



Child Marriage: Challenges & Issues in Policy Making and Implementation in Pakistan

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Abstract- Child marriage is a human rights violation that jeopardizes health and growth, limits opportunities for empowerment, disrupts education and social development, and increases the chances of exposure to abuse and violence. This study was designed to know about the challenges and issues in policy making and the implementation process regarding child marriages in Pakistan. The study was purely qualitative in nature and the data was obtained through in-depth interviews from 14 respondents selected through purposive sampling technique. The findings of the research study demonstrate that regardless of being signatory to the international convention, the rate of child marriages in Pakistan is still high and prevalent factors relate to religion, traditional customs, gender norms, family practices, level of education, poverty, local laws, and patriarchy. Sometimes interfamily and tribe conflicts are resolved on mutual agreement and this agreement involves payment of money, debt settlement or transfer of daughters which might be child at the time of resolution of conflict. The policy makers and implementers face these factors as the main hurdles in implantation of laws regarding child marriage. Besides legislation, this practice can be protected by strong awareness campaign which includes educating the people specially Nikah-khuwan, communicating people about its health hazards, and psychological issues. Further by ensuring that state laws should not be over ruled against local custom or tribal laws. The study also suggests that awareness and monitoring about child marriages is the need of the day.

Keywords: Child, Marriages, Laws, Traditions

I. INTRODUCTION:

Child marriage has persisted for centuries in the world. The statistics shows that over 40 countries, mainly in South Asia, South East Asia, Sub-Saharan Africa, as well as in Bangladesh, Afghanistan, Nepal, India and Pakistan, the early marriage of children, particularly of the girl child is very common and mostly practiced (Rehan, 2017). Almost all the countries ratified different global conventions and assure the protection of child and women rights which also consist the minimum age of marriages which is 18 years (Parson et al, 2015). Children, as defined by the "United Nations Children's Fund" (UNICEF) and the "Convention on the Rights of the Child" (CRC) are persons below the age of 18 years while Child Marriage is defined as "A marriage of a girl or boy before the age of 18 and refers to both formal marriages and informal unions in which children under the age of 18 live with a partner as if married" (UNICEF, 2017). Children are considered as vulnerable group in the context of human rights by International conventions in 1924 which was in reaction to massive child labor or employment practices throughout the world. From that point onwards, the rights of children and their protection and promotion has received considerable global attention. These rights, including the issue of child marriage have been addressed by various legal treaties and instruments, including the "Convention on Elimination of All Forms of Discrimination against Women" (CEDAW, 1979) and the "Convention on the Rights of the Child" (CRC, 1989).

The recent 2030 Agenda for Sustainable Development (SDGs) highlighted the fact that child marriage practice is interlinked with depriving child from right to education, enjoyment of the highest attainable standard of physical and mental sustainable development (World Bank, 2017). This under age marriage practice is also violation to United Nations agreements on the marriage below minimum age and child protection from sexual exploitation, which have been enacted since 1948 (GNB, 2017).

Throughout the world, the highest ratio of child marriages is prevailing in South Asia. Less than half (45%) of all women in the age of 20 to 24 are being married before the age of eighteen. According to UNICEF (2017). One girl among 5 being married before the age of fifteen-years. Child marriage is not only the violation of children's rights but make them vulnerable to different physical abuse and exploitation. Child marriage in Pakistan is considered as complex issue and the main factors which make it complex are

religious understanding, traditional customs, patriarchy, economic factors and blind beliefs. (GNB, 2017; Rehan, 2013; Svanemyr et al, 2015; UNICEF, 2017). Marriage is regarded as a private subject in Pakistani culture. It is also very difficult to obtain the absolute information about child marriages in true sense. The basic reason behind this is that most of the marriages are not registered and the family of the child mostly put fake ages of the child, especially girl child while getting married. Such practices are very common in Pakistan's rural areas where the access to birth and marriage certificate is not accessible and even there is no practice of such marriage registration. Similarly, there are very less data available in the accurate information about the children getting married before 15 years. The available data is mostly out dated or less correct. According to the recent statistics, Baluchistan is leading in the child marriage while Khyber Pakhtunkhwa is on second (PDHS, 2012-13).

The child wedding may be a social drawback, yet it persists in Pakistan despite the signatory to international convention on prohibition of child marriage. This persistence is the result of lack of will in implementation of existing legislation due to traditional norms, family conflicts and religious understandings. These conflicting provisions have majorly impacted the child marriage legislation implementation in true essence by rendering laws ineffectual and in consequently resulted in inadequate protection of child in case of child marriage in Pakistan. Research work on the subject "child marriage in Pakistan" is scare and still under progress. This issue is mostly considered as religiously and culturally sensitive and, on that account, it is reluctantly investigated. In Pakistan there is still room for worthy research which analyzes the Challenges & Issues in Policy Making and Implementation in Pakistan. It is required to examine the existing legislation on child marriage and its effectiveness in child protection especially female child and the gaps between international convention requirements on child marriage and current legislation in Pakistan.

The present study was aimed to fill this research gap by documenting the viewpoint of policy makers and policy implementers on child marriage in Pakistan. Note that we do not set forth to debate Islam's stance on child marriage, rather to explore the minds and views of the government body and find out the obstacles which hinder the eradication of the practice.

II. RESEARCH METHODOLOGY

The researchers used qualitative methods to explore the views of policy makers and implementers on child marriage. Interpretive approach was used to have a profound insight of the research topic under contemplation. Data for this research paper was assembled from in-depth interviews conducted with 14 participants by using purposive sampling technique. An immense effort was made in selecting policy makers and implementers in Islamabad. To take the view of the matter, we also interviewed family court judges, family court lawyers, members of Islamic ideology council and some executive members of non-governmental organization whom were having knowledge and expertise on this issue. Total out of twenty, 4 said they were too busy; two withdraw at the time of interview. In the end, fourteen interviewees got agreed to take part in study.

In this study a policy maker means a person responsible for formulating or involved in policies making, particularly in politics and legislation. Policy makers and implementers were contacted personally at their offices and were informed about the research and its objectives, and they were then requested to be part of research work. The qualitative research method was used for getting the in-depth understanding about the concept of child marriages with respect to the current legal position and structural challenges in policy making and implementation in Pakistan

This research study utilized unstructured interview guide to facilitate the participants. An in-depth interview guide was drafted and modified a few times by the researchers. Open ended questions were developed to determine the view point of policy makers and implementers, on child marriage. Open ended questions included:

- Does the children in Pakistan effectively protected against the practice of child marriage?
- How the Pakistan state taking the practice of child marriages and could state fulfilling its obligation in the light of International convention?
- What is the current legal position in Pakistan about child marriage?
- What kind of hurdles exists that prohibits the abolition of the practice of child marriage in Pakistan?

Participants Characteristics:

The fourteen interviewed participants were both male and female. The age range was from thirty to fifty-eight years and all the respondents represented diverse educational backgrounds.

S No.	Organization	Designation	No of participants
1	Parliament	Member	1
2	Parliament	Member	1
3	Parliament	Member	1
4	Parliament	Member	1
5	Islamic ideology council	Chairman	1
6	Islamic ideology council	Member	2
7	Family court	Judge	2
8	Family court	Lawyer	3
9	NGO	Executive body	2

Thematic Analysis

1. The practice of child marriages in Pakistan

The underage marriage is a kind of practice which creates a vulnerable situation for the children especially the female child to face different kind of violence which can harm her both mentally and socially. The eradication of child marriage is the need of the day to protect our younger generation in the light of global conventions. The marriage before eighteen years is a common practice in Pakistan and according to the statistics of UNICEF (2017), more than 21% girl's child getting married before the age of eighteen.

One of the respondents was of the view that, 'it is evident that in Pakistan there is strong dominancy of custom, tradition and culture practices, and patriarchal dominance'. These things pave the way for marriages before the age of eighteen. Under some tradition like Vani, Swara, Watta-Satta in the rural areas of Pakistan female child become the victims of child marriage and interestingly these customs are approved by the Jirga and Panchayat. It is more common in rural areas where the practices of anti-women acts are common like Swara marriage, Khoon-Baha, marriage with Quran, Vani etc.

Regarding this one of the respondents was of the views that:

"Our focus is more on cultural and societal norms where female child is considered as a burden and the family wants to remove this burden as soon as possible which might be due to poverty or having numbers of daughters and sometimes it becomes a matter of prestige that their daughter is married early and which promotes practice child marriage".

In Pakistan one of the main reasons for child marriage is poverty and people consider the daughter as burden and want to get rid of their responsibility of marrying their daughters as soon as possible. Prestige is also a drive for early marriages particularly for girls. Further, another respondent was of the opinion that 'economic issue is one of the main factors and due to poverty, the girls get married soon'. He also stated that sometimes early marriage practice is followed to increase economic resources like early marriage leads to many children and then they will be in the mode of making money by placing their children in domestic child labor and beggar. Another respondent said that:

"There is lack of education, awareness and customs which pave way for marriages before the age of eighteen. Poverty, Number of daughters and the fear of their aging and baradari system also plays an important role in practicing such marriages. Family laws exist but these are not practically abided and even government does not pursue to make it compulsory to abide law".

In Pakistan, there are many factors like lack of education, awareness, customs, fear of aging amongst daughters, poverty and family system, child marriage is very common, and this practice is not protected in Pakistan. Regarding the practice and existing laws, another respondent was of the view that:

"There are many loopholes. Child marriage law is not implemented here, and the reasons are unawareness, bribery, family pressure, political pressure, culture, values and the people don't want to get rid of it."

Regarding the practice and existing laws, the respondents were of the views that these are not effective and have many loop holes. The persons responsible for its implementation don't have will to implement it. The Nikah registrar even don't have knowledge of child marriage law and police does not intervene. If even complaint is lodge about child marriage, police don't act to punish culprits which might be due bribery, local political and family pressure. Furthermore, individuals are bound with different cultures,

value systems as well as we have different customs, traditions which they have to abide. We are bound to it and that is the reason of practicing the child marriages.

2. Legal Position on child marriage in Pakistan

In May 2017, the National Assembly of Pakistan overruled the Child Marriage Restraint Act for the 2nd time. The suggestion would have increased the permitted age for marriage from 16 to 18 nationwide. According to the modification in penal code made by parliament in February 2017, people involved in child marriage will face 5-10 years imprisonment and a fine of about 1 million. Similar law was made by Sindh Assembly in April 2014 known as Sindh Child Marriage Restraint Act, which ensures 18 years as minimum marriage age and underage marriages as a punishable offense. In Punjab province, the lower age for marriage remained 16 years, however, harsh rules against underage marriages remained unchanged. Girls are more vulnerable in case of child marriage as they are married before getting maturity level. It deprives them for getting basic human rights. They have been exploited through forced pregnancies and which have health hazards as per health report of Pakistan. Many laws and legislations exist but not implemented in true spirit. This practice can be protected besides legislation, there is a need to educate people, awareness of people about its merits and demerits and check on customs etc. One of the respondents shared that:

“legislation is important but only legislation couldn’t work alone, the society, media, religious leaders and law makers, civil society should work together to stop the practices of child marriage”.

Another respondent in this regard laid stress on the awareness about this issue in common masses and especially in those areas where the practice is common and need immediate response to stop it. He further said that different laws are already present. We have more than 15 laws and are in practice. Their adequacy depends upon its implementation and will. On question of implementation you come across challenges of religious sentiments, local customs, poverty, education and government writ. It depends on the legislators and government to include the provisions in existing laws to make it compatible with global requirements. Media can also play a very vital role in spreading knowledge awareness we should use this forum.

3. Legal challenges and obstacles hinder the eradication of the practice of child marriage in Pakistan

Child marriage (early marriages) is one of the major hurdles in the development of many nations in the world. However, at individual family level it is considered as a solution for poverty, cultural pressure and girl’s safety. But in reality, it always had negative impact on girl’s life, families and country as well. One respondent stated that

“We are bound with different cultures, value systems, we have different customs & traditions which we have to abide. we are bound to it. If in any culture child marriage is common, we cannot do anything for it. And poor legislation contributes to continue the practice as well”.

The enforced child marriages are the most difficult to tackle as this practice is mainly due to different socioeconomic and cultural values of some tribes or communities. Some solutions to this problem have also been identified as a result of research and development work related to child marriage. In this research study, one of the respondents was of the views that ‘it is not the matter of law but actually there is a need of education and awareness among people about child marriage’. Law is made, but, society has many dimensions like norms, customs, and religious aspects. While devising such laws, all these aspects must be considered along with global and regional provisions. Another respondent added in this regard that

“Many families, those have higher numbers of daughters prefer early child marriage. They fear that their daughters will get over age and other sisters will have issues in marriage. It is common practice in the rural areas of the country, where most of the time minor girls become victim to resolve disputes among families and tribes. No political and law implementing agencies take measures against such incident due to fear of losing vote and public support thus reluctant to make strong legislation as it includes religious sentiments”.

Similarly, the views of other respondents are that one of the important challenges is that society does not play its role. If society performs the role at their end to eliminate this practice collectively, the issue can be addressed thereafter. Secondly there is very less awareness and in order to eliminate or reduce this practice, a strong awareness campaign must be initiated. Further added that due to lack of implementation of laws, less punishment, low fine are cultural norms are also the hindrances in the

eradication of the practices. On the contrary, the other respondent who is an Islamic scholar clearly said that

"We are in favor of suppression of child marriage, but we cannot impose it to anyone by making legislation which can create complex situation for the family and why should we impose it. If anyone wants to marry in early age, family is ready, girl is ready then who we are to stop it? Existing legal system is a weak and not updated as per terms of global conventions and we cannot amend it as well. However, you can give awareness to people to eradicate this practice. If you will make law, then there should be some relaxation as well that if someone wants to marry before 18 and put request in court and the reason is valid then we should give permission to them.

Some of the respondents were in favor of suppression of the practice but not supporting to legalize the age. They shared that if the government made the consensus on legalizing the age, there should be some relaxation for them. The people can decide what is better for their kids. It is important to sensitize them about their pros and cons.

4. Achieving the eradication of child marriage in Pakistan

It is evident that the marriage before the age of eighteen years is huge social problem in Pakistan, but Pakistan is not alone in the list. A respondent shared that:

"Child marriage is a hot issue nowadays, I'm in favor of eliminating such practices. I will try my best to make consensus and legalize the age up to 18 years. Child marriage is very common, and Pakistan is at 6th in ranking in the list of UNICEF with reference to child marriages. The people don't know the health hazards & psychological problems of child due to it".

Legislation is important but education, awareness and curbing the orthodox non-human customs like Wani, Swara etc. will be major factors of the eradication of child marriage in Pakistan. One of the respondents mentioned that beside the legislation, it is necessary to work on the other aspect too to handle this issue. Another one added that 'Media plays a very important role to give awareness. The people should be sensitized about the severity of the issue and spread the awareness about this issue among the masses. Similarly, radio Pakistan covers a wide range in country, we should use this medium to educate the people, sensitize them. Another requirement is that we should train our Nikkan khoan and the training should be mandatory'.

III. DISCUSSION OVER FINDINGS

Economic aspects, culture, tradition, are some of the reasons for prevailing child marriage (Raj, 2010). Some of the respondents of our study reported that poverty, culture, less implementation and lack of awareness are the major factors which spread the culture of child marriages in Pakistan. It was revealed that factors like economic deprivation, low literacy rate, less financial independence for women, culture, traditions, patriarchy are major contributors to this problem. All these factors are key points for violating women's rights and to ensure male dominance. While policy and legislation require strengthening, it is also necessary to look at socio-cultural, political and economic drivers of child marriage. The absence of a birth certificate (particularly for girls) due to lack of mandatory birth registration, or weak regulation, as well as lack of marriage registration makes the victim unable to prove their early marriage (Thomas, 2009). One of the respondents added that people are not willing to stop the practice of child marriage even if we make laws too. They find fake ways like using affidavit not birth certificate and by not registering the nikkah deed. Religious leaders and their perceptions have very deep influence on people in Pakistan. (Lanes.s, 2011). Some of the respondents were of the opinion that Common trends across the world indicate that pre-existing inequalities such as patriarchal social structures which are the drivers of child marriage into action, or as justifications. When so-called religious teachings are used to justify child or early marriage, the divinity of religion makes rationalizing of the practice difficult and near impossible to challenge. The interference by and inclusion of religious fundamentalists in matters of the state make it harder still to challenge essentializing discourses. Illiteracy, less awareness and knowledge are some causes of expansion this practice especially in rural areas. (UNFPA,2007). Most of the respondents of the study stated that awareness is very important the people should be sensitized about the severity of the issue and spread the awareness about this issue among the masses both in urban as well as in rural areas.

IV. CONCLUSION

The evidence in this study shows that child marriages are prevailed in Pakistan with high number and stems in the customs, traditions, patriarchy, culture, norms & values as well. Especially the study focused on the dominant structural practices which guide the norms, values, and customs to pave the way for child marriages in Pakistan. It is clear that all the structural and material motives are behind the practice of child marriages in the country and the government's role is also very crucial. The study finding show that there is lack of structural implementation of law about child marriages and the issue in implementation. After 18th amendments, it goes to provincial matter and still they are under debate in the respective provinces. Various causes and practices have been discussed and the stress has been given on the awareness and the role of local people and civil society. For the elimination of marriages before the age of eighteen, it is required that major steps and action from the entire stakeholder with consensus should be performed by the Government of Pakistan with respect of law making and its implementation.

V. RECOMMENDATION

On the basis of the finding of the study, the following suggestions have been put forwarded.

1. The implementation of the law should be closely monitored to prevent child marriages.
2. State must ensure universal access to education and gainful employment for girls which contribute directly regarding reducing early marriage and breaking the cycle of dependence.
3. To achieve reduction in the number of child marriages, state must also ensure the elimination of biased attitudes towards females including both women and girls at all levels of society and in all their forms.
4. All the major stakeholders in the community i.e. Government, NGOs, civil societies, elders, religious leaders, political figures must be informed about the consequences of child marriages and they should convince their respective community, group or family to stop these practices.
5. The study indicated that due to lack of awareness and less facilities, many families contained unregistered marriages. To tackle this problem, there should be marriage registration facilities at the lower levels of both rural and urban administrative structures.

REFERENCES

1. Aurat Foundation and Information Services Foundation (AFISF) (2016). Masculinity in Pakistan: A Formative Research Study. Gender Equity Program, USAID. Retrieved from <http://af.org.pk/gep/images/GEP%20Gender%20Studies/Masculinity%20in%20Pakistan.pdf>
2. Convention on the Elimination of all Forms of Discrimination against Women. (1979)
3. Girls not Brides (GNB) (2017). Working At the Community Level To End Child Marriage In Sindh Province. Retrieved from www.girlsnotbrides.org/resource-centre/working-community-level-end-child-marriage-sindh-province/
4. Human Rights Watch (2015). *Marry Before Your House is Swept Away Child Marriage in Bangladesh*. Human Rights Watch, 2015.
5. Jhokio et al. (2014). Prevalence of Obstetrics fistula: A population based study in rural Sindh. *BJOG* 2014; 121:1039–1046. Retrieved from <http://onlinelibrary.wiley.com/doi/10.1111/1471-0528.12739/epdf> Pakistan demographic and health survey 2012-13. Retrieved from <http://www.nips.org.pk> , <http://www.measuredhs.com> .
6. Lane, S. (2011). *Stealing innocence: Child marriage and gender inequality in Pakistan*. *Plan Finland & Abo Akademi University*, Finland, 1-44.
7. Nasrullah et al. (2017). Child marriage and women's attitude towards wife beating in a nationally representative sample of currently married adolescent and young women, *Pakistan, International Health*, 9(1),20-28.
8. Nguyen, Minh Cong, and Quentin Wodon.(2015). Global and Regional Trends in Child Marriage. *The Review of Faith & International Affairs*,: 6-11.
9. Pakistan demographic and health survey 2012-13. Retrieved from <http://www.nips.org.pk> , <http://www.measuredhs.com> .
10. Parsons, et al. (2015). Economic Impacts of Child Marriage: A Review of the Literature. *The Review of Faith & International Affairs* 13(3): 12-22.
11. Raja, A. (2010): When the mother is a child:
12. Rehan, N. (2013). Learning Need Assessment of SRHR. Lahore: Women Empowerment Group.
13. Svanemyr et al. (2015). Scaling up of Life Skills Based Education in Pakistan: a case study. *Sex Education*. 2015; 15(3):249–62.

14. Thomas, Cheryl (2009). *Forced and Early Marriage: A focus on Central and Eastern Europe and Former Soviet Union countries with selected laws from other countries*. Expert Group Meeting on good practices in legislation, Addis Ababa: United Nations Division for the Advancement of Women: United Nations Economic Commission for Africa.
15. UNICEF (2017). Summary of a Baseline Study to Estimate the Number of Child Marriages in South Asia 2014-2017. Retrieved from [https://www.unicef.org/rosa/Summary of CM Baseline Study Final.pdf](https://www.unicef.org/rosa/Summary_of_CM_Baseline_Study_Final.pdf)
16. United Nations International Children's Emergency Fund. (2017). Report on the Expert Group Meeting on the Evidence Base for Accelerated Action to End Child Marriage in South Asia. Retrieved from <https://www.unicef.org/rosa/reports/report-expert-group-meeting-evidence-base-accelerated-action-end-child-marriage>
17. United Nations International Children's Emergency Fund. (2017). Summary of a Baseline Study to Estimate the Number of Child Marriages in South Asia 2014-2017. Retrieved from [https://www.unicef.org/rosa/Summary of CM Baseline Study Final.pdf](https://www.unicef.org/rosa/Summary_of_CM_Baseline_Study_Final.pdf)
18. United Nations International Children's Emergency Fund. (2017). The State of the World's Children 2017: Children in a Digital world.
19. United Nations International Children's Emergency Fund UNICEF and United Nations Fund for Population Activities UNFPA (2016). Mapping of Child Marriage Initiative in South Asia. Retrieved from <https://www.unicef.org/rosa/reports/mapping-child-marriage-initiatives-south-asia>
20. United Nations International Children's Emergency Fund UNICEF and United Nations Fund for Population Activities UNFPA (2017). Ending Child Marriage in Bangladesh. Retrieved from <https://www.unicef.org/rosa/reports/ending-child-marriage-bangladesh>
21. United Nations International Children's Emergency Fund UNICEF and United Nations Fund for Population Activities UNFPA (2017). Ending Child Marriage in India. Retrieved from <https://www.unicef.org/rosa/sites/unicef.org/rosa/files/2018-03/EndingChildMarriage-India.pdf>
22. United Nations International Children's Emergency Fund UNICEF and United Nations Fund for Population Activities UNFPA (2017). Ending Child Marriage in Nepal. Retrieved from <https://www.unicef.org/rosa/reports/ending-child-marriage-nepal>
23. United Nations Fund for Population Activities UNFPA (2007). Study report, child marriage in Pakistan.
24. Wegelin, M., Abdella, D., Rehan, N., Ather, F., Kakal, T., & Kok (2018). Gaining insight into the magnitude of and factors influencing child marriage and teenage pregnancy and their consequences in Pakistan. Retrieved from <https://www.kit.nl/wpcontent/uploads/2018/10/Baseline-report-Pakistan-Yes-I-Do.pdf>
25. World Bank (2014). Violence against Women and Girls: Lessons from South Asia. Retrieved from <http://documents.worldbank.org/curated/en/578241468113934520/pdf/906000v10PUB0E00Box385314B00PUBLIC0.pdf>
26. World Bank Group (2014). Preventing child marriage: Lessons from World Bank Group gender impact evaluations. Retrieved from <http://documents.worldbank.org/curated/en/224441468147543361/pdf/899890BRI0enGE0Box0385238B00PUBLIC0.pdf>