

PAKISTAN NATIONAL STRATEGY TO END EARLY/FORCED AND CHILD MARRIAGES



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Head Office

E-26- Muslim Town, Officers Colony, Link Shabo Road Tadjak Abad Quetta, Baluchistan
Pakistan

Ph# +92 812832031, Fax# +92 812832031

Email: yadri@yahoo.com,

Website: www.yad-pk.org

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Acronyms

ADB	Asian Development Bank
CEDAW	Convention to End all Forms of Discrimination Against Women
CIDA	Canadian International Development Agency
FATA	Federally Administered Tribal Areas
GBV	Gender-Based Violence
YAD	Youth Association for Development
GDI	Gender Development Index
GEM	Gender Empowerment Measure
GEP	Gender Equity Program
GII	Gender Inequality Index
IDP	Internally Displaced Person
INGAD	United Nations Interagency Gender and Development Group
MDG	Millennium Development Goal
MoHR	Ministry of Human Rights
MoWD	Ministry of Women Development
NCSW	National Commission on the Status of Women
NPA	National Plan of Action
PAGE	Program for the Advancement of Gender Equality
UN	United Nations
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
USAID	United States Agency for International Development
VAW	Violence against Women
PAGW	Positive Action for Girls and Women

Declaration:

Youth Association for Development (YAD) Baluchistan Pakistan is implementing project End Early/Forced Marriages in Baluchistan Pakistan. This project is funded by ViiV Health Care (UK) Under Positive Action for Girls and Women (PAGW) Window.

Project Summary:

Tackling, reducing and ending early/child and forced marriages in Baluchistan Pakistan through involvement and engagement of caretakers, gatekeepers, INGOs youth, girls, boys, parents, teachers, political/ religious persons, community elders, marriage registrars, govt. officials elected representatives, legislatures, community, media, civil society, Nikahkhawains, and parliamentarians. Young girls and boys will directly benefit from the project through proper legislations for ending early/child and forced marriages, girls are not brides and boys are not grooms. All the stakeholders and beneficiaries will also be kept in loop for the broader impact of the intervention. The project interventions are awareness raisings, mobilizations, sensitizations, capacity buildings, policy level advocacy, legislations, collaboration and liaison development, action based networks, active participation, development strategies, consultations, uplifting voices for the prevention, referral and rehabilitation of the victims of early marriages, institutionalization of reporting and referral mechanisms to respond effectively for the prevention, referral and rehabilitation of the victims of early marriages.

YAD is able to formulate Pakistan National Strategy to End Early/Forced and Child Marriages in Pakistan, Youth Association for Development (YAD) Pakistan is thankful to ViiV Health Care (UK) PAGW for their collaboration, partnership, funding, patronage, facilitation and guidance

About YAD:

The Youth Association for Development (YAD) is a youth lead, peace building civil society initiative based in Baluchistan and whose roots lies with a core of volunteers in different districts of Pakistan. YAD is human rights based approach with a multi sector development organization working on participatory development approach to bring long term change & sustainable development in the society.

The idea of a civil society organization evolved in 2002, when a group of likeminded people working in the social, political, human rights and development sector in Baluchistan and having enough international exposure and experience, got together and initiated the dialogue among themselves on issues of humanism, peace, democracy, human rights, right to information, transparency, accountability, environment, water, sanitation, hygiene, health, education & other social issues in the province and country; The group concluded the need for an organization which can address the above mentioned issues through a holistic approach; promote the value of peace and basic human rights; address democratic and governance issues; conduct research and analysis; initiate dialogues among different segments of society; take steps toward a peaceful, tolerant, and democratic society, conservation of environment & natural resources management, sanitation improvement & hygiene education, working for IWRM and provide an enabling environment to civil society of Baluchistan.

Pakistan's Profile

Pakistan gained independence on August 14, 1947, following the partition of India by the colonial power, Britain. Pakistan was divided into two parts, namely East Pakistan and West Pakistan. In 1971, East Pakistan separated from West Pakistan and became an independent state of Bangladesh. Pakistan is divided into four provinces; Punjab, Sindh, Baluchistan, and Khyber Pakhtunkhwa, with its capital in Islamabad. Federally Administrated Tribal Areas, adjoining Khyber Pakhtunkhwa, is managed by the Federal Government. Azad Jammu and Kashmir, and Gilgit Baltistan have their own respective political and administrative machinery, yet certain subjects are under the Federal Government through the Ministry of Kashmir Affairs and Gilgit Baltistan. The provinces are governed by their respective provincial governments.

Population:

Pakistan is the sixth most populous country in the world and second largest Muslim country with a projected population of 188 million in 2014 (1). Between 1950 and 2014, Pakistan's urban population has expanded sevenfold, while the total population increased by over fourfold. The population growth rate now stands at 1.95 per cent (2) which is higher than average growth rate of South Asian countries (3). Pakistan has a multicultural and multi ethnic society, and hosts some 1.6 million registered Afghans, the largest refugee population in the world (4). The population of children in Pakistan in 2014 was estimated at 91.66 million, based on the Population Census of 1998, which estimated children's population under 18 years at 48.75 per cent.

According to the Economic Survey of Pakistan 2012-13, Pakistan is the sixth populous country in the world having an estimated 184.35 million people with 2 percent growth rate. By 2050 Pakistan will become the fifth populated country if it continued with the same pace of growth rate. Of this about 48 percent are estimated to children. A big number of these children mainly girls are married in their innocent age even 7 years old. In 2001, estimated 37 percent women were reported to married below 18 years of age,¹ the percentage is still feared to be the same after 12 years of the lapse.

Prevalence/Statistics: In 2012, 75 cases of child marriage were reported by different media agencies; of these total cases, 43 per cent children were from 11 to 15 years old and 32 per cent from the age group 6 to 10 years of age.² In 2008-2009, 24228 children of age group 10-14 were reported married and 1029784 children of age group 15-19 were reported married.³ The number of children married in their minor ages is in millions but are not monitored and reported.⁴ The Pakistan Demographic and Health Survey (2006-07) mentions in its section on teenage fertility that almost half of the girls of 15 to 18 years of age were already pregnant or had a baby to take care of.⁵ The exact numbers of child or early marriages are not available due to lack of proper documentation and data collection. After 1998, Pakistan has not conducted population census which could help to understand the figures and ages of marriages.

Child Marriages

Every year, millions of girls around the world become brides before the age of 18. It is also known as early forced marriage.

Girls who are required to enter into marriage at an early age are at greater risk of domestic violence and abuse. They are less likely to be able to escape poverty. Those having children too young have a significantly increased risk of health complications, death in childbirth and infant mortality.

Poverty

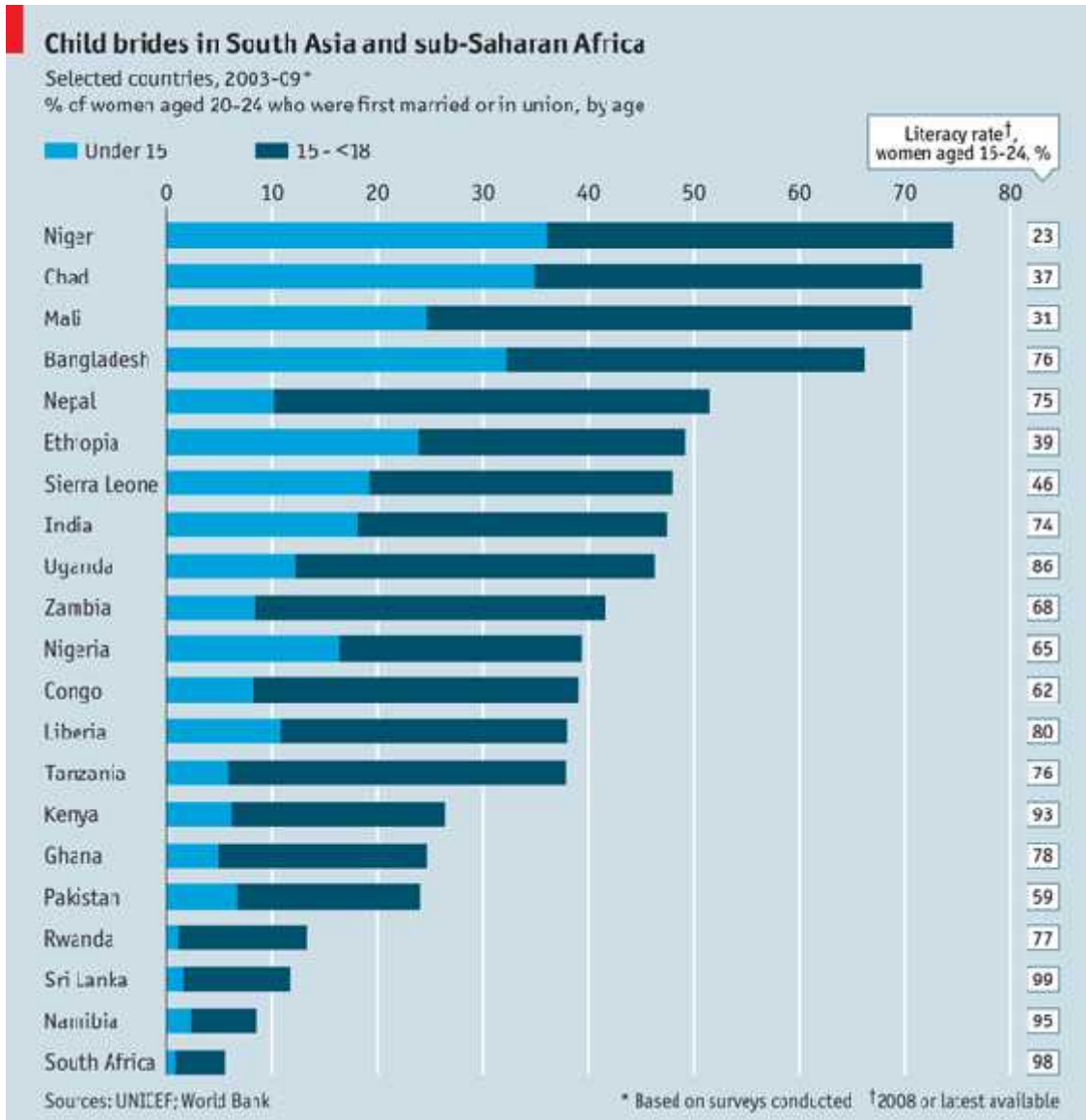
Child marriage is prevalent in communities where poverty is widespread, birth and death rates are high and access to education and healthcare is low. It can be seen as a strategy for short-term financial security, often taking place in exchange for goods or resources that support the survival of other family members. Girls from the poorest households are at greatest risk of becoming child brides.

Conflicts and emergencies

Natural disasters and armed conflict increase the chance of sexual violence against women and girls and can plunge families deeper into poverty. This makes girls more vulnerable to early forced marriage as parents perceive marriage as a means to protect and provide for their daughters

Gender inequality and cultural norms

In some cultures, child marriage for girls is common. This supports discrimination and the abuse of girls and women, treating them as commodities that can be traded for cash, goods or status. The expectation that a girl's future lies with marriage and motherhood limits opportunities and can lead to the risk of serious abuses. In Niger, 77% of women aged 20 to 49 were married before the age of 18 compared to 2% of men.



Note: The ratio of early/forced and child marriages in Pakistan is very high but it is not reporting due to several reasons and circumstance.

Ranking of Countries by Child Marriage	
% Women	
Married <18	
1. Niger (1998) 76.6	35. Zimbabwe (1999) 28.7
2. Chad (2004) 71.5	36. Ghana (2003) 27.9
3. Bangladesh (2004) 68.7	37. Mexico (1987) 27.6
4. Mali (2001) 65.4	38. Sudan (1990) 26.9
5. Guinea (1999) 64.5	39. Ecuador (1987) 26.0
6. CAR (1994/95) 57.0	40. Bolivia (2003) 25.8
7. Nepal (2001) 56.1	41. Cambodia (2000) 24.8
8. Mozambique (2003) 55.9	42. Kenya (2003) 24.6
9. Uganda (2000/01) 54.1	43. Indonesia (2002/03) 24.2
10. Burkina Faso (2003) 51.9	44. Paraguay (1990) 24.2
11. India (1998/99) 50.0	45. Haiti (2000) 24.1
12. Ethiopia (2000) 49.1	46. Brazil (1996) 23.7
13. Liberia (1986) 48.4	47. Turkey (1998) 23.0
14. Yemen (1997) 48.4	48. Kyrgyz Republic (1997) 21.2
15. Cameroon (2004) 47.2	49. Thailand (1987) 20.5
16. Eritrea (2002) 47.0	50. Rwanda (2000) 19.5
17. Malawi (2000) 46.9	51. Egypt (2000) 19.5
18. Nigeria (2003) 43.3	52. Armenia (2000) 19.1
19. Nicaragua (2001) 43.3	53. Columbia (2005) 19.0
20. Zambia (2001/02) 42.1	54. Ondo State (1986) 18.8
21. Dominican Republic (2002) 41.2	55. Peru (2000) 18.7
22. Tanzania (1999) 39.3	56. Burundi (1987) 17.3
23. Madagascar (2003/04) 38.8	57. Morocco (2003/04) 15.9
24. El Salvador (1985) 37.7	58. Uzbekistan (1996) 15.3
25. Mauritania (2000/01) 37.2	59. Kazakhstan (1999) 14.4
26. Benin (2001) 36.7	60. Philippines (2003) 14.0
27. Senegal (1997) 36.1	61. Sri Lanka (1987) 13.7
28. Trinidad & Tobago (1987) 34.4	62. Vietnam (2002) 11.1
29. Guatemala (1998/99) 34.3	63. Jordan (2002) 11.1
30. Gabon (2000) 33.6	64. Botswana (1988) 10.0
31. Cote d'Ivoire (1998/99) 33.2	65. Namibia (2000) 9.8
32. Pakistan (1990/91) 31.6	66. Tunisia (1988) 9.7
33. Togo (1998) 30.5	67. Turkmenistan (2000) 9.1
34. Comoros (1996) 29.7	68. South Africa (1998) 7.9

Child Marriage in Pakistani Context:

Child marriage is not only a violation of a girl's rights; it also seriously compromises efforts to reduce gender based violence, advance education, overcome poverty and improve health indicators for girls and women. Child brides in Pakistan are often forced into early sexual activity and therefore early childbearing. Because their bodies are not yet fully developed, these young adolescents are at risk of suffering life-threatening or debilitating conditions as a result of childbirth like obstetric fistula and hemorrhaging, or even death. Also, girls are more vulnerable to contracting life-threatening diseases as they are often given away in marriage to much older men who have an elevated chance of being HIV positive or having other sexually-transmitted infections because of prior sexual experience. When a girl is pulled from school and forced to marry young, her personal development is stunted. She is left with few – if any – negotiation skills and therefore has limited decision-making power in her new household. Often uneducated and unskilled, many child brides are completely dependent on their husbands and in-laws to survive. Girls are often not yet mature or skilled enough to properly perform household tasks or care for their husbands and children. In spite of some legislative changes in Sindh and Punjab, child marriage in Pakistan remains a big challenge. A dangerous combination of entrenched poverty and cultural norms that are deeply rooted in patriarchal tradition continue to fuel the harmful practice. As a result, customary law and economic need often trump national policies and legislation. Despite best efforts, girls continue to be pulled out of school and forced into marriage. With the marriage, a girl's childhood abruptly ends, her health and future prospects immediately fall in jeopardy, and large numbers of girls in Pakistan are at the risk of being forced to wed as part of deeply entrenched practice that significantly impedes progress on human rights, education, health and economic development. The rights of women and girls, including freedom from child marriage have generated emotionally charged and debates of law reform all over Pakistan in the last decade. Such debates often focus on personal opinions & experiences, or on the varied interpretations of religious teachings on marriage or cultural and societal issues through this brochure we are glad to share with you some strategies which can be possibly be used to delay or prevent child marriages and it provides recommendations, actions for needed reform at community and policy level. More effective policies, programs and actions will not only help reduce child marriage prevalence; it will also help in the fight against poverty and increase the pace of development in Pakistan. We anticipate that this publication will help kick-start strategies for reducing the prevalence of child marriage, tailored to the unique context and needs of each community and pave the way for more just society in which boys and girls enjoy equal rights, freedoms and opportunities to grow into productive and healthy adults.

Child marriages in non-Muslims in Pakistan

There is no regulatory framework to deal with overall marriages and mainly the issue of child marriages amongst the non-Muslim minorities in Pakistan. All religious minority groups perform and register marriages according to their religious practices, and no consideration is given to the age of children. In 2011 and 2012, the previous federal government was pushing coalition partners for the enactment of the Hindu Marriage Bill 2011 which provided for the prohibition marriage of non-Muslim girls and boys below 18 years of age, it is dire need to formulate the

policies of non-Muslims forced marriages registration act, to protect non-Muslims forced religion and forced marriages keeping in mind early/child marriages

Trafficking and child marriages:

“Internal trafficking of children is pervasive as the children are sold by their parents or forced into marriage, forced labour, sexual exploitation or domestic servitude”⁶ but internal trafficking is not covered the law expect in Sindh province. The Sindh Child Protection Authority Act 2012 prohibits human trafficking within and outside Pakistan

CHILD MARRIAGE RESTRAINT ACT, 1929

The Law governing Child Marriages in Baluchistan is the Child Marriage Restraint Act, 1929 which stipulates the minimum lawful age of marriage for boys 18 years and for girls 16 years. The law states that a male person above the age of 18 contracting a child marriage shall be liable to imprisonment up to a maximum period of one month and or with a fine up to Rs. 1000. The law provides punishment for the male parents or guardian of the child. Furthermore, whoever performs, conduct or directs a child marriage can also be punished with simple imprisonment extending up to one month, or fine extending up to Rs.1000 or both, unless he proves that he had reason to believe that the marriage was not a child marriage. Given that child marriage are widely prevalent across the country even though these laws exist, The CEDAW committee recommended increasing penalties for the offences prescribed under the CRM,1929.

Due to the harsh consequences on health and education of girls, child marriages are a violation to the fundamental right to life, dignity, security and education, guaranteed to all men and women without discrimination, under the constitution of Islamic Republic of Pakistan. The rights mentioned are also protected by Pakistan’s international human rights obligation under the convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention of the Rights of Child (CRC). In this regard, child marriage needs to be addressed effectively in order to achieve Pakistan’s international obligation of taking measures that ensure compliance with Family Planning -2020, and achievement of Sustainable Development Goals (SDGs), including gender equality through elimination of harmful practices such as child marriage, reduced maternal mortality and morbidity rates. For the goal 5 (gender equality) and improved maternal mortality ratio and rates, infant, neonatal and under 5 mortality rates for goal 3 (good health).

The weak point of the law is, it says that “No Court shall take cognizance of any offense under this Act, except on a complaint made by the Union Council, or if there is no Union Council in the area, by such authority as the Provincial Government may in this behalf prescribe and such cognizance shall in no case be taken after the expiry of one year from the date on which the offense is alleged to have been committed” (Section 9). This section stops the police to take action against the violators of the law.

For violating the Act, the offender will be fined of Rs 1000 (US \$ 10), or one month imprisonment. Furthermore, if a marriage involving young children takes place, the adults who

agreed to the marriage and arranged it are punished, but the marriage does not stand dissolved. As usual, the implementation of this law is non-existent.

Therefore, it is very important for the state to take corrective measures. The legislators need to bring amendments to the law making the punishment stricter. The monitoring and implementation of the law should be mandatory, while the law should be publicized properly so that everyone in the country knows about it.

PUNJAB CHILD MARRIAGE RESTRAINT (Amendment) ACT 2015

In March 2015, The Punjab Assembly enacted the Punjab Child Marriage Restraint (Amendment) Act, 2015 which amends the original Child Marriage Restraint Act by introducing harsher punishment (of a maximum of six months of imprisonment and fines of up to 50,000 rupees) for parties contracting and /or solemnizing child marriage. While the amending law stipulates harsher punishment for parents and /or guardian of the minor who is married, the act retains the minimum age of marriage of 16 years for girls and 18 years for boys. While this legislation is a step toward better protection against early marriages of women and girls, the minimum age of girls must be increased to 18 years in order to ensure better protection. The Govt of Punjab also introduced the Women Empowerment Packages, through which birth registration for girls was made free and compulsory across the province, with an aim to prevent early marriages.

The Muslim Family Law Amendment Act:

Was also enacted in 2015 by the Punjab Assembly to accord greater protection from child marriage, the law protects the rights of the bride by mandating that the person solemnizing the Nikkah accurately fill the columns of Nikkahnama with specific answer of bride and groom.

Due to the harsh consequences on health and education of girls, child marriages are a violation to the fundamental right to life, dignity, security and education, guaranteed to all men and women without discrimination, under the constitution of Islamic Republic of Pakistan. The rights mentioned are also protected by Pakistan's international human rights obligation under the convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention of the Rights of Child (CRC). In this regard, child marriage needs to be addressed effectively in order to achieve Pakistan's international obligation of taking measures that ensure compliance with Family Planning -2020, and achievement of Sustainable Development Goals (SDGs), including gender equality through elimination of harmful practices such as child marriage, reduced maternal mortality and morbidity rates. For the goal 5 (gender equality) and improved maternal mortality ratio and rates, infant, neonatal and under 5 mortality rates for goal 3 (good health).

SINDH PROVINCE CHILD MARRIAGE RESTRAINT ACT,1929

Following enact of 18th amendment to the constitution, Sind became the first Provincial legislature to pass the law prohibiting child marriage. The Sindh Child Marriage Restraint Act, 2013 repeals all the provisions of the Child Marriage Restraint Act 1929 and establishes the minimum lawful age of marriage for both men and women at 18 years.

Under the law a man above the age of 18 years who contract a child marriage is liable to rigorous imprisonment of minimum term of two years and maximum term of three years and a fine .The Act also penalizes any party that participants, perform, conducts, directs or facilitates the solemnization of child marriage with a minimum term of rigorous imprisonment of two years and a maximum term of three years and a fine.

Implementation of the law however, remains limited as even after three years since its enactment the Government of Sindh has failed to notify Rules of Business.

Child marriage laws at a glance

Child Marriage Restraint Act 1929	Sindh Child Marriages Restraint Act 2013	Punjab Marriage Restraint (Amend) Act 2015
<p>Marriageable Age: Girls 16 Boys 18</p> <p>Punishment: 1 month (simple) imprisonment, Rs1,000 fine, or both</p> <p>Who is culpable?</p> <ul style="list-style-type: none"> An adult marrying a child The individual solemnizing a marriage Parent/guardian of child being married <p><i>"No woman shall be punished with imprisonment"</i></p> <ul style="list-style-type: none"> Non-cognizable offence. Must be reported to union council or competent local authority, not police, which will then move a complaint before a family court. Can only be reported within a year of solemnization, not later. Court may issue injunction prohibiting an impending child marriage 	<p>Marriageable Age: Girls 18 Boys 18</p> <p>Punishment: 2 to 3 years rigorous imprisonment and fine</p> <p>Who is culpable?</p> <ul style="list-style-type: none"> An adult marrying a child The individual solemnizing a marriage Parent/guardian of child being married <ul style="list-style-type: none"> Cognizable, non-bailable, non-compoundable offence. Can be reported to local police, tried by local magistrates. No provision for courts to prohibit impending child marriages 	<p>Marriageable Age: Girls 16 Boys 18</p> <p>Punishment: Six months imprisonment and Rs50,000 fine</p> <p>Who is culpable?</p> <ul style="list-style-type: none"> An adult marrying a child The individual solemnizing a marriage Parent/guardian of child being married <p><i>"No woman shall be punished with imprisonment"</i></p> <ul style="list-style-type: none"> Non-cognizable offence. Must be reported to union council or competent local authority, not police, which will then move a complaint before a family court. No provision for courts to prohibit impending child marriages

None of the existing laws allow for automatic dissolution of proven child marriage

KPK PROVINCE CHILD MARRIAGE RESTRAINT ACT, 1929

The law governing Child Marriage in KPK is the Child Marriage Restraint Act, 1929 which stipulates the minimum lawful age of marriage for boy is 18 years and for girl is 16 years .The states that a male person above the age of 18 contracting a child marriage shall be liable to imprisonment up to a maximum period of one month and/or with a fine to Rs.1000.The provides punishment for the male parent or guardian of the child. Furthermore, whoever performs conducts or directs a child marriage can also be punished with simple imprisonment extending up to one month, or fine extending up to Rs.1000, or with both, unless he proved that he had reason to believe that the marriage was not a child marriage. Given that child marriages are widely prevalent across the country even though these laws exist, The CEDAW committee recommended increasing penalties for the offence prescribed under the CMRA, 1929.

Due to the harsh consequences on health and education of girls, child marriages are a violation to the fundamental right to life, dignity, security and education, guaranteed to all men and women without discrimination, under the constitution of Islamic Republic of Pakistan. The rights mentioned are also protected by Pakistan’s international human rights obligation under the convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention of the Rights of Child (CRC). In this regard, child marriage needs to be addressed

effectively in order to achieve Pakistan's international obligation of taking measures that ensure compliance with Family Planning -2020, and achievement of Sustainable Development Goals (SDGs), including gender equality through elimination of harmful practices such as child marriage, reduced maternal mortality and morbidity rates. For the goal 5 (gender equality) and improved maternal mortality ratio and rates, infant, neonatal and under 5 mortality rates for goal 3 (good health).

It is pertinent to mention that a draft Khyber Pakhtunkhwa Child Marriage Restraint Bill of 2016 is pending approval of the KPK Provincial Assembly. The Bill introduces the requirements of presenting ID cards of bride and groom at the time of nikkah. Furthermore, the Bill raises penalties to be borne by offenders under the Bill, including those who convene or solemnize child marriage.

BALUCHISTAN PROVINCE CHILD MARRIAGE RESTRAINT ACT, 1929

The Governing Child Marriage in Baluchistan is The Child Marriage Restraint Act, 1929 which stipulates the minimum lawful age of marriage for boys is 18 years and for girls 16 years. The law states that a male person above the age of 18 contracting child marriage shall be liable to imprisonment up to a maximum period of one month and /or with a fine of up to Rs.1000. The law provides punishment for the male parent or guardian of a child .Furthermore, Whoever performs, conducts or directs a child marriage can also be punished with simple imprisonment extending up to one month, or fine extending up to Rs.1000, or with both unless he proves that he had reason to believe that the marriage was not a child marriage. Given that child marriage are widely prevalent across the country even through these law exist, The CEDAW committee recommended increasing penalties for the offence prescribed under the CMRA, 1929.

Due to the harsh consequences on health and education of girls, child marriages are a violation to the fundamental right to life, dignity, security and education, guaranteed to all men and women without discrimination, under the constitution of Islamic Republic of Pakistan. The rights mentioned are also protected by Pakistan's international human rights obligation under the convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention of the Rights of Child (CRC). In this regard, child marriage needs to be addressed effectively in order to achieve Pakistan's international obligation of taking measures that ensure compliance with Family Planning -2020, and achievement of Sustainable Development Goals (SDGs), including gender equality through elimination of harmful practices such as child marriage, reduced maternal mortality and morbidity rates. For the goal 5 (gender equality) and improved maternal mortality ratio and rates, infant, neonatal and under 5 mortality rates for goal 3 (good health).

The Baluchistan Assembly is currently reviewing the draft Baluchistan Child Marriage Restraint Bill of 2016. This Bill introduces the requirement of presenting national ID cards of bride and groom, and raises penalties for offences prescribed under the bill, including solemnizing a child marriage and conducting the ceremony.

AZAD JAMU AND KASHMIR CHILD MARRIAGE RESTRAINT ACT, 1929.

The law governing child marriages in Azad Jammu And Kashmir is the Child Marriages Restraint Act, 1929 which stipulates the minimum lawful age of marriage for boys is 18 years and for girls 16 years. The law states that a male person above the age of 18 contracting a child

marriage shall be liable to imprisonment up to a maximum period of one month /or with a fine of up to Rs.1000. The also provides punishment for male parent or guardian of the child involved into the act of child marriage. Additionally whoever performs , conducts or directs any child marriage , can also be punished with imprisonment extending up to one month, or fine extending up to Rs.1000 or with both, unless he proves that he had reason to believe that the marriage was not a child marriage. These punishments are not severe and can't effectively deter the occurrence of early marriages across AJK.

Due to the harsh consequences on health and education of girls, child marriages are a violation to the fundamental right to life, dignity, security and education, guaranteed to all men and women without discrimination, under the constitution of Islamic Republic of Pakistan. The rights mentioned are also protected by Pakistan's international human rights obligation under the convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention of the Rights of Child (CRC). In this regard, child marriage needs to be addressed effectively in order to achieve Pakistan's international obligation of taking measures that ensure compliance with Family Planning -2020, and achievement of Sustainable Development Goals (SDGs), including gender equality through elimination of harmful practices such as child marriage, reduced maternal mortality and morbidity rates. For the goal 5 (gender equality) and improved maternal mortality ratio and rates, infant, neonatal and under 5 mortality rates for goal 3 (good health).Currently , a bill to restraint occurrence of early age marriages in AJK is pending approval of AJK Assembly.

PROPOSED LEGAL REFORMS IN PUNJAB CHILD MARRIAGE RESTRAINT (Amendment) ACT 2015

In view of the aforementioned facts, we make the following recommendation for Punjab:
To increase the maximum age of marriage from 16 to 18 years for girls in Punjab Child Marriage Restraint amendment Act 2015
Furthermore, to ensure that the act of 2015 is implemented in its entirety so that the state of child marriages in Punjab improves and mother and child health is not endangered.

PROPOSED LEGAL REFORMS IN SINDH CHILD MARRIAGE RESTRAINT ACT 213

In view of the aforementioned facts, it is pertinent to ensure that Sindh child marriage Act of 2013 is implemented in its entirety, in that:
Local Government and law enforcement agencies are actively working to punish perpetrators of early and Child marriages.
Punishments prescribed in the Act are applied by the court and all parties are held responsible for the early or child marriages.
Rules of Business of the Act are notified at the earliest so that law enforcement agencies can hold perpetrators liable as per the punishments prescribed in the Act.

PROPOSED LEGAL REFORMS IN KPK CHILD MARRIAGE RESTRAINT ACT, 1929

In view of the aforementioned facts, we make the following recommendation for KP: Rising the maximum age of marriage for girls to 18 years by introducing the requirement to present

National ID cards at the time of nikkah. Introducing effective punitive provision for conducting, or otherwise being a part of a marriage ceremony between parties under the age of 18 years. Hold nikkahkhwaans, nikkah registrar, parents and other elders responsible and make mandatory birth and marriage registration across Khyber Pakhtoonkhawa.

PROPOSED LEGAL REFORMS IN BALOCHISTAN CHILD MARRIAGE RESTRAINT ACT, 1929

In view of aforementioned facts, we make the following recommendation for Baluchistan: Rise the maximum age of marriage for girls to 18 years by introducing the requirement to present National ID cards at the time of nikkah.

Inducing effective provisions for conducting marriage ceremony between parties under the age of 18 years, holding the nikkahkhwaans ,nikkah registrars, parents and other elders responsible for the birth and marriage registration mandatory across Balochistan.

PROPOSED LEGAL REFORMS IN AZAD JAMMU AND KASHMIR CHILD MARRIAGE RESTRAINT ACT,1929

In view of the aforementioned facts, we make the following recommendations for AJK: Rise the maximum age of marriage for girls to 18 years by introducing the requirement to present National ID cards at the time of nikkah. Its proposed that the marriage parties are to be responsible to show the National Identity card at time of Nikkah, Holding the nikkahkhwaans ,nikkah registrars, parents and other elders responsible.

Good practices

Girls' education has been promoted by the federal and provincial governments as well as by the CSOs including media. Pakistan's National Education Policy prepared under the Education for All and Millennium Development Goals greatly focusing on eliminating gender disparity in education and encouraging families to send their girls to schools. The federal and provincial government has taken many positive measures in this regard. Governments have initiated campaigns for enhancement of literacy especially for promotion of primary education for girls in rural areas. In 2010-11, the Government of KP, introduced stipends for girl students from poor families to reduce the dropout rate and gender disparity. Geo TV- a private media channel- has launched special campaign for promoting education.

Strategic directions:

1. Enactment of pending bill on the Child Marriage Restraint (Amendment) Bills at federal and provincial levels. These bill should address/include:
 - a. The police should be given powers to arrest offenders and investigate the case.
 - b. Increase the punishments for solemnizing the child marriage.
 - c. The minimum punishment should be increased up to two years and a fine of at least Rs 100,000.

- d. Punishment should be made applicable to all the parties involved in the child marriage including the parents of both the groom and the bridegroom, and the person who solemnizes such a marriage (the *Nikah Khwan*/marriage registrar).
 - e. The legal age for marriage for boys and girls should be same – 18 years.
2. Survey on child marriages or population census should be conducted
 3. Canada and Austria should follow up on the UPR recommendations in their bi-lateral talks with Pakistan. Both countries have recommended Pakistan to take measures to eliminate child marriages.
 4. Mass media campaign should be launched about the harmful effects of child marriages
 5. CSOs and networks/alliances should assist the government to raise public awareness
 6. Girls education should be promoted and budget should be increase for constructing girls schools

PRINCIPLES AND VALUE STATEMENT

The implementation of the strategy to end child marriage in Pakistan will be guided by the following principles:

Strategic directions

- **Non-discrimination:**
Every child shall have the same rights independent of sex, religion, gender, age, ethnicity and culture. In line with this principle, the strategy document aims to create equal opportunities for girls and children from disadvantaged groups. Children who have been married shall not be discriminated in accessing services and programmes.
- **Best interests of the child:**
In all matters concerning children, the best interests of the child shall be the paramount consideration. All stakeholders should ensure actions keep the best interests of the child in mind in all actions and that their rights to protection,
- **Survival and development:**
Every child shall be entitled to the highest standards of living and shall be able to thrive in an enabling environment. Child marriage threatens the young brides' health as well as those of their children given the premature physical conditions for birth delivery. Access to education for married girls is limited and isolation and confinement are common. These conditions hamper the girls' development.
- **Protection :**
Children should protect from all forms of abuse, violence and exploitation, including harmful practices. Child marriage is often associated with violence, abuse and confinement.
- **Participation:**
Children shall be given the opportunity to express their voices and opinions in all matters that concern them depending on their age and maturity. Empowering adolescents and especially girls contributes to raising a positive image of girls in society and to creating an environment open to consulting with children and adolescents.
 - Partnerships and linkages as well as the following values:
 - Accountability
 - Transparency

- Equality and non-discrimination.

Law enforcement:

- **State Rules:**
Ensure implementation of the State Rules, where these exist and encourage/motivate the States to develop where they are not already available. State Authorities should ensure that the Rules define the roles and responsibilities of CMPOs and local
- **CMPOs:**
Appoint Child Marriage Prohibition Officers (CMPOs) and promote their training. Ensure that CMPOs dedicate adequate time and resources at their disposal to perform their duties. Through training, ensure they undertake a preventive and educative role.
- **Awareness Rising:**
Ensure the contents of the law are understood by communities and individuals. Awareness on the law and its exact modalities should be part of wider sensitization efforts so to strengthen social accountability and ownership of the Law. This will be elaborated further in the National Action Plan which will spell out responsibilities for all implementing agents.

Strategic directions

- **Capacity Building**
Ensure awareness rising and capacity building at all levels include information about other relevant legislation.
- **Support:**
Ensure that in cases of children being married, solutions which promote the institutionalization of children in Homes are avoided, unless this is in the best interests of the child and for a temporary time. The support of social workers, community mobilisers may be sought to find creative solutions for children to be safe and continue their education.
- **Help Line:**
Facilitate and strengthen existing Child Help-lines in the District. Mechanisms for promotion of awareness on child marriage and for referral should be envisioned within the structure.
- **Role of law enforcement agency especially Police, Levies:**
Engage the police and promote capacity building to ensure their preventive and responsive role. The Polices and Levies should be given powers to arrest offenders and investigate the case who forced the child for marriage.
- **Citizen Police Liaison Committees (CLPC)**
Strengthening and sensitizing already formed Citizens Police Liaison Committees (CLPC) to effectively protect the early/forced and child marriages
- **Engagement of JIRGA/PHANCHAIT**
In Pakistan rural part the alternate dispute resolution system JIRGA/PHANCHAIT is very strong in some cases to resolve their issues and resettlement they are applying VANNÉ to give girls for marry in alternate to resolve their internal issues indeed this is

wrong practices, in this alternate dispute resolution in mostly cases girls are most vulnerable they have been victim of VANCE in their early ages, so it is important to engage, involve, mobilized, motivate and sensitized the JIRGA/PHANCHAIT representatives, tribal heads, elders, notables and eminent leaders to ban this wrong practices and protect early/forced and child marriages

Access to quality education and other opportunities:

It is to be noted that the incidence of child marriage increases in the age group when school drop-out or low attendance are at their highest. Education can be an important refraining factor from early marriage. Further, education contributes to empowering girls and boys and to improving access to and skills for professional opportunities.

When girls are married early, it can have a major impact on their ability to get an education. Many girls who become brides are taken out of school and have very little prospect of completing their education. At the same time, the lack of access to quality education increases the likelihood of early forced marriage

Strategic directions

- All children should have access to education and health opportunities including children who are married before the prescribed age in the law. In cases in which children have already been married, they should not be discriminated when accessing services, such as health, nutrition, education and employment programs.
- Facilitate access to primary and especially secondary education, with a special focus on girls, including through awareness campaigns, refurbishment of adequate facilities (e.g. separate toilets for boys and girls), scholarships and remedial programs, capacity building of teachers and school staff and creation of protective and safe environments.
- Establish safe transport facilities for girls to travel to school and promote community safe environments for free movement of girls and boys.
- Ensuring that girls stay in school and have continued access to quality education are two of the most effective ways of preventing child marriage and are critical to protecting girls from the significant social, economic and health consequences of marrying too young.
- Mass media campaign should be launched about the harmful effects of child marriages.
- Marriage with the Holy Quran. A person found guilty of arranging, facilitating or compelling such marriage of a female can be imprisoned for a period extending to seven years but not less than three years and a fine of up to Rs 500,000.
- Girls education should be promoted and budget should be increase for constructing girls schools
- Motivate and educate the teachers to teach students against child marriages

- Motivate and educate parents to avoid child marriages
- Motivate, sensitized and educate religious clerics to discourage the child marriages

Changing mindsets and social norms

Promoting change in mind set and social norms is central to triggering a sustainable reduction in the incidence of child marriage. Perceptions about gender and the role of women in the family and society, practices around marriage and puberty, and wide acceptance that marriage should be performed after puberty all contribute to child marriage. The theory of social norms explains how decisions of individuals (e.g. parents, girls) are influenced by the collectivity's opinion.

Changing collective norms and perspective will influence parental and girls' decisions to marry their children at an early age.

This strategic component is more effectively implemented at the block and village level but need a push and coordination from the District and State authorities. The majority of these efforts may require a strong partnership with local NGOs present on the ground.

Strategic directions:

- Develop, launch and roll-out of State and District wide campaigns through media, use of role models, and dissemination of communication materials through different means. At the block and village level, link the dissemination of the campaign to other types of folk media and community mobilization efforts, such as cultural shows, puppet shows, street theatre, radio shows, social media, magic shows, lectures, seminars, gathering, trainings, religious groups formation, parents groups formation, sessions, drums beatings & rallies.
- Promote partnership with elected representatives, legislatures, parliamentarians, imams, women caucus, line departments, and district administration, at State level, influential leaders (PRI, caste leaders and religious leaders) at the district, block and village levels and employ them as strong advocates against child marriage in community discussions. Through the mainstreaming of preventing child marriage in the local agenda.
- Combine campaigns with interpersonal communication efforts to target individuals (Families and children), through frontline workers and other community leaders and/or Mobilisers.
- Encourage the establishment of child protection groups and structures that can prevent child marriage through awareness raising, counseling and by contributing to a protective and safe environment in the community. They can also collaborate with CMPO and police to identify and follow-up on individual cases.
- Highlight positive deviance (parents, girls, boys, enforcement officers, leaders through media and other channels).
- In all efforts, ensure boys and men are engaged and awareness raising efforts are geared to deconstructing, masculinity'.

- Promote public oaths and mechanisms, such as awards and certification of child marriage free villages

Empowerment of adolescents

The young brides (age 15-19) have significantly less freedom of movement, reduced access to finance and limited decision making⁵. Girls are often seen as a ‘property’ to be destined only to working in the household and not worth investing in. There is a need to work with both boys and girls on empowering through education, life skills and vocational training. Providing spaces for life skills development, enhancing self-esteem and empowerment will contribute in making girls and boys agents of their own change. Inclusiveness is critical – as the most marginalized population often do not participate in Adolescent empowerment effort.

Strategic directions

- At the local level, encourage the establishment of adolescents’ groups – safe spaces where girls and boys can talk about sensitive issues. Create links between girls’ and Boys’ groups and local leaders to ensure effective prevention of child marriage.
- Promote life skills training.
- Encourage linkages with youth groups to provide peer-to-peer support to fight against Child marriage.
- At the district and state levels, promote the voices of girls who have resisted to child Marriage and boys who have either resisted or supported girls in their initiatives for them to act as role models and to be consulted for strategic guidance.
- Connect adolescents at risk of child marriage, and especially girls, to training and vocational opportunities. The vocational training programs should be designed keeping in mind the changing scenario and move beyond the traditional henna, tailoring and weaving. The vocational programs should connect them to opportunities that will help them to question gender stereotypes and enhance their self-esteem and confidence.
- Formation of schools child friendly health club to discuss SRHR, LSE and child marriages

Developing Monitor able Indicators

In order to understand the impact of interventions on prevention of child marriage, indicators need to be developed. The indicators should focus on the resource allocation both financial as well as human and its impact on reduction of child marriage

Strategic Direction:

- Development of monitored indicators for the implementation of plans of action at various levels- State, district, block, JIRGA/PHANCHAYIT and village level.
- Build mechanism to monitors incidences at various levels to monitor impact of interventions.
- States can be encouraged to develop their own monitoring systems keeping in mind the local context and situation.

- Key stakeholders targeted for the program strategy are important for monitoring framework.
- Processes developed/followed to reach each stakeholder would need clarity for putting in place output related indicators.
- Management Information System needs to be developed based on above framework, preferably on time to be filled by CMPO from every district (Every 3 months).
- Regular feedback to districts needs to be built in from the state nodal persons for Strengthening the intervention (every 6 months).
- An annual or a regular program evaluation of projects/programs supported on child marriage prevention, for outcomes and impact needs to be put in place for seeing the progress. Hence, it is important that the strategy has outcome and impact indicators clearly defined.
- To establish child marriages monitoring desk at provincial level and district level

Islamic Point View

No age limits have been fixed by Islam for marriage according to Reuben Levy, and "quite young children may be legally married". ... In Islamic legal terminology, Baligh refers to a person who has reached maturity, puberty or adulthood and has full responsibility under Islamic law.

One of the major misconceptions about Islam is the age at which a person can get married, and the age at which a person is old enough to consent to sexual relations, especially in relation to the marriage of the Prophet (may the peace and blessings of Allah be upon him) to Aa'ishah (may Allah be pleased with her).

The laws of Islam do not change because of changes in culture and social norms; rather, Islam seeks a standard which can be uniformly applied, in every time and place. Even the variation in culture from country to country today shows a vast difference in what is considered acceptable, with the legal age of consent in the world (at the time of writing) ranging between 12 years old and 20 years old, depending on the country.

Islam legislate a clear system for marriage, that would work in all times and ages, while still respecting the changes in social norms, according to the following:

- That the natural minimum age for sexual relations is puberty.
- That just because the body is ready, doesn't mean that the person is necessarily mature enough. Maturity changes according to each society and time period, and so each country is free to determine an age of consent, based on maturity and other social factors, but it must not be lower than the age of puberty.

- That a marriage contract should not be agreed before the age of puberty, unless there is a strong need to do so. Even if this contract is agreed before puberty, it represents nothing more than an agreement to live as husband and wife once the woman reaches marriageable age, and does not allow the man to engage in intimate relations with the woman, until both of them are physically and mentally ready.
- The Nikah Khawan, Nikah Registrar and Secretary of Union Council shall be bound to take a copy of Computerized National Identity Card of both parties to the marriage at the time of solemnization and registration of Nikah. Any omission or negligence on part of Nikah Khawan, Nikah Registrar and Secretary of Union Council shall amount to criminal offence under this Act and shall be punishable with rigorous imprisonment which may extend up to one year but not less than six months and shall be liable to fine which may extend up to one hundred thousand rupees but not less than fifty thousand rupees

Strengthen birth registration system as a first step to enforcing laws:

A much more systemic approach to enforcing birth registration would greatly help enforce child marriage laws and reduce prevalence of the harmful practice. Birth registration is critical because it provides proof of age, based on which an underage marriage can be identified and halted and/or those abetting it can be punished. A monitoring system would help identify and impose strict fines on parents who fail to register their children's births.

Strengthen laws and law enforcement:

Stronger enforcement of the registration of all nuptials is urgently needed as a critical first step to begin monitoring and reducing the prevalence of child marriage. Schools and hospitals can play a role in recording marriages in local communities. Special trainings for police and other law enforcement officials on the dangers of child marriage and the importance of enforcing relevant child protection laws would also be beneficial. In addition, quick action to bring amendment in the Child Marriage Restrain Act 1929 and to raise the legal minimum age of girl from 16 to 18.

Design effective child marriage monitoring systems:

Accurate statistics on the incidence of child marriage are rare the government must review and strengthen its marriage registration and monitoring system and find more effective ways of registering unions, especially in poor, rural areas where prevalence of child marriage is highest. This in turn will provide a solid foundation on which to before enforce child marriage laws when they are broken, or prevent such unions from occurring in the first place.

Keep girls in school:

According to some statistics the female literacy rate in the province is low as 32% which is the matter of great concern. Most girls have had no schooling. Government policies mandating education for all children until the age of 18, with equal emphasis on girls, would yield a better educated society which can contribute to national development and increased prosperity.

Disclaimer: The content of Pakistan National Strategy to End Early/Forced and Child Marriages is formulated by YAD-Pakistan; it is the sole responsibility of YAD-Pakistan

Note: We are always well come the suggestion, comments, opinions and recommendation to further improve the Pakistan National Strategy to End Early/Forced and Child Marriages, please incorporate your opinions and forward us we will evaluate as per approval we will include it.

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