



**Youth Association for Development
(YAD) Pakistan**

Product

**Pakistan Country Analysis of Eally/Forced Marriages
End Early/Forced Marriages Project, Pakistan**

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Project Objectives:

To develop an informed and skilled cohort of youth, caretakers and gatekeepers enabled to claim, ending early, child and forced marriages practice and support ending early/child and forced marriages in a more favourable policy environment in Pakistan by the end of project.

Targets:

Young girls and boys, vulnerable young grooms and brides are targets of project interventions. However, having effects key role in decisions on such issues, other community members like parents, teachers, political/ religious persons, community elders, marriage registrars, govt. officials and parliamentarians will also be kept in loop for the broader impact of the intervention. Following estimated numbers from the target groups will benefit;

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.

Pakistan Country Based analysis, understanding, identification & challenges

Analysis: In Pakistan almost 21% of girls are married before the age of 18 years (UNICEF,2015) and 13.9% of girls get married between the ages of 15 and 19 years (PDHS,2012-2013).Despite laws restricting child marriages, this practice is common in rural and urban areas across the country. According to the National Commission on the Status of Women (NCSW) Child marriages are directly attributable to poverty, gender inequalities, cultural and social norms and stereotypes, customs and harmful and discriminatory traditional practices. In 2013 death from pregnancy-related complications stood at 276 per 100,000 live births across Pakistan, and early marriages was a major cause (HRCP, 2014). Early marriages often result in maternal and child mortality, early and unsafe pregnancies, deteriorating mother and child health, and HIV and other sexually transmitted diseases (NCSW,2014).Form 2012-2013, the under 5 mortality rate in Baluchistan stood at 111 deaths per 1000 live births, the highest in Pakistan (PDHS,2014).According to Pakistan Health Survey, maternal mortality was the highest in Baluchistan in 2014-2015, with 785 deaths per 100,000 live births.

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).

POLICY BRIEF ON EARLY AGE MARRIAGES IN PAKISTAN

INTRODUCTION

In Pakistan almost 21% girls are married before the age of 18 years (UNICEF, 2015) and 13.9 % of girls get married between the age of 15 and 19 years (PDHS,2012-2013). Despite laws restricting child marriages, this practice is common in rural and urban areas across the country. According to the National Commission on the status of Women (NCSW), child marriages are directly attribute to poverty, gender inequalities, cultural and social norms and stereotypes, customs and harmful and discriminatory traditional practices .in 2013 deaths from pregnancy related complication stood at 276 per 100,000 live births across Pakistan, and early marriage was a major cause (HRCP,2014). Early marriages often result in maternal and child mortality ,early and unsafe pregnancies , deteriorating mother and child health ,HIV and other sexually transmitted diseases (NCSW,2014) From 2012-2013 ,the under 5 mortality rate in Punjab stood at 105 deaths per 1000 live births (PDHS,2014).According to Pakistan Economic Survey, maternal mortality rate in Punjab was 227 deaths per 100,000 live births from 2012-2013.

PUNJAB CHILD MARRIAGE RESTRANINT (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 to50, 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 Nikkah nama 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 RESTRAIN ACT,1929

Following the 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 Restrain 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.

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.

(4) **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 Balochistan Assembly is currently reviewing the draft Balochistan 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.

(5) 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 law 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 not 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.

Holding nikkah khwaans, nikkah Registrar, Parents and other elders responsible.

Making birth and marriage registration mandatory across Khyber Pakhtoon khawa.

PROPOSED LEGAL REFORMS IN BALOCHISTAN CHILD MARRIAGE RESTRAINT ACT,1929

In view of aforementioned facts, We make the following recommendation for Balochistan:

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 provisions for conducting, or otherwise being a part of a marriage ceremony between parties under the age of 18 years.

Holding the nikkah khwaans , nikkah registrars, parents and other elders responsible.

Making 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:

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 provisions for conducting, or otherwise being a part of a marriage ceremony between parties under the age of 18 years.

Holding the nikkah khwaans , nikkah registrars, parents and other elders responsible.

Making birth and marriage registration mandatory across Azad Jammu and Kashmir.

The End