world, and it is home to nearly 19 million child brides where 1 in 6 young women were married in childhood before reaching the age of 18.
* According to UN Women’s costing study on child marriage in Pakistan [[5]](#footnote-5), child brides have a greater likelihood of school dropout and illiteracy, experience health-related complications, lower labour force participation and earnings, and have little decision-making power within the family, and have less control over productive household assets. Adolescent mothers are at significantly higher risk of child mortality and morbidity, and they tend to have less healthy and less educated children than their peers who marry later, which leads to economic and social costs and impacts at the individual and household levels. A graver cost of child marriage is a higher incidence of domestic violence whose effects influence the next generations badly.
* According to the Centre for Social Justice’s Human Rights Observer[[6]](#footnote-6), 124 incidents in 2022 were reported of forced religious conversion, child marriage and forced marriage involving girls and women from minority communities which included 81 Hindu, 42 Christian, and one Sikh. 59% of girls were below 18 years of age, and only 12% of victims were adults, while the age of 28% of victims was not reported. 65% of cases of forced faith conversions were reported in Sindh, followed by 33% in Punjab, and one case each in Khyber Pakhtunkhwa and Balochistan was recorded.

**Possible Solutions:**

* The government should consider gathering comprehensive and disaggregated data specifically focused on understanding the prevalence, trends, and underlying factors associated with the practices of child, early, forced marriage, and forced faith conversions, and providing insights into the relationship between poverty and child marriage, and understanding the localized nature of marriage, identify variations in prevalence rates and design targeted interventions. The factors such as; age, religion, geographical location (province, district, urban, rural) and socio-economic status (income, education, employment) can be considered.
* Research must be considered to analyse and assess the effectiveness and impact of existing policies and plans, and promote accountability for the implementation of strategies on child and forced marriage.

**Answer to Question No. 4**

**Have digital technologies and tools been used to address child, early and forced marriage?**

**Promising Practices:**

* Helpline services managed by commissions on the status of women, and women development departments provide information and support regarding complaints involving gender-based violence including; child marriage and forced marriage.
* Mobile applications offering citizens to report complaints of gender-based violence including; child marriage and forced marriage are launched by governments.
* Websites offering citizens to access the constitution, federal and provincial laws, and Pakistan penal code, etc. are maintained by the governments.

**Challenges:**
* Access to digital technologies, including internet connectivity and devices, remains a challenge, particularly in rural areas, which can limit the reach and impact of digital interventions in addressing child marriage.
* Low digital literacy rates, especially among marginalized populations, can hinder the effective use of digital tools.
* The departments managing helplines and mobile applications fail to present and analyze data based on complaints received, which can inform public policies and policy actions.

**Possible Solutions:**

* The government must streamline data collection processes to collect and analyze disaggregated data using digital tools, assess trends and patterns, and undertake informed interventions to address child, early, and forced marriages.
* Efforts should be made to improve access to digital technologies, internet connectivity, and affordable devices in underserved areas and marginalized communities.
* Digital literacy trainings should be organized to enhance the capacity of communities and girls to utilize digital tools effectively and safely for their protection against child and forced marriage, and cyber harassment.
* Engaging religious leaders, and influencers in the promotion of digital interventions can help ensure their acceptance, and usage within communities to address child marriage effectively.

**Answer to Question No. 5**

**Are digitalized birth and marriage registration systems being used in your country?**

* The union councils and National Database and Registration Authority (NADRA) have digitized its record relating to birth and marriage registration, and issue certificates accordingly.
* The Births and Deaths Registration Act of 1873 requires the registration of all childbirths in Pakistan, however, not all children are registered in the union council and NADRA, as people particularly those belonging to low-income groups ignore getting them registered in government records, due to which registration rates remain relatively low, and many births still go unregistered.
* Pakistan promulgated the Muslim Family Laws Ordinance 1961 and the Christian Marriage Act 1872, and the Hindu Marriage Act, 2017, which mandates the registration of marriages to the persons registered with the government as priests, pundits or Marriage Registrar. The Union council and NADRA issue the certificate of marriage upon providing certificate of marriage performed by religious leaders authorized by the government authority.

**Challenges:**

* Lack of awareness about the importance and legal requirements of birth and marriage registration contributes to under-registration, particularly in remote and marginalized communities.
* Marriages of members belonging to religious minorities having no specific matrimonial laws, face challenges in obtaining certificates of marriage from NADRA.
* The documentation requirements for registration of birth, particularly vaccination cards of children, can create barriers, specifically for marginalized populations who may lack the necessary documentation.
* The birth certificates are not digitally accessed to verify the identity and age of the parties, before registering any marriage, which may facilitate child and forced marriages, bigamy/polygamy.
* The accurate information against the columns on certificates of marriages relating to groom’s previous marriage, children, and bride’s age, national identity card number, witnesses etc. are not entered, especially in cases where marriages are performed in haste without the absence of parents/guardians. But sadly, they are validated by the court despite carrying incomplete and incorrect information.

**Possible Solutions:**

* Launching awareness campaigns to educate individuals and families about the benefits and legal requirements of birth and marriage registration.
* Establishing mobile registration units to reach unregistered communities, allowing for on-site registration services for birth and marriages.
* Engaging community leaders, religious figures, and local influencers to promote the importance of birth and marriage registration.
* The mandatory digital verification of birth certificates and the minimum legal age of marriage before registering marriages should be considered.
* The process of registration needs to be simplified and more accessible, and the digital data compiled by the union council, NADRA, Election Commission of Pakistan, and Pakistan Bureau of Statistics should be streamlined and linked to avoiding duplication, verify information, and identify the unregistered individual and families.

**Answer to Question No. 6**

**What other innovative strategies have been used to address child, early, and forced marriage, and collect data on this practice in your country?**

* The implementation of zewar-e-taleem program initiated in 16 underprivileged districts of Punjab province, offering cash scholarships and financial assistance aimed at enhancing enrolment and retention of girls should be extended across the country, so that families are able to avoid child marriages of girls, and allow them to complete their formal and technical education.
* The mobile applications, online portals/ websites, and helplines aimed at disseminating information, providing counseling services, and facilitating reporting of child marriage cases are operative and functional, however, they need to be strengthened.
* Research studies and surveys aimed at understanding the underlying causes and dynamics of child marriage, forced marriage and forced faith conversions, identifying high-risk areas, and informing evidence-based interventions must continue.
* Advocacy for legal reforms and policy changes to strengthen legal and administrative safeguards against child marriage, forced marriage and forced faith conversions must continue.

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1. https://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-apaUY2Npa5lo-sg-jjjjjjjjjjjjj [↑](#footnote-ref-1)
2. https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf [↑](#footnote-ref-2)
3. https://mics.unicef.org/surveys [↑](#footnote-ref-3)
4. https://www.unicef.org/pakistan/media/4151/file/Child%20Marriage%20Country%20Profile.pdf [↑](#footnote-ref-4)
5. https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAsia/Docs/Publications/2021/06/Child%20Marriage%20Costing%20Study%20Report-Pakistan-Final.pdf [↑](#footnote-ref-5)
6. https://www.csjpak.org/pdf/Human\_Rights\_Observer\_2023.pdf [↑](#footnote-ref-6)