

# Child Marriage in Khyber Pakhtunkhwa: A Political Economy Analysis and Policy Options







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# Acronyms

AJK	Azad Jammu and Kashmir
ASER	Annual Status of Education Report
BHU	Basic Health Units
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CII	Council of Islamic Ideology
CM	Child Marriage
CMRA	Child Marriage Restraint Act
CMRB	Child Marriage Restraint Bill
CNIC	Computerized National Identity Card
CNM	Certified Nurse-Midwife
Cr.P.C	Criminal Procedure Code
CRC	Convention on the Rights of the Child
CSO	Civil society Organization
DFID	Department for International Development
DG	Director General
DHQ	District Health Quarter
FATA	Federally Administered Tribal Areas
FIR	first incident report
GBV	Gender Based Violence
HRCP	Human Rights Commission of Pakistan
ICRC	International Convention of child rights
IDP	Internally displaced Persons
IGA	Interest Group Analysis
INGOs	International Non-Government Organization
JI	Jamaat-e-Islami
JUI-F	Jamiat-e-Ulema-e-Islam – Fazal-ur-Rehman
KIIs	key informant interviews

KP	Khyber Pakhtunkhwa
KPCWC	KP Child Protection & Welfare Commission
LEA	law enforcement agencies
LHV	Lady Health Visitors
MICS	Multiple Indicator Cluster Survey
MMR	Maternal Mortality Rate
MOHR	Ministry of Human Rights
MPA	Member of Provincial Assembly
MPI	Multidimensional Poverty Index
NA	National Assembly
NCCWD	National Commission for Child Welfare and Development
NCHR	National Commission on Human Rights
NCRC	National Commission on the Rights of Child
NCSW	Commission on Status of Women
NIPS	National Institute of Population Studies
NMD	Newly Merged District
NPAC	National Plan of Action on Children
OCPCC	Office of Chief Provincial Commissioner for Children
ONCC	Office of the National Commissioner of Children
P&D	Planning and Development
PCCWD	Provincial Commission for Child Welfare and Development
PCP&WB	Punjab Child Protection and Welfare Bureau
PCSW	Provincial Commission on Status of Women
PDHS	Pakistan Demographic Health Survey
PEA	Political Economy Analysis
PML-N	Pakistan Muslim League
PPC	Pakistan Penal Code
PPP	Pakistan People's Party



PTI	Pakistan Tehreek-e-Insaaf
RHC	Rural Health Centers
SAARC	South Asian Association for Regional Cooperation
SCPAA	Sindh Child Protection Authority Act
SDG	Sustainable Development Goals
SMAM	Singulate Median Age at Marriage
SRHR	Sexual and Reproductive Health and Rights
SRSH	Sexual Reproductive System of Human
TBA	Traditional Birth Attendants
UC	Union Council
UDHR	Universal Declaration of Human Rights
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNFPA	United Nations Fund for Population Activities
UNICEF	United Nations International Children's Emergency Fund
WDD	Women Development Department
WPC	Women Political Caucus

# Executive Summary

Child marriage is a violation of rights guaranteed under the Constitution of Pakistan which mandates the state to protect all its citizens, especially women and children. Pakistan has also ratified the Convention on the Rights of the Child (CRC) 1990, which commits the state to take legislative, administrative, social, and educational measures to protect and fulfil the rights of all children, an undertaking which includes the elimination of child marriage. According to the Pakistan Demographic Health Survey (PDHS), in 2017-18, 18.3% of women aged 20-24 were married before the age of 18, compared to a mere 4.7 percent of men belonging to the same age category. Clearly it is overwhelmingly girls who become victims of child marriage in Pakistan. Even though in the SAARC region, Pakistan has the lowest incidences of marriages before 15 and 18 years of age, occurrence of 18 % child marriages indicates substantial numbers being the fifth most populous country of the world.

UNFPA in Pakistan has been working closely with the government and communities to promote gender responsive protection for children and youth and has conducted a political economy analysis on child marriage for the province of Khyber Pakhtunkhwa (KP). The purpose of this analysis is to gather evidence on the root causes and consequences of child marriage in the province while exploring the gaps in the current legal, policy and institutional frameworks that permit child marriages to take place. The findings of the study not only elucidate the causes and consequences of child marriage, but additionally identify potential avenues for policy action designed to bring about the end of this practice.

In the PDHS 2017-18, 28% of women were reported as married before the age of 18 in KP. At 35%, the percentage was significantly higher in its Newly Merged Districts (NMDs), which previously constituted FATA. KP is perceived to have a widespread child marriage problem. The most recognized drivers of child marriage in the region are poverty, restricted opportunities for education and employment (especially for women), socio-cultural narratives, attitudes, practices and cultural interpretations of religion which reinforce child marriage customs, and finally, inadequate legal measures and enforcement procedures which fail to substantively counter this harmful practice. Child marriage in KP has been often reported under customs such as swara/vani, badal, badal suleha, and chatti, all of which are reconciliatory mechanisms for settling disputes and reaching peace agreements, which entail the transfer of women in marriage, much like commodities.

At the same time, child marriage is more commonly observed as a practice across specific groups within the population, particularly on the basis of income and place of residence (urban or rural). In KP, the median age at first marriage is reported as 19.7 years for women in the richest quintile, compared to 15.4 for the poorest women (PDHS 2017-18). Child marriage at all ages is higher among the urban poorest. An urban-rural differential is consistently evident; even among the richer and richest quintiles, those in rural areas have more child marriages than those in urban areas. The underlying context is characterized by the lack of substantive agency that women are accorded over the decisions that affect their lives, rendering child marriage in the region a manifestation of deep-seated gender inequality and a tradition of discrimination towards the girl child.

Early marriage and childbearing have important implications for women's health and empowerment. Irrespective of age or social class, there are high societal expectations for a girl to be pregnant immediately post marriage. In KP, child marriage can be seen to put girls at a higher risk of pregnancy-related injuries and death in childbirth, as indicated by age-specific unadjusted maternal mortality ratios calculated for the districts of Haripur, Nowshera, DI Khan, Kohat, Mansehra, and Swabi. Education and employment opportunities are also restricted for females. The ratio of male to female students in KP is a staggering 75:25. Furthermore, only 12.9% of married women, aged 20-24, are reported as working in the PDHS 2017-2018, as compared to 18.7% of unmarried women. National data suggests that female employment plays a vital role in enhancing women's role and power in decision-making. Employment gives women the power to earn and the ability to improve their and their family's financial security, and child marriage negatively impacts the ability of women to work.

Child marriage is as much a health/rights issue as it is a social issue, and a heavy cost is paid by individuals and society alike on its account in the long-term. The implications of the study suggest, however, that merely increasing the age bar for marriage is not enough to put a stop to child marriage. Not only is the purposeful and systematic promotion of the agency of girls the need of the hour, but a broader behavioural transformation at the level of the society is required to dismantle the social narratives and cultural practices which keep this tradition rooted in place. Initiatives to address child marriage and facilitate the empowerment of girls must examine and target changes in legal, policy and institutional frameworks. We hope that this report will prove to be an important resource in this exercise.



# 1 Introduction

The present study is a political economy analysis (PEA) to help understand the drivers of child marriage in Pakistan, with a focus on the province of Khyber Pakhtunkhwa (KP). Discourse and practices around child marriage in Pakistan are embedded in and informed by the larger socio-cultural narratives around marriage and sexuality. Some of these relate to the trade of symbolic or economic goods associated with marriage. The more critical micronarratives for understanding marriage patterns and practices, however, concern regulation and control over sexuality, specifically female sexuality. Across the world, the level of legal, social, political, and economic restrictions on female sexuality defines gender roles, norms, and power dynamics. Often, religion is used for narrative or frame bridging.<sup>1</sup> There is, however, no global trend suggesting that one religious group has higher rates of child marriage than another.<sup>2</sup>

While the institutional components of marriage behavior are not the main subject of discussion in this report, they remain vital in as much as they help identify the various narratives contributing to attitudes and behavior of different actors around types of marriage, including child marriage.

The current study explores the issue of child marriage in KP by undertaking a structural and agency diagnosis.<sup>3</sup> Its analysis focuses on the interplay of the key drivers of such marriages, specifically the (a) structural societal landscape; (b) power relations and rules of engagement; (c) motivations that influence behavior and hinder reform; (d) types of relationship and balance of power among stakeholders; and (e) incentives and decision-making.

The study traces the different, intertwined socio-economic, socio-cultural, and socio-political patterns that are central to understanding child marriage within the KP context. Key among these are: (a) customary practices in certain areas to see if they reinforce child marriage; (b) value systems around

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<sup>1</sup> *Frame bridging* demonstrates to the target population that they share goals and values with those speaking to them. As a vital step in recruitment coalition-building that may involve implicit or explicit references to shared identity. Snow, D.A. and R.D. Benford. 2000. 'Framing Processes and Social Movements: An Overview and Assessment'. *Annual Review of Sociology*, Vol. 26: 611-639

<sup>2</sup> Hodgkison, K. (2016, July). Understanding and addressing child marriage - her-choice.org. Retrieved from <https://www.her-choice.org/wp-content/uploads/2016/07/Her-Choice-Scoping-Study-Final-July-16.pdf>

<sup>3</sup> DFID 2009 Political Economy Analysis

the social status of girls and how these affect their marriage decisions; (c) actors, actions, and behaviors that support continued decline in early/child marriage; and (d) the legal framework and potential for amendments in view of the social context and health imperatives.

The report begins with a review of relevant global agreements pertaining to child marriage and contextualizes the issue regionally and nationally in Section 1. After explaining the methodology of the PEA in Section 2, findings of the analysis are presented in Sections 3 and 4. Key messages and recommendations are provided in Section 5.

## 1.1 Global and Regional Perspectives

A child is defined in the **Convention on the Rights of the Child (CRC)** as a human being less than 18 years of age. The Convention, which Pakistan ratified in 1990, sets standards for education, health care, social services and penal laws, and establishes the right of children to have a say in decisions that affect them. The Convention's guiding principle is to make the best interest of the child a primary consideration in all actions, especially the child's inherent right to life.

The United Nations Children's Fund (UNICEF) defines **child marriage** as a formal marriage or informal union occurring before the age of 18 (UNICEF 2014). The **threshold of 18 years of age** is also used to define child marriage in several other international agreements, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Universal Declaration of Human Rights (UDHR), as well as resolutions of the UN Human Rights Council. It is moreover part of the fifth Sustainable Development Goal (SDG): *Achieve gender equality and empower all women and girls*.

Among South Asian countries, Pakistan, Sri Lanka, Afghanistan, and Nepal have legally set the minimum age for marriage at 16 years, while Bangladesh, Bhutan, India, and Maldives<sup>4</sup> have set it at 18 years.

UNICEF reports child marriage affects girls far more than boys. Where it is practiced, neither the age nor the consent of the girl is taken into account. The practice constitutes a grave threat to a girl child's ability to exercise her basic human rights and fulfill needs. It affects the very foundation of her well-being and drastically lowers her capacity to make choices and avail opportunities.

As of 2018,<sup>5</sup> globally, more than 650 million girls were married before the age of 18. Nearly 12 million girls are married as children each year. More than 40% of women who were married before the age of 18—estimated at 285 million—live in South Asia. Encouragingly, the practice of child marriage shows a slow decline globally, especially for girls under 15 years of age, among whom marriage has declined from 12% to 8% since the 1980s (UNICEF 2017). In South Asia, there has been a steeper decline in marriage of girls under 15 years of age from 32% to 17%. If the current rate of progress in South Asia

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<sup>4</sup> Age of consent is set at 18 years and for marriage at a younger age, permission is required from the family court

<sup>5</sup> UNICEF ROSA CM, adolescent, pregnancy report May2019

is sustained, it may be expected that the proportion of women married as children will reach 22% by 2030, thus falling short of commitment to end child marriage.

Among South Asian countries, Bangladesh has the highest, Maldives has the lowest, and Pakistan has the second lowest proportion of girls married before age 15 (Table 1.1).

**Table 1.1: Women aged 20-24 years and 25-49, reporting being married before age -15<sup>6</sup>**

Country	Year of Survey	Age Group	
		20-24 years	25-49 years
Bangladesh	2014	22.4	38
Afghanistan	2015	8.8	13.8
Nepal	2016	7	12.9
India	2015-16	5.4	13.6
Pakistan	2017-18	3.6	7.5
Maldives	2016-17	0	4

**Source:** National Demographic and Health Surveys.

Standard PDHS StatCompiler reference:ICF, 2015. The DHS Program STATcompiler. Funded by USAID. <http://www.statcompiler.com>. Accessed on September 5 2019

Similarly, for girls married before the age of 18, Bangladesh again tops the list of South Asian countries, and Maldives and Pakistan have the lowest proportions (Table 1.2). In Pakistan, the oft-quoted figure of 21%,<sup>7</sup> which was recorded in the Pakistan Demographic and Health Survey (PDHS) 2012-13, has further declined to 18% according to PDHS 2017-18.

<sup>6</sup>The cycle of DHS is not regionally or globally uniform. Latest DHS, as available for each country, has been used for this comparison.

<sup>7</sup> The figure, and the UNICEF-ROSA report in which it was mentioned, found media traction after Malala Yusufzai referred to it in a tweet.

**Table 1.2: Women aged 20-24 years and 25-49, reporting being married before age 18<sup>8</sup>**

Country	Year of Survey	Age Group	
		20-24	25-49
Bangladesh	2014	58.6	74.7
Nepal	2016	39.5	51.8
Afghanistan	2015	34.8	44.8
India	2015-16	25.3	40.1
Pakistan	2017-18	18.3	29.3
Maldives	2016-17	2.2	20.5

Source: National Demographic and Health Surveys.

In the SAARC region, Pakistan has the highest Singulate Median Age at Marriage (SMAM) and lowest incidence of marriages before 15 and 18 years of age. Even though in Pakistan, child marriage may not be a norm, but a significant number of girls are affected by it. The global prevalence of child marriage is linked to several factors at the state, community, family and individual levels but is also dependent on local contexts.

## 1.2 National Context

The prevalence of child marriage worldwide is linked to many factors which operate at the state, community, family, and individual levels, but are highly contingent upon local context. Child marriage patterns and prevalence often correlate with poverty, lack of educational and work opportunities for girls and women, specific marriage practices, and notions of family honor associated with women as property, strict norms related to girls' and women's sexuality, and women's economic dependence on men.

Pakistan has a patriarchal society with a varying degree of independence for women as per their socio-economic class and education. The family and clan remain a strong unit of social reference and standing. Parents are primary caregivers and financial supporters of children, even after they are legally adults, and are socially and religiously accepted as decision-makers for their children in key matters, including marriage. Poverty, patriarchal structures, harmful socio-customary practices, and economic interests have a disproportionately greater effect on women and girls than men and boys. On the other hand, education is seen to have a transformational effect for social progress in terms of weakening the hold of stereotypes and harmful traditions and practices.

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<sup>8</sup>The cycle of DHS is not regionally or globally uniform. Latest DHS, as available for each country, has been used for this comparison.



For the majority of Pakistanis, religion, as a frame of reference, governs many aspects of everyday life and behavior patterns. Quite often, this framing is used as means to control social narratives and power structures and legitimize prevailing customs and traditions, including child marriage.

The Constitution of the Islamic Republic of Pakistan commits that the State shall ensure elimination of all forms of exploitation<sup>9</sup> and protection of law as an inalienable right<sup>10</sup> of every citizen, and shall undertake special provisions for women and children, where needed. It binds the State to ensure full participation of women and children in all spheres of national life,<sup>11</sup> and to protect marriage, the family, the mother, and the child.<sup>12</sup> The Constitution further prohibits slavery and forced labor, including child labor.<sup>13</sup> Article 25 of the Constitution establishes the equality of citizens and binds the State to provide free and compulsory education to all children of ages 5 to 16.

The national legal framework of Pakistan presents an inconsistent picture while defining the age of the child. The legal framework concerning child rights, protection, and welfare issues is spread across different laws of the country. While the Majority Act 1875 fixes 18 years as the age of majority, and the Guardianship and Wards Act 1890 provides for appointment of legal guardians for children under 18 years of age, the Child Marriage Restraint Act (CMRA) of 1929 sets the minimum age for marriage at 16 years for girls and 18 years for boys.<sup>14</sup> After the 18<sup>th</sup> Amendment to the Constitution of Pakistan, child marriage restraint legislation has been re-enacted at the provincial level.<sup>15</sup> However, only Sindh has addressed the inconsistency by increasing the minimum age for girls' marriage to 18 years.<sup>16</sup> A similar bill has been approved by the KP Cabinet but is yet to be tabled in the Provincial Assembly.

Notably, in 2019, the Senate of Pakistan passed a bill to amend the CMRA 1929, entitled Child Marriage Restraint Act – Amendment 2019,<sup>17</sup> which sought to raise the marriageable age for girls to 18 years along with setting stricter punishment for violations.<sup>18</sup> The bill clearly identified poverty, illiteracy, and socio-cultural practices at odds with human rights as factors in child marriage. It also acknowledged that “child marriage leads to early conception, which ultimately affects the health of teenage girl, typically enormous pressure to bear children is put on child brides.” However, the bill could not garner enough support in the National Assembly. In fact, treasury benches at Ministerial

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<sup>9</sup> Article 3 of the 1973 Constitution

<sup>10</sup> Article 4 of the 1973 Constitution

<sup>11</sup> Article 34 of the 1973 Constitution

<sup>12</sup> Article 35 of the 1973 Constitution

<sup>13</sup> Article 11 of the 1973 Constitution

<sup>14</sup> The penalties in CMRA 1929 for child marriage include imprisonment for up to 6 months and a maximum fine of PKR 50,000 or both.

<sup>15</sup> Since the 18<sup>th</sup> Amendment to the constitution, child protection has become a provincial subject and provinces are required to re-enact the federal laws with the provision of amendment.

<sup>16</sup> The provincial government of Sindh re-enacted CMRA in 2013. Apart from making 18 years the minimum age for marriage for both boys and girls, it also increased the period of imprisonment to a minimum of 2 years and raised the fine to PKR 0.5 – 0.7m.

<sup>17</sup> [http://www.senate.gov.pk/uploads/documents/1557377700\\_875.pdf](http://www.senate.gov.pk/uploads/documents/1557377700_875.pdf)

<sup>18</sup> Among stricter punishments, the bill increased the period for rigorous imprisonment from one month to two to three years, and the fine from PKR 1000 to PKR 100,000-200,000.

level objected and referred it to the House Committee and Council of Islamic Ideology (CII)<sup>19</sup> for an opinion. The CII advised that the government initiate awareness campaigns against harmful practices perpetuating child marriage rather than legislating against it.<sup>20</sup> The National Assembly Committee could not generate members' support and the proposed bill was rejected.

Some harmful traditional practices associated with child marriage, such as *swara* and *vani*, have been criminalized and are punishable under the Prevention of Anti Women Practices (Criminal Law Amendment) Act 2011.<sup>21</sup> Such incidents are isolated and not a widely prevalent practice.

Recognition of child marriage as an infringement of child rights, as espoused in CRC, is also part of the larger child rights agenda in Pakistan. The Ministry of Human Rights (MOHR), at federal level, is responsible for reporting on relevant international conventions and awareness raising on the issue, through four provincial directorates.

Since the 18<sup>th</sup> Amendment to the Constitution of Pakistan in 2010, responsibilities for ensuring child rights have been devolved to the provincial level. Within the provincial governments, administration related to child rights is carried out primarily by the Social Welfare and/or Women Development departments. Table 1.3 outlines the key institutions, policies, and laws related to child rights at the provincial level.

**Table 1.3: Key Institutions, Policies, and Laws Related to Child Rights at Provincial Level**

Province	Provincial Department	Child Rights Authority	Law	Policy
Khyber Pakhtunkhwa	Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa	KP Child Protection & Welfare Commission <sup>22</sup>	The KP Child Protection & Welfare Act 2010; amended 2016	Human Rights Policy 2018 has a dedicated chapter on child rights and cross-departmental focus

Civil society in Pakistan has long been advocating for elimination of child marriage. Its campaigns are typically pegged in the narrative of violation of human rights, including both child and women's rights. Recently, there has been a renewed advocacy effort in support of increasing the marriageable age bar for girls to 18 years.

<sup>19</sup> The Council of Islamic Ideology is a constitutional body with an advisory role, mandated to review existing and new laws from an Islamic perspective and recommend ways to bring the daily lives of Muslims in Pakistan in accordance with Islam. The CII cannot take cognizance of its own accord; the President or legislature must request advice. Its recommendations are only advisory.

<sup>20</sup> <https://www.pakistantoday.com.pk/2019/05/03/cii-opposes-child-marriages-but-wont-support-legislation/> - press release of 212<sup>th</sup> meeting of CII and verified by almost all civil society interviewees

<sup>21</sup> The Prevention of Anti Women Practices (Criminal Law Amendment) Act 2011 outlines punishments for social practices like *vani*, *swara*, or *rudla-i-sulh*, wherein girl-children or women are given as peace collateral to settle personal, family, or tribal disputes.

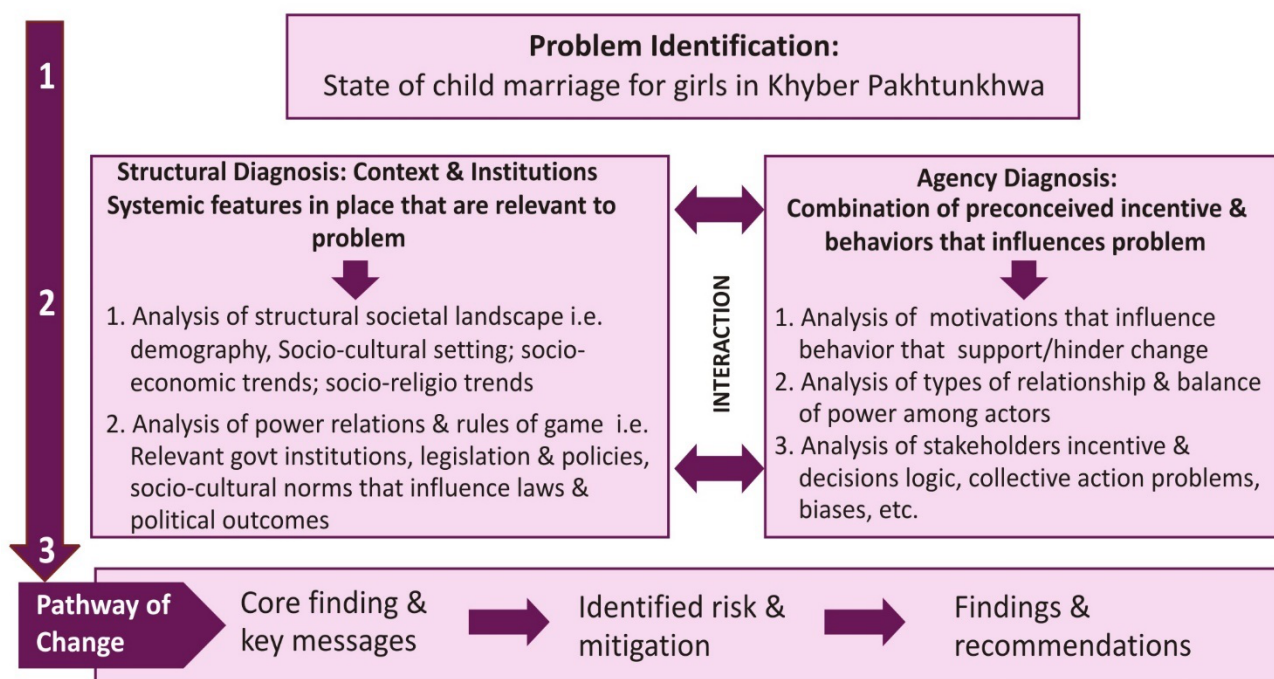
<sup>22</sup> <http://kpcpwc.gov.pk>

## 2 Study Approach and Methodology

### 2.1 Analytical Approach

The political economy analysis presented in this report is aimed at facilitating a deeper understanding of child marriage in Khyber Pakhtunkhwa and the ways in which it could be addressed. The study is based on a problem-driven analysis approach recommended by the Department for International Development (DFID).<sup>23</sup> As illustrated in Figure 2.1, the framework of analysis used has three steps, including statement of issue; analysis of structural dimensions and agency around the issue, as well as interactions of the two; and identification of a pathway of change.

**Figure 2.1: Framework of Analysis for Political Economy Assessment**



<sup>23</sup> DFID's political Economy Analysis- How to Note July 2009

The analysis in this report looked into the inter-relationship between micro level patterns and macro drivers of child marriage within the specific context of KP province. It examined the interconnectedness of the drivers and determinants through both data analysis and PEA, mutually informing analysis of the legal, political, religious factors which impact policymaking and policymakers. The PEA, through literature review and key informant interviews (KIIs), sought to locate actors/stakeholders and understand behaviors and motivation, specifically, of the connectors and gatekeepers, and to identify the framing of issues around child marriage in KP. The micro factors were determined through secondary data analysis.

## **2.2 Tools of Analysis**

### **2.2.1 Secondary Data**

While integrating the data analysis, in the first instance, statistics were gleaned from the Pakistan Demographic and Health Survey (PDHS: 2017-18, 2012-13), Multiple Indicator Cluster Survey (MICS: 2016-17). The micro/record level data from PDHS was used for further analysis. The quantitative data analysis used record level data. As mentioned, the data analysis used a combination of descriptive statistics and multivariate cross tabulation. In addition, a life table analysis of roster level data was done for PDHS. Survivor analysis<sup>24</sup> was conducted to assess the probability of girls' not getting married at various ages. Furthermore, Cox proportional hazard model was used to predict the strength of the relationship between different variables and age of marriage, using explanatory variables of education, residence, wealth, and region applied to predict hazard, i.e., marriage, by cross-tabulating.

The micro variables and questions identified for cross-tabulated secondary analysis are:

- Economic status of the household: Is economic status, including poverty, consumption, income, savings, debt, etc., of the household associated with rates and age of child marriage?
- Education: How is education associated with child marriage? (If it can be a helping factor, what other variables (e.g., urbanization) are instrumental/related?)

At the macro level, the cross-tabulation data were used to help the diagnosis and analysis of urbanization, specifically, whether it is in any way associated with age of first marriage? (If it has a negative association with child marriage, what other variables (e.g., education) are instrumental/related?)

The cross tabulation only refers to the current household characteristics of the girls after marriage. It is difficult to estimate the determinants of child marriage (such a poverty, education etc.) and to identify the household characteristic of girls before and after marriage due to nature of the data available in DHS and MICS.

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<sup>24</sup> Survival analysis corresponds to a set of statistical approaches used to investigate the time it takes for an event of interest to occur.

### **2.2.2 Literature Review**

An extensive literature review was undertaken on causes and consequences of child marriage. Approximately 122 documents were reviewed, which are listed as references. Based on the literature review, the team identified key stakeholders and issues to be included in interviews with key informants.

### **2.2.3 Key Informant Interviews**

The team prepared guidelines for interviews (presented in Appendix A), identified a range of key stakeholders (listed in Appendix B), and took interviews focusing on interactions between key actors, that influence decision-making. Key informants included politicians, policymakers in the government, religious leaders, lawyers, police officials, representatives of civil society, and international donors in Islamabad and Peshawar. In all, the team conducted 29 in-depth interviews.

## **2.3 Analysis**

Analysis of qualitative and quantitative data identified factors affecting the vulnerability of girls to child marriages, such as household poverty, education, community dynamics such as prevailing social norms and religious practices; and broader macro-institutions and processes of change that are indicated by region, religion, and place. The Interest Group Analysis (IGA) tool was used for power-influence and opportunity-obstacle analysis.

## **2.4 Limitations**

A limitation of the analysis is that the study team did not have the opportunity to conduct a community level inquiry along similar lines to the key informant interviews.

The Federally Administered Tribal Areas (FATA) have recently been merged with Khyber Pakhtunkhwa province this year and they now referred to as Newly Merged Districts (NMDs). Statistical data for the NMDs post-integration is not available, and the data for KP used in this report generally excludes the NMDs. The available data for NMDs is shown separately, where available.

The most glaring limitation, perhaps, is that data from the most recent Population Census (2017) were not available at the time of the research. This could have yielded much better calculations for constructing measures and analyzing attributes, specifically for never married females. Since the previous census is now 20 years old, that leaves little choice but to rely on survey data. PDHS has variable information on ever-married women only.

### 3 Child Marriage in Khyber Pakhtunkhwa

KP has a population of approximately 35.5 million people of which approximately 49% are women.<sup>25</sup> The province shares its borders with Afghanistan to the west, Gilgit-Baltistan and Azad Jammu and Kashmir (AJK) to the north, Punjab to the east, and Balochistan to the south. In 2019, the Federally Administered Tribal Area (FATA) was integrated with KP; the seven districts comprising the earlier FATA zone are referred to as the Newly Merged Districts (NMDs).

Notably, a substantial number of internally displaced people (IDPs) left the erstwhile FATA region to settle in parts of KP between 2008 and 2014 due to the war against terror. KP also houses the largest global refugee population primarily. Afghan Refugees residing in NMDs and camps in other parts of KP.<sup>26</sup> The FATA region had limited education and health facilities to begin with, and these have been targeted and destroyed by militants in recent years. This has further reduced access of the population to education and health facilities, with particularly adverse impacts on women, especially through their further marginalization at IDP and refugee camps.

KP province is generally considered to be more traditional and conservative than some other parts of Pakistan, specifically regarding the position of women in society. This broad generalization is generally understood to be the reason behind many problems like teenage and child marriages. KP is generally characterized by strong patriarchal values that fundamentally define attitudes, norms, and practices. Its tribal districts including the NMDs—are considered the most conservative of all.

Child marriage is observed in certain population groups within KP rather than being a prevalent practice. KP is perceived to have a widespread child marriage problem due to reports of harmful traditional practices and social customs, especially in cases where marriage is used as a punitive measure for reconciliation. However, lack of data makes it difficult to generate accurate numeric evidence of forced child marriages.

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<sup>25</sup> <https://www.pbs.gov.pk>

<sup>26</sup> <https://reliefweb.int/sites/reliefweb.int/files/resources/64797.pdf>



The seven NMDs were included in data collection for the PDHS for the first time in 2017-18. In the logistic model that was run on PDHS 2017-18, the probability of child marriage (between ages of 15 and 18) in NMDs was found to be twice as likely as in Punjab. A limitation, however, is the unavailability of earlier statistics for the NMDs, since FATA has only recently been officially merged with KP. Moreover, even the census in FATA was only carried out on household basis. Therefore, in our data analysis, we have looked at the NMDs separately from the rest of KP as far as possible.

### 3.1 State of Child Marriage in KP

In both PDHS 2017-2018 and MICS 2016-2017, the vast majority of women in the age group of 20-24 years reported not being married at or before the age of 15 in KP. Marriage of girls under the age of 15 in KP is estimated at 5.9% as per PDHS 2017-18 and 5.3% as per MICS data for 2016-17 for the age group of 20-24.

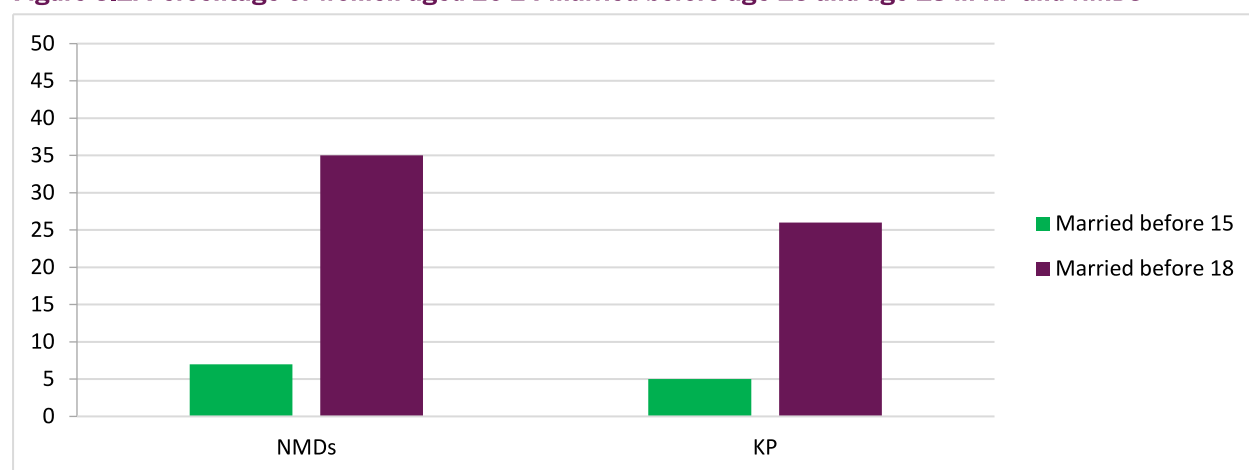
Age at marriage of women aged 20-24 is one of the SDG indicators for gauging incidence of early/child marriages. Table 3.1 shows the proportion of married women aged 15-19 & 20-24 at time of the survey who reported being married before age 15 and age 18 in the NMDs and the rest of KP. In KP 5.7% reported being married before 15 compared to 7.5% in NMD. Similarly, the proportion of women who reported being married before age 18 was higher in the NMDs (35%) than in the rest of KP (28%). Thus, more girls in the NMDs are vulnerable to child marriage.

**Table 3.1: Proportion of women aged (15-19) and (20-24) first married before 15 years and 18 years**

KP (FATA Included)	Percentage first married before the	
	Age 15	Age 18
15-19	2.1	19.0
20-24	5.9	28.6

**Source:** National Institute of Population Studies (NIPS) [Pakistan] and ICF. 2018. Pakistan Demographic and Health Survey 2017-18. Islamabad, Pakistan, and Rockville, Maryland, USA: NIPS and ICF.

**Figure 3.1: Percentage of women aged 20-24 married before age 15 and age 18 in KP and NMDs**



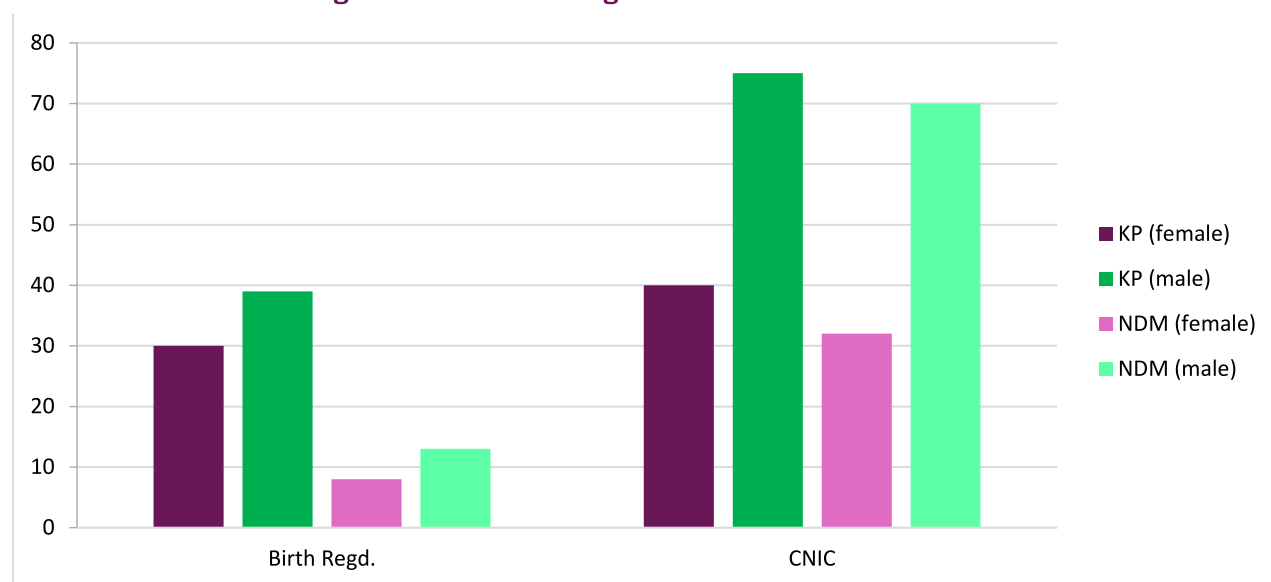
**Source:** PDHS 2017-18

Notably, in assessing the prevalence of child marriage, and also for the purposes of documenting and protecting children, accurate determination of age is of pivotal importance. Here, the circumstances

in KP present a few difficulties. Firstly, 40% of women between 18-24 years of age in KP do not have a Computerized National Identity Card (CNIC) that could be used to determine their age at the time of marriage. Birth registration for females under 18 is only 31.4%. Moreover, as an accepted social practice, a considerable number of marriages in KP are solemnized through verbal '*Nikkah*,' and socially, there is a tendency to underreport ages, especially for women. Data about age at marriage in the PDHS is recall-based, and there is a risk that some women may have reported their age to be less than what it actually was at the time of marriage.

It is pertinent to look in more detail at the status of birth and CNIC registration in KP. According to the PDHS 2017-2018, both birth and CNIC registration rates are lower for females than for males in both KP and the NMDs. Birth registration in KP stands at approximately 38% of which 31.4% is of females and 39% for males. The cumulative birth registration for the NMDs is 11.5%, of which 7.8% is of females and 14.6% for males. The CNIC registration stands at around 75% for males and 40% for females in KP, and 70% for males and 33.5% for females in the NMDs/FATA (Figure 3.2).

**Figure 3.2: Percentage of men and women of ages 15-18 whose births are registered, and proportion of men and women of ages 18-24 with CNIC registration in KP and NMDs**

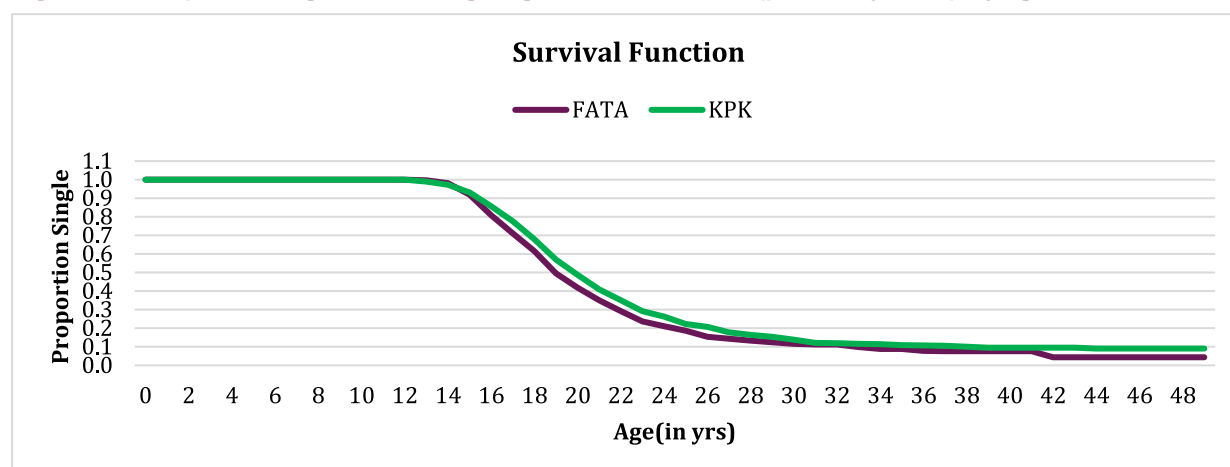


Source: PDHS 2017-18

The majority of child marriages in KP are recorded for girls between 16 and 18 years of age, in line with societal practice and in compliance with the national legally permissible age of 16 years. We undertook survival analysis of age at first marriage to demonstrate girls' chances of not getting married (survival) at various ages. In KP, the curve is steepest at ages 15, 16, and 17, and starts flattening at 28. The most pronounced decline in survival, at 11 percentage points, occurs between ages 17 and 18 (Figure 3.3).



**Figure 3.3: Proportion of girls remaining single in KP and NMDs (previously FATA), by age**

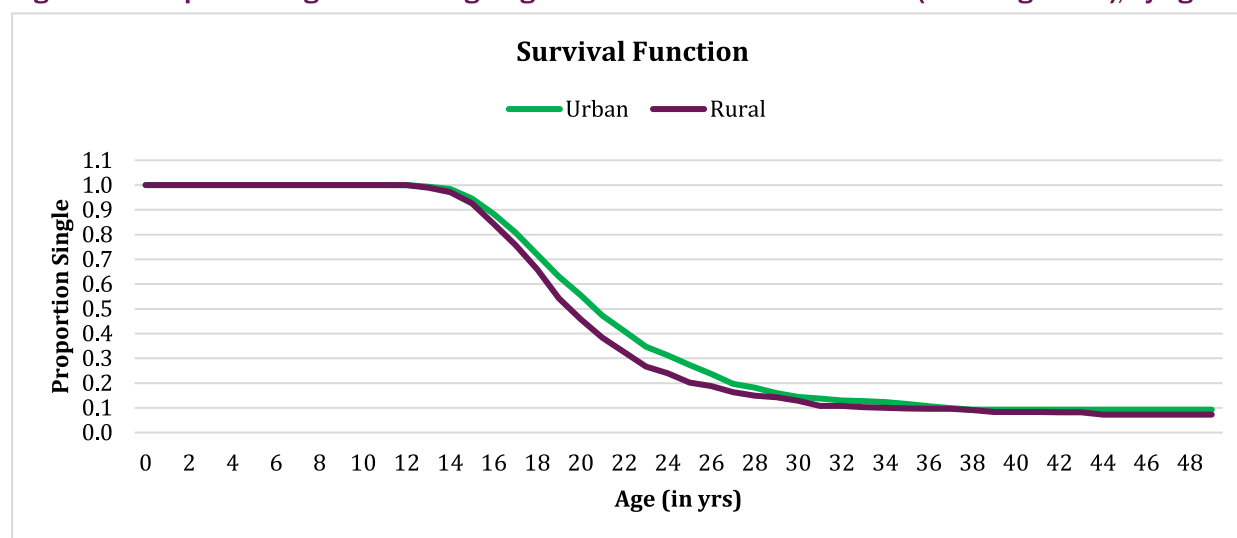


**Source:** National Institute of Population Studies (NIPS) [Pakistan] and ICF. 2018. Pakistan Demographic and Health Survey 2017-18. Islamabad, Pakistan, and Rockville, Maryland, USA: NIPS and ICF.

The largest difference between survival in KP and the NMDs is at ages 16 and 18. At these ages, the risk of getting married is 7% lower in KP than in the NMDs. Within the NMDs, the highest increase in risk of marriage is 12 percentage points, and it occurs between ages 14 and 15. It is, however, important to keep in view that at age 14, the survival rate is quite high (92%). Thus, even in NMDs, where the overall likelihood of child marriage (between ages 16 and 18) is high, the risk of child marriage (under age 15) is low.

Living in urban or rural areas does not seem to make a prominent difference in the chances of a girl remaining single until after the age of 18, as Figure 3.4 shows. The chances of remaining single are about the same in urban and rural areas at ages 14 and 15. At ages 16 and 17, the chances of survival (i.e., remaining single) are about 5 and 6 percentage points higher, respectively. The proportion of those remaining single remains higher for urban areas from ages 18 to 25.

**Figure 3.4: Proportion of girls remaining single in urban and rural areas of KP (including NMDs), by age**



Irrespective of the age at which a girl gets married, the societal expectation for her to be pregnant immediately after marriage is high. In KP among married women aged 20-24, nearly 11.1% gave birth before the age of 18 (PDHS 2017-18). And in KP included FATA, among married women aged 20-24, nearly 12.2% gave birth before the age of 18 (PDHS 2017-18). Early pregnancy and childbearing for child/underage brides carries added health risks for mother and child, including maternal mortality and stunting. High fertility is also likely. Health risks are compounded where proper medical care is not available, limited, or not affordable. According to the Department of Health in KP, the total number of governmental health facilities across KP stands at 1,506, of which 776 are Basic Health Units (BHU), 405 are dispensaries, and 48 are Mother and Child Health Centers (MCH). These numbers are not sufficient for ensuring provision of health facilities to pregnant women.

Besides complying with international standards of child rights, child marriage needs to be addressed to contribute towards ending violence against women. Girls marrying before 18 years are more likely to experience domestic violence, and to believe that the husband is justified in beating his wife. This was recorded by a research study in Pakistan in IDP camps in KP after the 2005 earthquake. Girls from poor households are more likely to experience spousal violence.<sup>27</sup>

The impact of child marriage on a girl child's life in KP are far reaching. Child marriage deprives girls from their fundamental right to health, education, economic empowerment and security. It puts their personal development and well-being at risk and limits the possibilities for growth, stability and transformation.

In a recent study, researchers used an innovative community informant-based methodology to assess the maternal mortality rate in KP (Population Council 2017). Age-specific unadjusted maternal mortality ratios were calculated based on data collected from six districts, including Haripur, Nowshera, DI Khan, Kohat, Mansehra, and Swabi. Overall, the mortality ratios were higher among women aged less than 20 than those of ages 20-24. In DI Khan and Swabi in particular, mortality ratios were conspicuously higher among women less than 20 years of age. Child marriage puts girls at a higher risk of death in childbirth and more vulnerable to pregnancy-related injuries.

**Table 3.2: Age-specific unadjusted MMR, by district**

	Haripur	Nowshera	DI Khan	Kohat	Mansehra	Swabi	Total
Less than 20	115	168	329	103	80	253	177
20-24	159	66	220	142	83	133	122
25-29	194	211	248	210	189	188	200
30-34	166	231	279	155	271	117	194
35/35+	527	622	575	212	253	263	343
Total	198	195	305	173	172	179	197

<sup>27</sup> Affected Women in Earthquake Areas-A Research Assessment with Socio-Cultural Perspective": GTZ-MOWD-COMO Project (2005) by The Researchers [www.theresearchers.org](http://www.theresearchers.org)

In KP, child marriage affects girls' schooling. Data suggests that the age at marriage is delayed with level of education. While other factors such as school distance from homes and infrastructure play a vital role in girls' dropout in the province, child marriage often means the end to a girl's formal education. Her new role of wife or mother often comes with the expectation that she will take care of the home, the children and the extended family. Secondary education enables girls to develop skills, knowledge and confidence to make informed decisions and ensures more social and economic opportunities for them. Education and linked opportunities for labor force participation are validated as essential to socio-economic empowerment of girls and women in KP and have potential to improve gender equity and equality.<sup>28</sup>

In the age bracket of 20-24 years, only 12.8% of married women in KP are working compared to 18.7% of unmarried women. While employment patterns among females, married and never married in KP need to be explored further to develop a sounder thesis, national data suggests that female employment plays a vital role in enhancing women's role and power in decision-making. Employment gives women the power to earn and the ability to improve their and their family's financial security. While poverty is one of the drivers of child marriages in KP province, child marriage also perpetuates poverty where girls who marry young are less likely to participate in the labor force and have less opportunities to do paid work to earn an income and to lift themselves and their families out of poverty.

### **3.2 Key Stakeholders of Child Marriage in KP**

Based on the literature review and key informant interviews, we identified a large range of stakeholders in child marriage, including unmarried girls, their families and communities, and relevant segments of the government and policymakers, as well as civil society. Our findings about the power and role of these stakeholders, and their current attitudes on child marriage are outlined in Table 3.3. The table identifies actors as blockers, connectors and swingers. Swingers are defined as those who can be both a connector and a blocker, in a given situation. More detailed discussion follows in Chapter 4.

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<sup>28</sup> Human Rights Watch: "Shall I Feed My Daughter, or Educate Her?" Barriers to Girls' Education in Pakistan (2018)

**Table 3.3: Key Stakeholders in Child Marriage in KP**

Stakeholders		Power	Role	Current Attitudes
Youth, unmarried and married girls		Swingers	Right holders	<p>They lack agency and access to education, health, and work opportunities.</p> <p>Decisions about marriage are taken by the family. Although parents seek the girl's consent, it is within a social setting which elevates the position of being married over that of being single.</p> <p>Customs like <i>swara</i> and <i>vani</i> use women as peace collateral to settle disputes.</p>
Parents	Fathers	Blockers	Caretakers and duty bearers for young girls	Fathers and male family members hold critical decision-making positions. Their power is sanctioned under <i>Pakhtunwali</i> .
	Mothers	Swingers	Caretakers	<p>When it comes to decisions about marriage, they do not seem to support child marriage (under 15). The line is blurred between ages 15 and 18. Thus child marriages continue.</p> <p>Mothers have power at home but decision making in public is exclusive male domain. Mothers do have knowledge of the detrimental health effects of child marriage. They therefore do not support child marriage.</p>
Family elders		Blockers	Custodians of joint family income, assets, decision-making	<p>Elders perpetuate a patriarchal mindset and are custodians of the family's joint economic assets. They have the social power to push compliance with what is legitimized as 'tradition' and protection of family honor.</p> <p>They facilitate consanguinity to strengthen familial bonding; control and multiply economic assets; deny inheritance to girls; and increase socio power.</p>
Community leaders		Blockers	Duty bearers	They are the power elite that control the <i>jirgas</i> (local forums for alternate dispute resolution) and their functioning, especially in cases of reconciliation or settlement of conflict/feud in NMDs.

Stakeholders	Power	Role	Current Attitudes
			<p>Until 2018, jirgas used <i>Riwaj</i>, a parallel system of law sanctioned by the Frontier Crimes Resolution (FCR).<sup>29</sup> Efforts are still under way to let <i>Riwaj</i> run in parallel to the legal system.</p> <p>Allowing progressive initiatives will strip them of their power.</p>
Religious leaders	Blockers/ Swingers	Religion-legitimizing harmful social practices	<p>They are highly respected and generally conservative. Because of a misinterpreted understanding of religion and their patriarchal mindset, they are not inclined to talk about these issues.</p> <p>In case of <i>Swara/Vani</i>, the local elite can manipulate the local <i>maulvis</i> to be pliable. In urban areas, <i>maulvis</i> tend to be more vocal against child marriage.</p>
Marriage registrars	Enablers	Solemnize <i>Nikkah</i> /marriages	<p>Most marriages in in KP are contracted verbally and not documented. Therefore, the role of marriage registrars is limited. They are usually not well informed about the law and possible punitive actions against them in case of early or child marriage.</p>
<p>Federal setups with provincial presence:</p> <p>Ministry of Human Rights &amp; Provincial Directorate</p> <p>Office of the National Commissioner of Children (ONCC)</p>	Enabler/ Connecters	Duty bearers	<p>MOHR has influence to demonstrate State commitment and positioning. It has weak directorate presence in provinces and is reduced to federal-provincial coordination.</p> <p>ONCC is supported by the UNICEF does not have a proactive role on child marriage in the province as it is complaint-based.</p>

<sup>29</sup> The **Frontier Crimes Regulations (FCR)** were a special set of laws of British India, and later Pakistan which were applicable to the Federally Administered Tribal Areas. They were enacted in the nineteenth century and continued to remain in effect in Pakistan until 2018.

Stakeholders	Power	Role	Current Attitudes
Wafaqi Mohtasib with Provincial Commissioner			
Provincial Government, legislators and parliamentarians & Women Political Caucus (WPC)	Swingers	Policy makers	<p>Generally, do not take up religiously sensitive issues and give priority to topics that benefit them or their political parties. However, current ruling party (Pakistan Tehreek-e-Insaf [PTI]) promised KP CMRA bill in its election manifesto.</p> <p>WPC has worked with civil society organizations and led the development of the KP Child Marriage Restraint Bill 2019, which resulted in a resolution in favor of it in the KP Assembly. However, the Bill is yet to be tabled in the Assembly.</p>
Health and Education departments	Enablers	Duty bearers	<p>Since child marriage is not part of their express mandate, it is not integrated in their departmental functions. Response to child marriage, especially in the context of health (sexual and reproductive health and rights [SRHR], violence against women) is not included in service delivery work.</p> <p>At district levels, departments follow directives of provincial government and cannot have their own plans.</p>
Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa	Enablers	Duty bearers	<p>KP Child Protection &amp; Welfare Commission is working under the department.</p> <p>Recognize the child marriage issue within the GBV and women protection framework. Under the Women Protection Act 2011, marriage under 16 years can be tried as statutory rape. Response to child marriage, especially in the context of rehabilitation and rescue, is not part of institutional debate.</p>
Department of Population Welfare	Enabler/ Connecters	Duty bearers	<p>Child marriage results in early pregnancies resulting in increase in population. This discourse is under communicated. Family planning (FP) narrative does not have early/under age pregnancy as a high lobby point.</p> <p>The department is custodian of Supreme Court decision that requires passing of FP information to young marrying couples. They have</p>

Stakeholders	Power	Role	Current Attitudes
			legally designated <i>Nikkah</i> Registrars to tell couples about FP practices.
Department of HR & Minority Affairs	Enabler/ Connecters	Duty bearers	Human Rights Policy 2018 has a chapter on Child Rights. It does not take responsibility for action as elaborated in the chapter. A chapter on Women in the policy has recommendations linked to girl child.
KP Child Protection & Welfare Commission (KPCP&WC)	Enabler/ Connecters	Duty bearers	It works under the Zakat Ushr, Social Welfare, Special Education and Women Empowerment Department. It advocates against harmful practices and has resolved 144 cases of child marriage. However, it lacks technical resources. Three Child Courts have been constituted.
Provincial Commission on Status of Women (PCSW)	Enabler/ Connecters	Duty bearers	Reconstituted and has district committee as well. It is part of advocacy and debate and discourse on child marriage within the GBV framework. Working closely with WPC and KPCP&WC.
Police, lawyers, and judiciary	Enablers	Duty bearers	Judiciary is powerful but does not deal with CMRA and SRHR violations due to lack of cases/complaints filed under specific clauses of the law.  Lawyers have no recourse to case law. Fragmented treatment of penal provisions as covered in the Criminal Procedure Code (CrPC) are applied on cases of child marriage, depending on who files the case.  Investigation Officers are not well versed with CMRA. They consider marriage a private matter.
National Civil Society Organizations; Activists; and INGOS	Enabler/ Connecters	State & Society connect to raise issue	Leading in research to document child marriage. Contextualization and subtle differences are under- or unexplored at the moment.  KP Child Marriage Restraint legislation is being actively pursued by the NGOs with WPC and international funding partners.  Their role in awareness campaigns to eliminate child marriages and further reduce child marriages is pivotal.

Stakeholders	Power	Role	Current Attitudes
Relevant UN agencies	Enabler/ Connectors	Funding partners	Seek and support State compliance to international commitment and reporting.  Working with Government departments on programming and technical support on sensitive issues like child marriage.
Bilateral and multilateral donors	Enabler/ Connectors	Funding partners	Have the power and influence to raise issue at strategic level with federal and provincial government as well leading political party leaderships. Have the resources to support government in implementing multipronged programs.
Media (electronic, print, and social)	Blockers & Enablers /connectors	Information providers and influencers	Has the power to influence and highlight issues in short span of time and create narrative. It has corporate interest in all issues.  Incidents of child marriage get reported but majority of senior media persons lack understanding and knowledge on the issue, and it gets clubbed with Vani and Swara, which may not always be the case. Child marriage instances are not reported as health/SRHR issues but sensationalized. Media chooses not to endorse SRHR due to fear of religious backlash.



## 4 Drivers of Child Marriage in KP: Diagnostics and Analysis

Child marriage patterns and prevalence often correlate with poverty, lack of educational and work opportunities for girls and women, specific marriage practices, notions of family honor associated with women as property, strict norms related to girls' and women's sexuality, and women's economic dependence on men. Several recent initiatives have highlighted child marriage as a significant problem that affects the rights of girls themselves and also has broader consequences in terms of early childbearing and population growth.

The most recognized drivers of child marriage in KP are poverty, education and employment, socio-cultural narratives, attitudes and practices, cultural interpretations of religion, and inadequate legal measures and enforcement to check the practice. These drivers are used as a lens in our diagnosis and analysis of structural and agency dimensions of child marriage in KP, which is based on both literature review and interviews with key informants. The structural diagnosis focuses on power relations among key stakeholders in the societal and institutional landscape of the province. The diagnosis of stakeholders' agency analyzes the combination of preconceived incentives that support or hinder reform and lead to the lack of collective action. The combined key findings of the two analyses are discussed below, and are also presented in a brief tabular consolidation in Table 4.1. Detailed tabular consolidations of the structural and agency analyses are provided in Appendices C and D, respectively.

### 4.1 Poverty

Poverty as a driver of child marriage has several dimensions. At household or family level, it impacts (a) economic insecurity; (b) geographic and socio-economic situation; (c) socio-economic safety and security; (d) education; and (e) work opportunities.

### 4.1.1 Parental Economic Insecurity

The state of household or family poverty is closely linked with continuation of customary marriage practices, including child marriage. Weak economic status of the parents and inability to provide for basic household needs affects children. Girls, in particular, are perceived to be a burden. Where safety and security, food, shelter, and health comprise critical expenditures, parents are perceived to gain by shifting the economic responsibility for their girl child to her marital home. In this situation, the customary marriage practice of accepting bride money also incentivizes child marriage. Cumulatively, economic insecurity can lead to child marriage becoming a viable option, when presented.

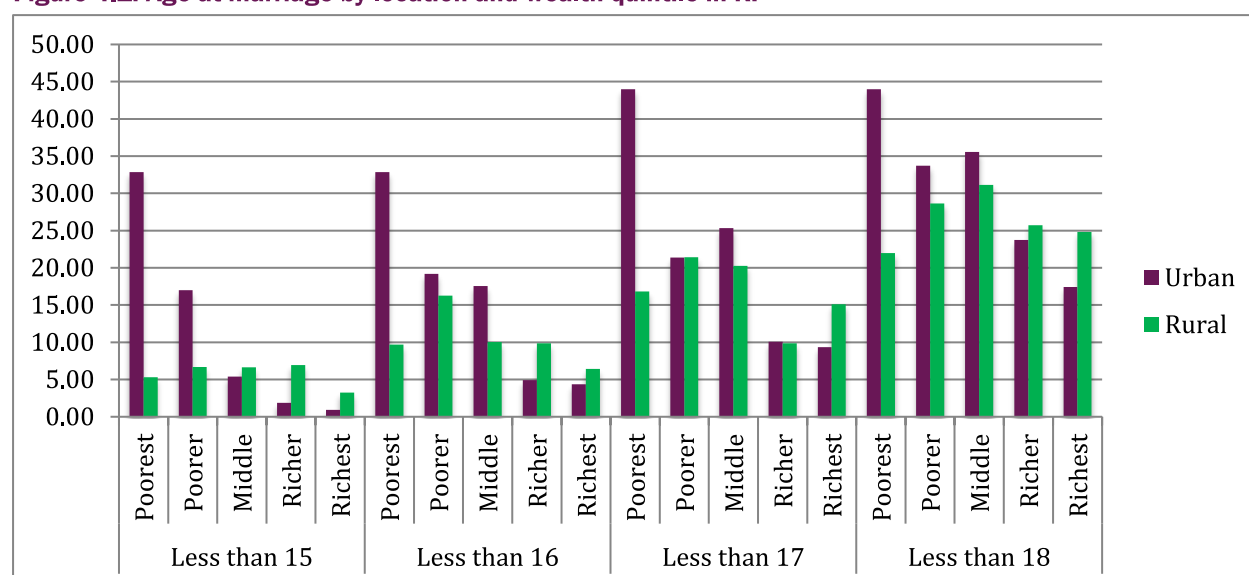
### 4.1.2 Geographic and Socio-economic Situation

There is a substantial gap in the prevalence of child marriage between the poorest and richest population segments, and urban and rural communities even at the global level.

Females in the poorest quintile are 2.5 times more likely to marry in childhood than those living in the wealthiest quintile.

In KP, the median age at first marriage is 19.7 years for women in the richest quintile compared to 15.4 for the poorest women (PDHS 2017-18). The urban poorest are getting married early. This, prima facie, is a counterintuitive finding which needs to be investigated further to understand the dynamics at play. Child marriage at all ages is higher among the urban poorest. Interestingly, when poverty is not a driver, residence becomes a driver. However, among the richer and richest quintiles, those in rural areas have more child marriages than those in urban areas (Figure 4.1).

**Figure 4.1: Age at marriage by location and wealth quintile in KP**



In 2014-15, KP had a Multidimensional Poverty Index (MPI) value of 0.250. The incidence (head count ratio) of multidimensional poverty was 49.2%, while the intensity of poverty (share of deprivations each

poor person experienced on average) was 50.7%. NMDs (then FATA) had an MPI value of 0.337: 73% of the people of the region were multidimensionally poor, while the intensity of poverty was 45.8%.

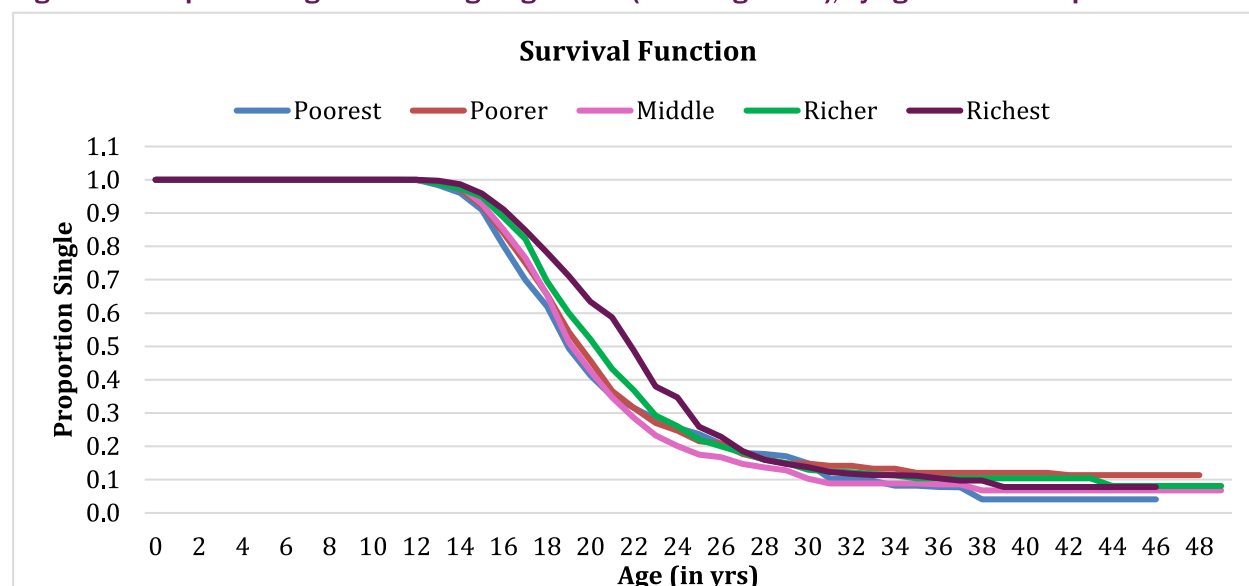
**Table-4.1: MPI Report 2015-2016**

KP 2014-2015	MPI Incidence (H) Intensity (A)	MPI Incidence (H) Intensity (A)
Torgarh	0.571	92.0%
Shangla	0.438	80.2%
Upper Dir	0.443	76.4%
Battagram	0.422	75.2%
Buner	0.373	71.6%
Tank	0.385	71.1%
D.I. Khan	0.362	65.6%
Lakki Marwat	0.320	62.7%
Bannu	0.289	58.6%
Hangu	0.271	55.8%
Swat	0.271	55.0%

Access to health, education, and living standards are key factors in the calculation of multidimensional poverty, which are drivers of early and child marriage as well.

Figure 4.2 shows that the probability of survival before age 15 is high across the wealth quintiles but the risk of girls getting married increases in the middle quintile.

**Figure 4.2: Proportion of girls remaining single in KP (including NMDs), by age and wealth quintile**



A recent qualitative study, which explored child marriage among different communities in seven districts of KP, namely Peshawar, Mardan, Mansehra, Shangla, Bannu, Swat, and Dera Ismail Khan, found that girls are perceived as a burden and not as contributors to household income.<sup>30</sup> Interestingly, in some cases, girls themselves saw marriage as a chance to escape challenging economic and material conditions and as a solution to their basic needs. Most community members interviewed for the study were aware of the risks associated with the practice of child marriage and explained that it was poverty and deprivation that sometimes forced a few of them to marry off children at a young age.

The strategy of providing cash incentives to reduce the prevalence of poverty-driven child marriage has had a mixed impact on marriage timing, with the incentives often being used to finance girls' dowry.<sup>31</sup> The Government of Pakistan implemented the Tawana Programme from 2002 to 2005 to improve primary school enrollment and nutrition for girls but its correlation with child marriage was not measured.

For the purposes of our study, it is important to note that, as per the survival analysis, the median survival time across quintiles is above 18 years of age (Table 4.2).

**Table 4.2: Median survival time for remaining single across quintiles, by education in KP**

	No education	Incomplete primary	Complete primary	Complete secondary	Higher Education
<i>a. The median survival time is</i>	18.95	19.50	19.14	20.24	21.87

### 4.1.3 Education

Education of girls has perhaps the strongest correlation with child marriage prevalence. There has been encouraging progress in girls' schooling globally as captured by several DHS studies; however, reduction in the prevalence of child marriage has fallen short of expected levels (Mensch et al. 1998). Moreover, despite strong associations, beyond a purely mechanistic effect, evidence on the strategy of keeping girls in school to change child marriage practices is surprisingly weak. Studies also suggest the impact of opportunities whether through information or actual labor markets can have important implications for the marriage market as well (Mubarak et al. 2014).

There is a high tendency for girls to drop out after primary school in KP. The head of the family, and in some cases, family elders collectively, take decisions about girls' schooling and marriage, not sequentially, and education tends to lose out. The literacy rate for KP is 55%. The ratio of male to female students is around 75:25 of which 68% go to government schools in the province.<sup>32</sup> Non-

<sup>30</sup> A qualitative study on drivers and influencers of child marriage in KP by Blue Veins, an organization in Peshawar.

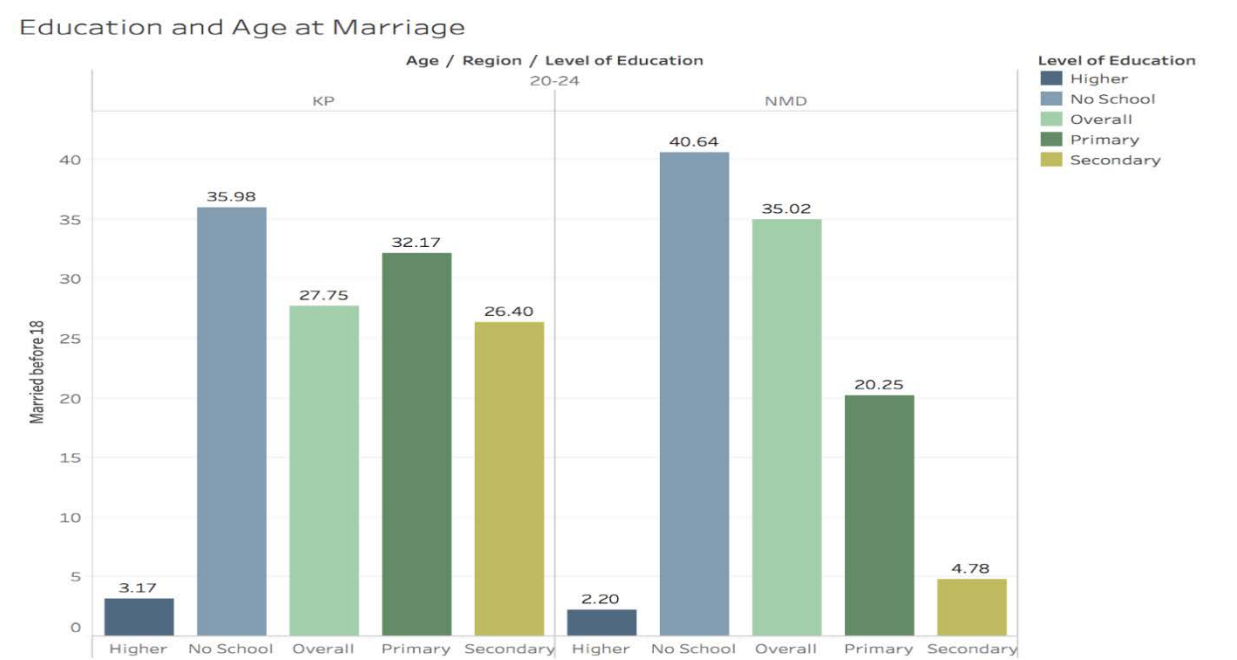
<sup>31</sup> Nanda and others (2014) evaluated a state level incentive program offering a substantial cash incentive that girls received if they remained unmarried until age 18. There were no clear effects on girls' empowerment. However, the authors found that money received by girls and their families for remaining unmarried until age 18 was often paid out in the form of dowry.

<sup>32</sup> [http://www.finance.gov.pk/survey/chapters\\_19/10-Education.pdf](http://www.finance.gov.pk/survey/chapters_19/10-Education.pdf)

availability of higher/secondary schools for girls within a 2- to 3-kilometer radius of their homes and associated safety and mobility issues are key reasons for the high tendency among girls to drop out from school.

Notably, none of the evaluations identify child marriage as a cause. However, for women currently aged 20-24, PDHS 2017-18 data indicate a strong association between age at marriage and education (Figure 4.3). This association is especially strong for girls in NMDs, where the proportions of women married before 18 are 40.64% for women with no education compared to 20.25% for women with primary education, and only 4.75% for women with secondary education. The association is relatively weaker in KP: 35.98% of women with no education report being married before 18, compared to 32.17% of women with primary education, and 26.40% of women with secondary education. The real drop occurs among women who have higher education, of whom only 3.17% report being married before 18.

**Figure 4.3: Percentage distribution of women of ages 20-24 who report being married before age 18 in KP and NMDs, by educational attainment**



Girls' primary education in KP improves their chances of remaining single. Chances of remaining single remains static at 7 percent points for ages 16 to 21. Primary education in the NMDs improves the chances of survival at almost the same rate as secondary education does in KP. Girls who have completed secondary school improve their chances of not getting married by 15 to 28 percentage points at less than 18 years of age, and more than 30 percentage points at ages 18, 19, and 20. For the purposes of this study, it is important to see the increase in median survival time at each stage of education, as shown in Table 4.3.

**Table 4.3: Increase in median survival time for remaining single, by education in KP**

	No Education	Incomplete Primary	Primary	Secondary
<i>a. The median survival time is</i>	18.91	19.76	19.44	22.59

#### 4.1.4 Labor Force Participation

According to the SDG database of the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), in Pakistan, for every 100 employed males, there are only 26.9 employed females. For non-agriculture employment, this ratio drops to 12.8%. On average, women who participate in income earning opportunities marry later than those who do not. Among women of ages 20-24 in KP, only 12.9% of married women are working compared to 18.7% of unmarried women.

Labor force participation is also an important variable associated with age at marriage, both as an input for age and an impact on work status after marriage. Employment patterns among females, married (by age of marriage) and never married, in KP need to be explored further to develop a sounder thesis.

## 4.2 Traditions and Social Customs: Attitudes and Marriage Practices

The social narrative in KP on family and marriage, in terms of both behavioral patterns and practices, is anchored in social norms and traditional customs that impact life events, specifically marriage. At individual level, protecting the family name is part of being socially honorable. Across Pakistan, the embodiment of that family honor is women's chastity.

Socio-culturally, across Pakistan, a father is accepted as the key decision-maker in the marriage of his children, especially for girls. The consent and age of the girl are not identified as important while marriage decisions are taken by fathers, male family members, and or elders. This section describes the interplay of structural and agency factors that contribute to—or protect against— child marriage in KP.

### 4.2.1 Socio-cultural Narrative, Attitudes and Practices in KP

Predominantly, space for women in Pakhtun society is within the private domain. The definition of private, though, is often extended to beyond just the physical boundaries of the house. The ideal woman in the Pakhtun social imagination is a married woman. As in the rest of Pakistan, an unmarried girl is considered to be in a temporary state in KP as well. The responsibility of transforming this state to the 'ideal' state of marriage is that of the parents and family, mostly fathers.

Entrenched patriarchal norms continue to drive child marriage, and girls whose marriage is delayed are often shamed for not being worth marriage. The importance placed on preserving the family's honor and girls' chastity serves as a push factor for parents to marry off their daughters at an early age. Marrying off daughters soon after they attain puberty has been and remains in practice to protect

their chastity or honor. Younger girls may also be married to older men in the belief that a husband will provide a safeguard against ‘immoral’ or ‘inappropriate’ behavior.

While marrying daughters early is considered good parenting, child marriage is not. This is validated by the relatively low figures of marriages before the age of 15 in KP, including in the NMDs. Also the Singulate Median Age at Marriage (SMAM) of 22.1 years indicates that most girls do not get married before the age of 22 in KP.

#### 4.2.2 Social Customs and Traditions around Marriage

Marriage is a means of perpetuating family ties, building new ties, and solidifying alliances. In the Pakhtun family structure, extended families tend to live together, headed by an old patriarch, usually the grandfather. The patriarch is also the decision-maker regarding use of the common pool of resources that the family shares. A man supporting his paternal grandfather’s children (*tarboon*) is a cornerstone of Pakhtun social life. This tradition is referred to as ‘*tarboorwali*.’ Brothers arranging for their children to be married to each other is, therefore, a commonly observed practice. Kin marriages, i.e., *adal badal* (exchange marriage between families), are preferred among families and tribes.

Child marriage is essentially a means of consolidating relations between families and/or consolidating family land and property. It is preferred to strengthen familial ties and economic assets; strengthen socio-political power and standing in the patrilineage, and increase land holdings. In certain cases, it is also a tool to withhold girls’ inheritance.

There have been cases reported of child marriage under the customs of *swara/vani*, *badal*, *badal suleha*, and *chatti*, all of which are reconciliatory mechanisms for settling disputes and reaching peace agreements, especially in KP. *Badal* is settled through blood money. *Swara* was later added to the range of reconciliation options to prevent feuds from becoming intergenerational.<sup>33</sup> These peace agreements entail exchange of goods to women or girls for marriage from one family to the other. Cases of child marriage under *swara* do occur but they are not a norm as far as marriage practices are concerned. Moreover, civil society organizations have observed a decrease in *swara* cases since the addition of section 310-A in the CrPC, which bans *swara* and makes it a punishable offence. However, no systematic data is available to gauge the percentage of marriages being contracted under such reconciliation mechanisms, or to assess the proportion of these that are child marriages.

Other longstanding practices related to marriage include *pait likhi* (betrothing girls before they are born or while very young), and *ghag*<sup>34</sup> where a person forcibly demands or claims the hand of a woman, without her own or her parents’ consent, and publicly announces that the woman stands engaged to him. Legally, the practice of *ghag* is banned under the KP Elimination of Custom of *Ghag* Act 2013,

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<sup>33</sup> The girl given in marriage to the aggrieved family bears children that belong to both families, thus ending the enmity.

<sup>34</sup>[https://www.af.org.pk/Acts\\_Fed\\_Provincial/KP\\_Bill%20Acts\\_since%202002/KP%202013/Elimination%20of%20Custom%20of%20Ghag%20Act,%202013.pdf](https://www.af.org.pk/Acts_Fed_Provincial/KP_Bill%20Acts_since%202002/KP%202013/Elimination%20of%20Custom%20of%20Ghag%20Act,%202013.pdf)



and both the literature review and KIs indicate that it is more an issue of forced marriages than child marriages.

The administrative divisions in KP reporting the most child marriages are Malakand, Kohat, and DI Khan, which have been the most affected in the province by security concerns. Kohat and DI Khan have received an influx of internally displaced persons (IDPs) from the erstwhile FATA region.

#### 4.2.3 Walwaar / Sar Paisa or Bride Price<sup>35</sup>

The practice of *walwaar* in some areas of KP is considered a socially accepted right of the father or brother to receive an economic benefit for his daughter's/sister's hand in marriage. *Walwaar* may be paid in cash or in kind before the wedding. The father may give some of it to his daughter if he wishes. Available literature and KIs suggest that *walwaar* is a potential financial incentive for child marriage in poorer families.

After an army operation against militants in Swat division of KP in 2008, a substantial number of people moved to IDP camps and to host households in Bannu. This conflict/disaster created socio-economic insecurity and safety issues for families, especially women-headed households and women living in camps, which also led to increased child marriages. KIs and research indicate that *walwaar* was used exploitatively to acquire young girls and women for prostitution. Distressed families were offered higher *walwaar/sar-paisa* by procurers posing as respectable families and potential grooms, usually from other provinces.<sup>36</sup>

#### 4.2.4 Age of Consent for Marriage

Globally, the age of consent is the minimum age at which a person is considered legally competent to consent to sexual acts. As a result, if someone older engages in sexual acts with a minor under the age of consent, then this activity may be considered statutory rape. In Pakistan as well, under the Women Protection Act 2011, sexual activity with girls under 16 years of age is considered statutory rape. The law is inconsistent, however: while the age of majority for girls is set at 18 years, marriageable age for them is set at 16.

Available data shows that the majority of child marriages in KP are recorded when girls are 16 to 18 years of age, in compliance with the national legal age of 16 years, which is socially relatable as well. Key informants agreed that, on average, 16 is considered the right age for marriage. However, while PDHS 2017-18 data indicates that 26% of married women of ages 20-24 were married before the age of 18, this figure needs to be seen in the context of a widely prevalent tendency to underreport age—several key informants informed the study team that, “In a village in KP, you will not find a man who will tell his age to be over 30-35 or a woman who will tell her age to be over 25-30!”<sup>37</sup>

<sup>35</sup>[https://www.researchgate.net/publication/331408346\\_An\\_Analysis\\_of\\_Dowry\\_Practices\\_and\\_Its\\_Religious\\_Aspect\\_in\\_Rural\\_Area\\_of\\_District\\_Swat-Pakistan/figures](https://www.researchgate.net/publication/331408346_An_Analysis_of_Dowry_Practices_and_Its_Religious_Aspect_in_Rural_Area_of_District_Swat-Pakistan/figures)

<sup>36</sup> <http://netpak.org/wp-content/uploads/2015/10/Final-Bride-Price-Report-.pdf>

<sup>37</sup> Anbreen Ajaib, Executive Director, Bedari; Waseen Durrani, OXFAM; Imran Takkar, Group Development, and others.



Socially, it is considered that it is the right of the father to make decisions about marriage. Under the Muslim Family Law Ordinance of 1961, the provisions that allow a “*vakil*,” i.e., representative, and “*vali*,” i.e., guardian to act on behalf of the girl undermines her right to exercise personal consent for marriage. This also deprives *nikkah* registrars of any opportunity to assess the girl’s age from her physical appearance, or to insist that she give her consent in person as this is not accepted practice. The actors involved in child marriage, mostly parents and immediate family members, thus control the consent.

Another major issue is that verbal *nikkah* remains a norm in KP, and therefore marriages can be contracted without any documentation. This is a critical obstacle in establishing the age at which a girl was married, and a factor in perpetuating cases of forced, early and child marriages.

#### 4.2.5 Religious Stakeholders

The Quran elaborates on the age for both mental and physical maturity of girls. In interviews, some religious stakeholders informed the research team that the Quran states that a person should not only be “*baaligh*,” i.e., of age, physically, but also “*aaqil*,” i.e., mentally mature, to be trusted to make independent decisions. Therefore, both physical and mental maturity need to be present in decisions for marriage. This principle was the basis of a *fatwa* (ruling) by the Jamia Al Azhar<sup>38</sup> in 2017 that termed a marriage without the girl’s consent to be immoral and equivalent to a death sentence for the girl. It also stated that the marriage of a minor is also unacceptable as Islam neither acknowledges nor promotes it.<sup>39</sup>

In social appropriation, different schools of religious thought elaborate these points differently. For example, the Sunni<sup>40</sup> legal schools are of the opinion that a girl’s father has the right to marry her to whomever he chooses without consulting her, irrespective of her age. However, such a marriage cannot be consummated until the minor child reaches the age of majority. In such social recognition, there is strategically underscored provisions in Islam that marriage is a contract between individuals: a contract that requires two parties to consensually assume a set of social, religious, and legal responsibilities for which they should be physically, emotionally and legally mature, and of a certain age.

KP-based civil society organizations (CSOs) and activists observe that the religious legitimization of child marriage is low. Religious leaders in KP do not see it as a religious problem but a societal one.<sup>41</sup> They support the stance of the Council of Islamic Ideology (CII) to condemn and lobby against it and state their willingness to condemn it along with crimes like *swara*, *vani* and rape, and even to demand

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<sup>38</sup><https://www.theguardian.com/global-development/2019/jun/21/senior-islamic-cleric-issues-fatwa-against-child-marriage>. Jamia Al Azhar is a Cairo-based Islamic university and globally revered hub of Islamic jurisprudence. In Pakistan Molana Mujadidi also advocates the same approach.

<sup>39</sup> The religious explanation/position was elaborated in 2017 by Jamia Al-Azhar and the National Council of Women in Cairo launched the campaign to promote the role of women In Egypt in particular and the Muslim world in general.

<sup>40</sup> “Marriage, Divorce, and Inheritance in Islamic Law, in Understanding Islamic Law: From Classical to Contemporary, edited by Hisham M. Ramadan, (2006)

<sup>41</sup> Such leaders include Molana Tayyab Qureshi, Imam Masjid Mohammad Khan, Peshawar.

stricter punishments. They also recommend that advocacy against child marriage be linked to health reasons like higher risks of maternal mortality. They attribute the current roadblock in the Child Marriage Restraint Bill to be lack of political will and want the stakeholders to recognize this rather than blaming religious leaders.

Recently, the Chair of the CII, Dr. Qibla Ayaz,<sup>42</sup> emphasized that underage marriages cannot be encouraged as they trigger a wide range of complex issues for the married couple, their respective families, and the entire community. However, such views are yet to become part of the mainstream social narrative around the permissibility of child marriage in Islam.

### 4.3 Positioning of the KP Government: Institutional Setting and Policy Framework

The positioning of the government is reflected in its institutional setup, policies and development agenda.

#### 4.3.1 Institutional Setting

KP does not have a dedicated department focusing on children. The **KP Child Protection & Welfare Commission**<sup>43</sup> (KPCWC) was constituted under the KP Child Protection and Welfare Act 2010, as amended in 2016 and 2018. It is currently headed by the Chief Minister. Administratively, the Commission is placed under the Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa. As a technical set-up, KPCWC is not administratively independent to function as a primary coordination or oversight mechanism. Under the Commission, Child Protection Units are currently operating in 12 districts, and the government plans to eventually have such units in all districts of the province. As per the Deputy Chief of the Commission,<sup>44</sup> child marriage is identified as a risk in Article 2 of the Act and is considered a child protection issue. However, the law does not expressly state this. Three Child Courts have also been established and once the KP-CMR bill 2019 is approved, these courts will be able to intervene in cases of child marriage.

There have been 144 reported cases of child marriage in KP as per the KPCWC, all of which came to their knowledge through a community-based information network. The Child Protection Officer can lodge a First Information Report (FIR) with the police to stop specific cases of child marriage.

The KP government has appointed a woman as the **Provincial Women's Ombudsperson**. The Government of KP also established a **Commission on the Status of Women (KPCSW)** under an Act in 2016. Moreover, the **Office of Chief Provincial Commissioner for Children (OCPCC)** is also operational under the *Wafaqi Mohtasib* (Ombudsperson) Office. It was established with the support of UNICEF.

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<sup>42</sup> in July 2019 at the session discussing CMRA – KP bill-2018- <https://www.globalvillagespace.com/child-marriage-restraint-bill-2019-kp-assemblys-solution-to-end-child-marriages/>

<sup>43</sup> <http://kpcpwc.gov.pk/index.php>

<sup>44</sup> Deputy Chief of the commission interviewed on 28.8.2019 at his office in Peshawar

### 4.3.2 Policy Framework

Despite the extensive range of harmful traditions and customary practices associated with it, child marriage is not yet addressed directly at policy level in KP, especially from a girl child perspective. Child marriage is discussed as part of domestic or gender-based violence due to media reports of cases of *swara*, *vani* and *ghag*, which have been legally criminalized as harmful traditions and practices.

The KPCWC Act focuses on protecting children affected by harmful traditions and practices but does not address child marriage per se as an issue or area of work. However, the KPCWC is preparing a child policy that is expected to have focus on stopping child marriage.

The subject of child rights is covered under different policies in KP but comprehensive definitions, integrated protection and implementation plans, and a concerted oversight mechanism are missing. The policies exist separately, without attempts to forge mutual coherence for effectiveness. Child marriage per se is not a highlight in any of the policies.

There are provincial directorates of human rights and offices of the Wafaqi Mohtasib. Health and education departments also focus on child rights as per their specialized mandate.

The **Human Rights Policy 2018** for KP has given due attention to child rights and protection under a dedicated chapter. Child rights are a major focus of this policy as well as the Action Plan for Human Rights. The KPCWC is assigned with the responsibility of implementation with regards to child rights while the Department of Women Development and Social Welfare is assigned to lead on integrating all cross-cutting themes affecting the state of children.

The **KPCSW** is leading on policy change and advocacy in close collaboration with KP Women Parliamentary Caucus. These efforts have led to the KP Child Marriage Restraint Bill. A provincial Women's Empowerment Policy was launched in 2015 in pursuance of the province's commitment to gender equality, which interestingly does not talk about harmful traditions and customary practices.

### 4.3.3 Legal Landscape and Stakeholders

Legislation is a critical tool for controlling deviant behaviors and providing protection in case of sensitive issues such as child marriage, but it has yet to be adequately utilized by the government. Before the 18<sup>th</sup> Amendment in 2010, "marriage and divorce" were part of the Concurrent Legislative List of the Constitution and both the federal and provincial legislatures were empowered to legislate on these issues, with federal law to prevail in case of any conflict. Marriage and divorce now comprise a provincial subject, and only the provinces are empowered to legislate over it. Since the 18<sup>th</sup> Amendment, most laws have been re-enacted at the provincial level in KP. The KP government has enacted significant legislation against harmful socio-cultural traditions and customs, including

elimination of the custom of *ghag*, and also to secure women's right to inheritance and protection against harassment at the workplace.<sup>45</sup>

#### 4.3.4 Child Marriage Restraint Bill

As mentioned earlier, as per the Child Marriage Restraint Act (CMRA) 1929, the minimum legal age for marriage is 18 years for boys and 16 years for girls in Pakistan. Most marriages in KP comply with this age limit for girls.

In the aftermath of the 18<sup>th</sup> Amendment, the CMRA 1929 became redundant and a bill for a provincial law to replace it has been pending in the KP Assembly since 2014. Deliberations over the issue continued during the previous provincial government of PTI, without an end result. PTI wanted two other political parties, the Jamaat-e-Islami (JI) and Jamiat-e-Ulema-e-Islam – Fazal-ur-Rehman (JUI-F) to agree to amendments, especially around the permissible age for a female to marry. Following an unanimous provincial assembly resolution increasing the age of marriage for girls to 18, the Social Welfare Department has led and finalized the draft of the proposed Khyber Pakhtunkhwa Child Marriage Restraint Bill (CMRB), 2019.<sup>46</sup>

The proposed Bill is expected to raise the marriageable age for girls to 18 years and to institute higher punishment for *nikkah* registrars, parents, and husbands who fail to comply, including monetary fines and imprisonment. It proposes punishment of up to three years' imprisonment and fine of Rs. 45,000 for the offence of child marriage.<sup>47</sup> The Bill also proposes mandatory birth, CNIC, and marriage registration for *nikkah*, and, above all, removes all indemnity clauses. The offence of child marriage, under the proposed law, would be cognizable, non-bailable, and non-compoundable and the trial court will be required to conclude the trial within 90 days.

The Department of Social Welfare considers the Bill a demonstration of the commitment of the KP government to progressive legislation against harmful practices and traditions, including child marriage. However, the PTI-led provincial government has not tabled the Bill in the Assembly as the Federal Government, also led by PTI, has yet to have a clear position on the subject. A similar bill was rejected in the National Assembly after being approved by the Senate.

#### 4.3.5 Issues in Implementation

Issues related to implementation of the existing and proposed law against child marriage in KP are its biggest weakness. The law attempts to check child marriage by enforcing a legal age bar linked to evidence of birth registration and registration of marriage. However, low birth registration in KP

<sup>45</sup> <http://kpcode.kp.gov.pk/homepage/lawDetails/572> - Ghag Act 2013; KP protection of women against harassment at work place Act 2018 <http://www.pakp.gov.pk/2013/acts/the-khyber-pakhtunkhwa-protection-against-harassment-of-women-at-the-workplaceamendment-bill2018/>, Section 310-A ACT XLV, Section 498-B in Pakistan Penal Code,

<sup>46</sup> <https://www.globalvillagespace.com/child-marriage-restraint-bill-2019-kp-assemblys-solution-to-end-child-marriages/>

<sup>47</sup> In comparison, the CMRA 1929 provided for a much lower punishment of simple imprisonment of up to one month or a fine of Rs1, 000, or both, for contracting a child marriage by a male above 18 years of age; for performing or conducting a child marriage; and for parent or guardian involved in child marriage.

(35.2%<sup>48</sup>) makes this requirement practically meaningless; it is very difficult to verify compliance with the age requirement.

Verbal solemnization of marriages continues to be a norm in KP, even in urban and educated segments, obviating the need for documentation and for age verification. The new CMRB makes it the responsibility of the *nikkah* registrar to ascertain the age of a girl at the time of marriage. In conservative social settings, and even otherwise, in family arranged marriages, once the father approaches the *nikkah* registrar, nobody asks questions about the age of the girl, let alone requesting proof of her age. Social norms prevent the registrar from even seeing the girl to assess her age. Moreover, the girl's consent is conveyed through her *vali* or *vakil*, rendering meaningless all legal safeguards referring to age and consent.

Another great weakness in the proposed Child Marriage Restraint Bill in KP is that it provides no relief to the girl child if she does get married. If a child marriage is contracted and complained upon, monetary punishment and imprisonment can be enforced after a judicial process on parents of both sides, the groom, and the *nikkah* registrar under Criminal Procedure Code, but it does not dissolve the marriage. The girl child who wishes to leave such a marriage must terminate it herself by filing a civil case for divorce under the CPC. The obvious question is how can a child who does not have the agency to stop her marriage or assert her consent, initiate and go through the divorce process without any support? Naturally, her parents will not support her as they made the decision to marry her off. Her challenges will be even greater where the child marriage was contracted as a reconciliatory measure.

#### 4.3.6 Legal Actors

Law enforcement agencies (LEA), i.e., the police, lawyers, and judiciary, are key legal actors. Child marriage can be stopped with the help of LEA if they are informed before such a marriage takes place.

However, the three Child Courts announced in KP to date are not functional. It is yet to be seen how they will interpret and treat cases of child marriage and what relief will be provided to the girl child. The judges appointed to Child Courts will need to be oriented to the issue of child marriage, fragmentation of law, and its application, to address the social evil.

The training curriculum of the police will also need to include orientation on child marriage. Currently, the police in KP treats marriage as a private matter, reflecting a patriarchal mindset.

Lawyers have no recourse to case law for support for legal jurisprudence. The cases are pursued as per the laws against which FIR have been registered, which may not necessarily be CMRA. The cases are similarly adjudicated by judiciary.

The table below consolidates the discussion in this chapter to juxtapose stakeholders' power and influence against motivation and awareness, besides stating their current status and future potential.

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<sup>48</sup> PDHS 2017-18



**Table 4.4: Status, Power, Motivation, and Potential of Stakeholders in Child Marriage in KP**

Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
	Blockers/ Connectors	H/M/L	H/M/L	H/M/L	H/M/L	H- High; M- Medium; L-Low
<b>Young girls</b>						
Young unmarried girls	Connectors	L	H	L	L	1. They lack agency at individual level. 2. They can be potential change agents subject to education and economic opportunities.
Young married girls	Connectors	L	H	M to L	M	1. They lack agency at individual level. 2. They can be potential agents of change supporting physical and mental health, sexual and reproductive health, and measures against gender-based violence.
<b>Family</b>						
Mothers	Connectors	L	M	L	L to M	Can inculcate social change among sons on equality and equity of girls/women.
Fathers	Blockers	H	H	H	L	1.They are core marriage decision-makers in family. 2.They have power in family to influence conformity to harmful socio-cultural practice and traditions, i.e., using women as peace collateral to retain elite power structures. 3.Need sensitization on health effects of child marriage on girls and especially awareness that it is not religiously sanctified.
Family elders	Blockers	M to H	M to H	M to H	L	1. Power wielders who encourage marriage within close family as it facilitates consolidation and control of joint family's economic assets/earnings. 2. Influence compliance to <i>Pakhtunwaali</i> .
Clan ( <i>Shareeka</i> )	Blockers	H	M to H	M to H	L	1. Has influence to objectify women as peace collateral in the name of tradition. 2. Threatens social sanctions/ostracizing for non-compliance within family marriages.



Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
<b>Community Actors</b>						
<b>Alternative dispute resolution (<i>Jirga</i>) practitioner</b>	Blockers	H	L	H	L	<ol style="list-style-type: none"> <li>1. Power to sanction social ostracizing and economic boycott for non-conformity to traditions, especially in objectifying women as peace collateral.</li> <li>2. Exercise power of judicial nature to enforce conformity to harmful social practices.</li> <li>3. It is a power structure that is used for the benefit of local elite in settling disputes resulting in forced/early/child marriages and other gender-based violence (GBV).</li> <li>4. Post KP-FATA merger, there is opportunity to extend local government system and through it replace informal <i>jirga</i> and its sanctification.</li> </ol>
<b>VNC Councillors, especially women and youth</b>	Connectors	M to L	L	M To L	L	<ol style="list-style-type: none"> <li>1. Potential Influencer for i. increased birth registration; ii. documented marriage;</li> <li>iii. lobbying about effects of child marriages on girls; iv. compliance with law against child marriage; v. narrative against harmful tradition and practices.</li> </ol>
<b>Teachers</b>	Connectors	M	L	M	L	<ol style="list-style-type: none"> <li>1. Potential Influencer for parents for girl's education and health impacts of early marriage through Parent Teacher Meeting, as human rights policy suggests for counselling against child labor.</li> <li>2. Would need training to incorporate gender perspective and priorities in curriculum, as elaborated in human rights policy.</li> </ol>
<b>Health practitioners (LHV/TBA to BHU/DHQ)</b>	Connectors	M	L to M	M	M	<ol style="list-style-type: none"> <li>1. LHV/TBA have the potential to be influencers by raising awareness about harmful impacts of early pregnancy, e.g., maternal mortality and stunting.</li> <li>2. Family planning services should be made available as part of mainstream health service provision and not as stand-alone services in separate facilities or rooms.</li> </ol>



Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
<b>Religious Stakeholders</b>						
Council of Islamic Ideology (CII)	Connectors	L	L	H	H	1.High influence on legislative decisions despite advisory status. 2. Should take clear position on <i>vani/swara</i> and use of women as peace collateral. 3. Has potential to lead on campaign against early/child marriage on health grounds.
Religious thought leaders	Connectors	M	L	H	L	1. Brokers of bridging narrative among thought based religious following and social practices being legitimized. 2. Potential influencers against verbal <i>nikkah</i> , early/ child/ forced marriages.
<i>Nikkah</i> Registrar	Blocker	L	L	L	L	Potential to i. discourage verbal <i>nikkah</i> if increased penalties are added in Child Marriage Restraint Amendment; ii. Mandatory <i>nikkah</i> registration; and iii. legal compliance to CMRA.
Maulvi	Blocker	L to M	L	M	L	1. Religio-sanctify harmful practices. 2. In rural settings, influence social power dynamic for marginalized households and obey village elite. 3. Socially sanctify that child marriage and right of marriage decision is with father only. 4. Has the potential to be engaged in lobby in line with CII.
<b>Government</b>						
Ministry of Human Rights & Provincial Directorates	Connectors	L	H	H	H	1. Connects federal government positioning through Provincial Directorates. 2. Weak presence of Directorates in provinces reduced to coordination, which has potential to be increased.
National Commission on Child Welfare & Development (NCCWD)	Connectors	L	L	L	M	Advisory body, mandated to facilitate, coordinate, monitor, report; post-18 <sup>th</sup> Amendment, reduced to coordination for reporting on Convention on Rights of the Child. If it is not subsumed in NCRC, it should be part of it.

Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
National Commission on Status of Women (NCSW)	Connectors	L to M	H	H	H	Has the agency and influence on policy and legislation being watch body, especially on marriage practices.
National Commission on Rights of Child (NCRC)	Connector	-	-	-	-	Announced in Oct 2017; yet to be formed. Post activation would have the potential to lead on child rights agenda.
National Commission on Human Rights (NCHR)	Connectors	L	L	L	L	Completed tenure in 2018 and yet to be re-constituted.
Office of the National & Provincial Commissioner of Children- Wafaqi Mohtsib	Connectors	L	L	L	M to H	UNICEF-supported setup with limited outreach and impact. It is complaint based and cannot be pro-active.
Department of Law, Parliamentary Affairs & Human Rights	Connectors	H	L	M to L	L	1. Human rights policy 2018 has a chapter on Child but is not responsible for its attainment. 2. A chapter on Women in the policy also recommends focus areas that are linked to child rights/girl child.
Department of Social Welfare, Women Development, Special Education, Zakat & Usher	Connectors	H	H	M	M	1.Drafted CMR bill 2019 is yet to be tabled in provincial assembly. 2. Has the potential to create synergy and influence women-related and welfare policies.
Department of Education	Connectors	L to M	L	L to M	L	As per KP Human Rights (HR) policy 2018, it has the opportunity to (i) influence discourse on girls' education; (ii) influence discourse against harmful practices; (iii) add anti-child marriage content in curriculum; and (iv) train teachers.

Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
Department of Health (LHV/ TBA, BHU to DHQ)	Connectors	L to M	M to H	M to L	M	1. It can train Lady Health Visitor (LHV) network on adolescent girls' health, especially sexual and reproductive health, and their associations with mother and child health, and need for use of FP. 2. Mainstream FP windows in all Health Units. 3. Use LHV/TBA in awareness raising on negative impacts of early pregnancies
Department of Population Welfare	Connectors	L	M	L	L	Can lead in creating campaign in response to Supreme Court decision on population growth, and connect to health, FP practices, and safe pregnancies.
Child Protection & Welfare Commission	Connectors	L	M to H	L to M	M	Has the power and influence to work against child marriage; it has prevented 144 cases.
Provincial Commission on Status of women (PCSW)	Connectors	L	M	L to M	L to M	1. Weak institutional setting and technical capacity. 2. Potential to influence government legislation and policy formulation; and strengthen departmental and KPCWC efforts.
<b>Political Actors</b>						
Federal Government including Cabinet	Blockers	H	L	H	L	Not interested in legislation that may elicit negative public relations outcomes or irritate constituency; generally, works to appease religious groups. Federal government, through approving CMR Bill 2019, can influence the same in all provinces along with changes in Pakistan Penal Code (PPC) 1860.
Senate	Connectors	H	H	H	H	Through CMR bill 2019 has led on setting policy discourse and positioning.
National Assembly (including technical committees)	Blockers	H	H	H	H	1. Federal government objected to Senate approved CMR Bill 2019. 2. Treasury Members in technical Committee controlled the process and exerted political influence to reject it. 3. National Assembly (NA) is the only form to legislate and demonstrate positioning of the government and members should be engaged.

Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
Provincial Government including Cabinet	Connectors	H	L to M	H	M to H	Recognize child marriage's impact of harmful social practices, which are criminalized.  CMRA Amendment Bill 2019 drafted and approved by the Cabinet and yet to be presented in Assembly.
Provincial Assembly	Connectors	H	M	H	M	1. Resolution unanimously passed to raise marriageable age for girls to 18 (April 2019).
National Women Political Caucus (WPC)	Connectors	L	L	L	L	Potential to create intra-party consensus on CMRA, lead on advocacy and re-table CMR bill in NA.
Provincial Women Political Caucus (WPC)	Connectors	L	H	M	H	Led on resolution in Assembly, advocacy and pushing for draft CMRA Bill 2019 to be tabled in Assembly.
<b>Legal Actors</b>						
Lawyers, Judicial Activists	Connectors	M	H	M	H	They are motivators who can develop case law and create precedence for pleading cases of child marriage.
Police	Connectors	H	L	H	L	1. Potential influencers for increased deterrence and compliance with legislation on GBV as well as Child Rights Act and its application. 2. Patriarchal mindset and weak capacity in understanding rights-based legislation and its application.
<b>Civil Society &amp; International Community</b>						
Civil Society Organizations & Activists	Connectors	L to M	H	M	H	Leading in undertaking research, awareness reporting & legislative changes on child rights and harmful practices.
Relevant UN Agencies	Connectors	M	H	M	H	1. Seek and can influence State in compliance with international commitment and reporting. 2. Government is comfortable to accept their programmes and technical support on sensitive issues like child marriage, which has potential to push integrated child rights policy and programming.

Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
<b>Bilateral &amp; Multilateral donors</b>	Connectors	M to H	H	M	H	1. Has influence to raise issue at strategic level with federal and provincial Government, and leading political party leaderships. 2. Can develop multi-pronged programmes of longer duration with larger financial assistance.
<b>International NGOs</b>	Connectors	L	H	L to M	H	1. Can bring in international best practices. 2. Lead on large programme implementation.
<b>Media</b>						
<b>State-owned Electronic Media - TV &amp; Radio</b>	Connectors	M to H	L	H	L to M	1. High outreach and influence. 2. Under-utilized for public interest programmes and messaging in support of State position on the issue.
<b>Private Electronic Media - TV &amp; Radio</b>	Connectors	M to H	L	H	L to M	1. Has corporate interest in issues. 2. Undertakes corporate social responsibility-based public service messaging on issue of the day. 3. Anchors and research team need orientation for current and public affairs programming.
<b>Print Media</b>	Connectors	M to H	M to L	H	M to L	1. Has corporate interest in issues. 2. Can be engaged for technically supported columns and editorial.
<b>Social Media</b>	Connectors	M to H	M	H	M	1. Influencers who can highlight issues in short span of time and create narrative. 2. Interest is personal rather than organizational.

## 5 Pathways of Change: The Way Forward

Among married women of ages 20 to 24, those who were married as children, i.e., before the age of 15, comprise 7.50% in the NMDs, and 5.7% in the rest of the province. Among the same women, those who underwent child marriages, i.e., got married before the age of 18, comprise 35% in the NMDs and 27% in the rest of KP.

The discussion around child marriage is primarily rooted in international commitments<sup>49</sup> to gender equality. Pakistan is a signatory to several of these, such as the Convention on the Rights of the Child (CRC),<sup>50</sup> and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Pakistan has also co-opted the Sustainable Development Goals (SDGs), one of the targets of which is to eliminate “child, early and forced marriages” by 2030.<sup>51</sup> Discourse on child marriage focuses on the negative impacts of such marriages on the well-being and opportunities of the girls, and their lack of agency and autonomy in the process of contracting marriage.<sup>52</sup>

### 5.1 PEA Findings

There is an emerging social consensus in Pakistan that child marriage is a fundamental human rights violation and a growing body of evidence that the persistence of child marriage constitutes a grave threat to the life, health and future opportunities for schooling and work for young girls and their

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<sup>49</sup> Key among these are the Universal Declaration of Human Rights (1948), the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1964), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (CRC 1989), the Cairo International Conference on Population and Development (1994), and the United Nations Fourth World Conference on Women, Beijing 1995.

<sup>50</sup> Pakistan has to date presented four reports to the Child Rights Committee (CRC) that recommended that the Government increase harmonization of laws with the Convention, improve coordination at the national and local levels, establish a monitoring mechanism, allocate resources for children, collect data, cooperate with non-governmental organizations (NGOs), adopt a uniform definition of the child, combat violence against and abuse of children including sexual abuse, implement the right to education, prevent child labor, and promote juvenile justice.

<sup>51</sup> Transforming Our World: The 2030 Agenda for Sustainable Development. (n.d.). A New Era in Global Health. doi: 10.1891/9780826190123.ap02

<sup>52</sup> Schaffnit, S. B., Urassa, M., & Lawson, D. W. (2019). “Child marriage” in context: exploring local attitudes towards child marriage in rural Tanzania. *Sexual and Reproductive Health Matters*, 27(1), 1571304. doi: 10.1080/09688080.2019.1571304

children. Socio-economic, religious, and political factors besides systematic institutional settings and policy frameworks influence the prevalence of child marriage. The issue of child marriage is multi-layered and impacts the individual, family, and society at multiple levels. It is a part of both gender and child rights debates, but demands an integrated narrative anchored in a rights-based agenda that is multisectoral and addresses all stakeholders alike. Such a narrative must keep the Child at its core and then connect with the right to life, well-being, and opportunities, with a special focus on the girl child.

The provincial narrative in KP should focus on social transformation, striking a balance between sensitizing society, especially the main stakeholders, about the harmful effects of child marriage, and lobbying for integrated cross-sectoral policy options to improve protective factors that can save children from being pushed into marriage. The potential protective factors can be strengthened through sectors like human rights, population, education, health, women, and social welfare. Health risks are validated by all stakeholders as the gravest of all consequences of child marriage and there should be concerted lobbying about family planning and safe pregnancies. Stakeholders' consensus on collaborative affirmative action could create an enabling environment in which the underlying drivers of child marriage are addressed through an integrated policy and targeted strategies and programming. Programming on child marriage will face certain risks and challenges, which are elaborated along with mitigation options in Appendix E.

Discourse and practices around child marriage in KP are embedded in and informed by the larger socio-cultural narratives around marriage and sexuality. In harmful social traditions and customs, which are socially lauded by practitioners, girls and women are used as a peace collateral in reconciliation, serving as the highest price of honor. There are no data available in KP to assess the numbers or ages of women and girls who have been given in marriage under such arrangements. It is known that not all early and child marriages occur due to such traditions and customs.

Harmful traditional customs and practices have been criminalized in KP, but this on its own is unlikely to change the fundamentals of practices to guard and protect family honor. Laws do not exist in a social vacuum and there is a need to work in tandem to remove social impediments. Along with laws, the KP government needs to work to bring about social change so that girls are not viewed as commodities to be bartered and traded.

The data indicates that the median age of girls at marriage is 19.7 years, which is also the median survival time (i.e., period in which they remain unmarried) for girls who have had incomplete primary education. For those who are able to complete secondary education, survival time increases to 22.59 years—a clear evidence that education protects against child marriage. In the NMDs, even enrollment in primary education effects a visible improvement on survival.

The KP Human Rights Policy 2018 stresses mandatory birth registration and is incentivizing it for education, health, and housing. The policy also stresses implementation of Article 25A of the Constitution along with the Primary and Secondary Education Act, 2017, to ensure free education of



children within the province. In terms of impact, all stakeholders are willing to work on ensuring access to education and deepening the family planning/health messaging to help prevent child marriage and its negative consequences.

Education and linked opportunities for labor force participation are validated as essential to socio-economic empowerment of girls and women, and have the potential to improve gender equity and equality. KP's human rights policy suggests a role for teachers to raise parents' awareness against child labor through Parent Teacher Meetings; the same channel could also be used to lobby against child marriage on health grounds. Religious stakeholders in KP support lobbying against child marriage on the Quranic principle that mental maturity is intrinsic to coming of age for marriage, and therefore physical and mental maturity, together, should be considered in assessing readiness for marriage.

The institutional setting and policy framework pertaining to child rights needs to be reviewed to incorporate and extend outreach within the complete child rights agenda with a key focus on child marriage and rehabilitation of child brides. Institutions are committed, under the Human Rights Policy 2018, to ensure that the rights of the child are factored in all of relevant policy-making activities. This provides an entry point for formulation of a KP Child Rights Policy that is able to integrate cross-sectoral inputs and puts forth a mechanism for coordination and oversight. KPCWC needs to have its own strategy, covering the complete child rights agenda, and serve as the custodian of the Child Rights policy. It needs to factor in child marriage as a special category in its legal and institutional mandate. Social safeguards are important to protect and rehabilitate child brides and orphans who have been subjected to child marriage.

The political economy analysis informs us that the current debate on increasing the age bar for girls to 18 would serve to check the box of one of Pakistan's international commitments; however, it cannot be relied on as a sole deterrent or to achieve a demonstrable impact in reducing the number of child marriages in KP because of low birth and CNIC registration, which are key sources of documentation on age. The social practice of verbal *nikkah*, which is unregistered as well, also reduces the effectiveness of the legal age bar.

The current Child Marriage Restraint Act does not talk about or protect the child bride, who remains in the marriage even after perpetrators have been indicted. It further unduly expects a girl child, with her usurped agency, to file for divorce to get out of the marriage she was pushed into without her consent. Even in the event that she is able to undergo the legal process to have her marriage dissolved, there is no State welfare mechanism available to support her afterwards. Generally, the girl child will remain in the marriage and pay the ultimate health price through pregnancy in adolescence, with adverse effects on both herself and her children.

Table 5.1 encapsulates our study's key findings about the needs of various stakeholders in child marriage in KP.



**Table 5.1: Key Needs of Stakeholders in Child Marriage in KP**

Stakeholders	Findings
Girls at risk of child marriage	<ul style="list-style-type: none"> <li>• Need to be empowered socio-economically to have a greater voice in decision-making processes</li> <li>• Children can be agents of change for their peers and introduce a changed narrative in their homes through education</li> <li>• Need increased access to education to build their future</li> </ul>
Parents and male family members (especially fathers and brothers)	<ul style="list-style-type: none"> <li>• Fathers and brothers need to be sensitized on negative impacts of child marriage, especially on the health and life of the girl child. Law alone cannot convince them</li> <li>• Role models should be cultivated among them to become champions of girls' rights and education, and thus fight against child marriage</li> </ul>
Community leaders	<ul style="list-style-type: none"> <li>• The government needs to cap their informal legal influence by strengthening the local government system and having its committees replace the alternative dispute resolution forums (jirga)</li> <li>• Initiate sensitization about adverse health impacts of child marriage on girl child</li> <li>• Emphasize education following proper/relevant Quranic injunctions</li> </ul>
Religious leader	<ul style="list-style-type: none"> <li>• Council of Islamic Ideology should take a clear and firm opinion against child marriage in line with the Al-Azhar <i>fatwa</i></li> <li>• Leaders should be legally sensitized to do away with verbal <i>nikkah</i></li> <li>• Government's designated <i>nikkah</i> register should submit monthly detail of contracted marriages to the local Union Council to check underage marriage and discourage verbal <i>nikkah</i></li> </ul>
Political Actors & Legislators	<ul style="list-style-type: none"> <li>• The government must fulfill its election promise by taking affirmative action, e.g., tabling and passing the CMR Bill 2019 to demonstrate its position against child marriage</li> <li>• KP-WPC should create inter- and intra-party consensus on harmful practices perpetuating child marriage as a social evil, table resolutions, and encourage political debate to discourage this practice</li> <li>• KPCSW should strengthen its watchdog function to protect against child marriage and other harmful traditions and practices, and engage KP-WPC and MPAs to lobby against them</li> </ul>

Stakeholders	Findings
Government departments/ Service providers: (Health, education, Population & Social Welfare)	<ul style="list-style-type: none"> <li>• There should be one Child Rights institution with administrative and financial autonomy to function as independent set-up</li> <li>• A comprehensive Child Rights policy is needed that focuses on cross inclusion of child marriage in education, health, population, and human rights policies</li> <li>• Every child's inclusion in the national database, i.e. mandatory birth registration, should be ensured so that the government can have informed policies keeping in view existing young people</li> <li>• Local government base mechanisms need to be strengthened to drastically improve birth and marriage registration</li> <li>• Traditional and skilled birth attendants should be used to collect birth and marriage data and share information on adverse impact of child marriage in ongoing health awareness programs</li> <li>• Family planning services should be expanded and integrated in mainstream health setups rather than provided through standalone units</li> <li>• Free education for all should be ensured as per Article 25-A of the constitution and the curriculum content should include awareness building against child marriage</li> </ul>
Judicial & Legal	<ul style="list-style-type: none"> <li>• Reduce legal inconsistencies regarding definition of age for a child and multiple laws covering child as a subject</li> <li>• Create easy legal space to annul child marriage once contracted, and link with welfare mechanism for rehabilitation of the child bride</li> <li>• Ensure enforcement of laws to discourage harmful socio-cultural practices that perpetuate child, early, and forced marriages</li> <li>• Train Child Court judges on international covenants, legislation, personal and family law, and linked national legislative frameworks</li> <li>• Engage with Bar Council to create case law</li> </ul>
Media	<ul style="list-style-type: none"> <li>• Engage mix of media mediums to sensitize audience on child marriage through current affairs and entertainment programming</li> <li>• Promote facts and figures to encourage debate and dialogue on adverse impacts of child marriage</li> </ul>
International development partners	<ul style="list-style-type: none"> <li>• Undertake rights-based programming to mainstream child rights and action against child marriage</li> </ul>

## 5.2 Core Finding from Data Analysis

The core finding from our analysis of data is that **education protects against child marriage**, which is highest among the urban poor in KP. In the NMDs, education correlates strongly with delay in age at marriage.

Primary education in the NMDs improves chances of survival at almost the same rate as secondary education does at KP. Girls who have completed secondary school improve their chances of not getting married at less than 18 years of age by up to 15 to 28 percentage points, and of not getting married at ages 18, 19, and 20 by more than 30 percentage points.

The median survival time without education in KP is 18.91 years, which rises to 22.59 years with completed secondary education (Table 4.2). This level of insulation arises from simply going to school. Median survival time can increase by over 2 years for those with incomplete primary, and almost 2 years for those who have completed primary education.

The chances of survival increase up to 26 percent simply by sending girls to school. Especially for girls between ages 13 and 17, the chances of marriage decrease by 22 percentage points. This also provides protection from teenage pregnancies.

Similar conclusions have been drawn in a recent study by the United Nations Population Fund (UNFPA) and National Institute of Population Studies (NIPS), which states that “Effective educational and poverty reduction efforts are likely to have more effect in reducing child marriage than policies such as legislating to forbid marriage below a minimum age.”<sup>53</sup>

Children, especially girls, need to be empowered in order to increase their agency and raise their voice to demand accountability in support of their rights.

### 5.3 Key Messages of the PEA

1. In South Asia, Pakistan has the highest Singulate Median Age of Marriage and lowest incidence of marriages before 15 and 18 years of age.
2. In KP as a whole (excluding NMDs) and the NMDs specifically, marriage under the age of 15 stands at 5.5% and 7.5%, respectively.
3. The majority of reported marriages that occur before 18 years of age take places when girls are of ages 16-18. The survival analysis for KP is steepest at age 15 and decline in survival, at age 17.

***“For child marriage to be eliminated, the legal age for marriage should be 18 across all provinces of Pakistan”***

4. Pakistan recognises 16 as the legal age of marriage for girls, with the exception of Sindh province, which has increased it to 18 for both boys and girls.
5. The position of the state of Pakistan, that there is no room in the national legal structure for child marriage,<sup>54</sup> is in line with its international commitments and responsibilities. Pakistan has agreed to examine raising the minimum age of marriage at 18 for both girls and boys.

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<sup>53</sup> Policy Paper on Child Marriage, Domestic Violence & Unmet Need for Family Planning Based on the Pakistan DHS 2017-18: UNFPA

<sup>54</sup> In the 2018 Universal Periodic Review, of the international commitments Pakistan is a signatory to, Pakistan agreed to examine recommendations to set the minimum age of marriage at 18, for both girls and boys.

***Legal recourse needs to be more holistic rather than merely increasing the age bar for child marriage***

6. Current legislation to restrain child marriages recognizes such marriages as a grievance to be penalized but does not protect the person (girl child) who is the victim and right holder. The child bride remains in the marriage as the law does not annul it.
7. Raising the legal age bar is an opportunity to encourage access to education and economic opportunities besides delaying early pregnancy among adolescent girls.

***There is a need to build awareness against the misuse of religious and cultural values***

8. Actors identified as ‘blockers’ use religious and cultural frames to justify the practice and thus, prevent it from being eliminated.
9. ***We need to frame child marriage not just as a social issue and violation of human rights but as equally as more of a health/rights issue as well.*** Child marriage has a critical physical health effect on adolescent girls through social pressure for early conception and pregnancy. Childbearing at less than 18 years of age increases the risk of complications during pregnancy and childbirth and also leads to higher rates of neonatal mortality.

***A link should be drawn between early pregnancies and family planning***

10. It is unanimously agreed by stakeholders in the larger population and health narrative that early pregnancy is a most critical risk associated with child marriage. This warrants a response and awareness raising, specifically for:
  - i. Availability of family planning services; and
  - ii. Advocacy on delaying first pregnancy.
11. Pakistan needs to refocus on family planning under health. Postponing first births and extending the interval between births would have positive effects on the health of the mother and the child (PDHS 2017-18: 83). Age at marriage and duration of breastfeeding are extremely important proximate determinants in the cultural context.

## **5.4 Recommendations**

The overall strategy to prevent child marriage in KP should address the drivers of child marriage which are at the root cause for this practice. For example, increasing female education and poverty alleviation interventions will have more influence in reducing child marriage than merely legislating for minimum age of marriage at 18.

While child marriage robs a young girl of her childhood and affects her overall well-being, a key aspect hitherto ignored in the discourse on child marriage is the harmful health consequences of early pregnancy resulting from child marriage. It is critical to mainstream health angle in the discussion on child marriage as data clearly indicates that maternal mortality is higher among younger women. Health consequences resulting from early pregnancy due to child marriage should be addressed at all levels-be it institutional, policies or advocacy.

### 5.4.1 Policy

- I. Initiate a policy discourse and public dialogue against child marriage anchored in education, population welfare, and health, i.e., including Sexual and Reproductive Health & Rights (SRHR) and Family Planning.
- II. Develop an integrated, cross-sectoral Child Rights policy that recognizes child marriage as a form of violence against the girl child.
- III. Ensure implementation of policies and develop a national action plan for child rights.
- IV. In areas where a government school is not available within 2- to 3-kilometer radius, introduce social protection for free education
- V. Introduce social safeguards to protect and rehabilitate the child bride. (1. Educate Parents: families often do not know the negative and detrimental effects of child marriage like health complications due to early pregnancy. Such parents will benefit from being educated on the very serious harmful effects of child marriage. 2. Mobilize religious leaders and community elders against Child Marriage 3. Advocate for Women as Community Leaders: women are often kept out of the decision-making processes and are not allowed a voice in local politics). It is vital that women are empowered to voice their concerns and advocate for women's rights including child marriage.

### 5.4.2 Institutional

Strengthen the KP Child Protection & Welfare Commission by according it administrative and financial autonomy.

Provide voluntary family planning services and commodities as part of mainstream health services to prevent early pregnancies among married adolescent girls. This is especially critical because once the child marriage has occurred, it is important to safeguard the young girl's health by delaying pregnancy.

Increase availability of middle and secondary schools in the vicinity of communities to ensure girls' safe access to education.

- i. Increase mandatory birth registration in line with incentivization for education, health and nutrition under the KP Human Rights Policy 2018.
- ii. To facilitate direct birth registration, create a linkage between the National Database and Registration Authority (NADRA) and local facilities, including tehsil and district headquarters hospitals, as well as Union Council (UC) Secretaries.
- iii. Make documentation mandatory for marriage. Specifically:
  - a. Legally bar verbal *nikkah*;
  - b. Designate government-approved *nikkah* registrars at village level, who are linked to the Union Council (UC), and tasked with submitting monthly details of marriages contracted to the UC Secretary;

- c. Make *nikkah* registration mandatory; and
- d. Make documentary evidence of age mandatory for *nikkah*, and also make it mandatory that the age be recorded on the *Nikkahnama* (marriage contract).
- iv. Strengthen the role of the Local Government in monitoring and preventing child marriage by:
  - a. Orientating/Sensitizing councilors, especially youth and women councilors, to initiate change in knowledge and attitudes toward child marriage;
  - b. Assigning the UC Secretaries, the task of passing monthly data of marriages contracted to NADRA and the District Social Welfare Officer for inclusion in the provincial database, i.e., Pakistan Bureau of Statistics;
  - c. Introducing local skill-based job opportunities for girls (under the local government setup) to demonstrate their economic productivity and contribution to the prosperity of the family; and
  - d. Utilizing community health workers (including Lady Health Workers and Lady Health Visitors) to disseminate messages on delaying marriage and adverse effects of adolescent pregnancies, and also to collect basic data on births and marriages.

#### **5.4.3 Legal Reforms**

- i. Table and approve the KP Child Marriage Restraint Bill 2019.
- ii. Create case law on harmful practices and child marriage.
- iii. Include child rights in the judicial and police training curricula.

#### **5.4.4 Advocacy and Lobbying**

- i. Devise a dedicated communications strategy to raise awareness about child marriage in print, electronic and social media highlighting the serious health consequences of early and frequent pregnancies. Advocacy messages should play on parental instinct to protect their children by stressing that early marriage should not be an option because it endangers a girl's life due to complications of early pregnancy.
- ii. Mobilize children as public role models at schools to be agents of change.
- iii. Train teachers to use Parent Teacher Meeting to advocate girls' education and health, and to advise parents against child marriage.
- iv. Generate public service messages and campaign against child marriage.
- v. Leverage the Council of Islamic Ideology and leaders of religious thought in lobbying against child marriage.
- vi. The national and provincial Women Parliamentary Caucuses should act as a collective against child marriage and raise the issue on the floors of house as well.

- vii. SDGs and Child Rights committees of the provincial assembly should be part of awareness raising campaigns as champions.

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## Appendix A: Guidelines for KIIS

Stakeholder/Key Informant	Key discussion Points/Questions
Child Rights Activists	<p>Kickoff: Positioning child marriage (CM) within the child protection framework in Pakistan</p> <ul style="list-style-type: none"> <li>• Is this a common problem? Or is it rather rare? Does it vary from place to place? What factors lead to differences?</li> <li>• Has the situation been changing over time?</li> <li>• At what age do girls normally get married in Punjab/KP? Does it vary from place to place? By ethnic group and/or religion? By urban/rural area?</li> <li>• Where does it emanates from i.e. individual, family, community level?</li> <li>• In your experience, what sorts of norms and practices are common around Punjab/KP about child marriage and other marriage practices? Around girls' schooling?</li> <li>• Have these norms and practices shifted over time? If so, how and why?</li> <li>• Why do some girls continue to marry at early ages? Who is most responsible for keeping these enforcing this? Are these factors different in different places?</li> <li>• In your experience, is there incidence of trying to stop Child Marriages? (b) If yes, by whom? Share some of your experience</li> <li>• Existing laws, policies and programmes to address this?</li> <li>• What more needs to be done?</li> </ul>
Government Stakeholders Administrative institutions & political person	<ul style="list-style-type: none"> <li>• Political position and politics on CM to CMRA?</li> <li>• Is this a common problem? Or is it rather rare? Does it vary from place to place? What factors lead to differences?</li> <li>• Has the situation been changing over time?</li> <li>• Why do some girls continue to marry at early ages? Who is most responsible for keeping these enforcing this? Are these factors different in different places?</li> <li>• In your experience, is there incidence of trying to stop Child Marriages?(b) If yes, by whom? Share some of your experience</li> <li>• Existing laws, policies and programmes to address this?</li> <li>• What more needs to be done?</li> <li>• How are social norms around girls' education changing over time (or remaining the same)? Does this vary from place to place? How/why?</li> <li>• Any specific linkages between child marriage/girls' education (including drop-outs owing to child marriage/ pregnancy; lack of parental investment; parental desire for bride wealth; etc.)?</li> <li>• Can schools and the education system play a role in delaying marriage?</li> <li>• Do you think opportunities for work, has any implications for marriage?</li> <li>• Existing laws/programmes/policies to promote girls' education</li> <li>• Does government draws a link between Health &amp; child marriage?</li> <li>• Perceived health issues/ challenges regarding child marriage?</li> <li>• Health policy, programmes link with child marriage?</li> <li>• Population welfare, family planning &amp; child marriage?</li> </ul>

Stakeholder/Key Informant	Key discussion Points/Questions
CSO representatives and Women/Gender Rights activists	<ul style="list-style-type: none"> <li>• Is this a common problem? Or is it rather rare? Does it vary from place to place? What factors lead to differences?</li> <li>• Has the situation been changing over time?</li> <li>• At what age do girls normally get married in Punjab/KP? Does it vary from place to place? By ethnic group and/or religion? By urban/rural area?</li> <li>• Why do some girls continue to marry at early ages? Who is most responsible for keeping these enforcing this? Are these factors different in different places?</li> <li>• Are people aware of the rights of young women protected by law? What do they know? Can she realize her rights?</li> <li>• If the family or the community is not supportive where can she get support from? Do young women ever resort to accessing such support? What result do they usually yield? What are the repercussions that she has to face? How was this resolved? Give concrete examples.</li> <li>• In your experience, is there incidence of trying to stop Child Marriages?(b) If yes, by whom? Share some of your experience</li> <li>• Existing laws, policies and programmes to address this?</li> <li>• Is there any loop hole of marriage law and assessment of age?</li> </ul>
Lawyers & Child protection authority/Bureau, LEA	<ul style="list-style-type: none"> <li>• Positioning of legal framework PPC, Cr.P.C, CPC?</li> <li>• CMRA within PPC, Cr.P.C, CPC?</li> <li>• National legal framework and international commitments</li> <li>• Application and implication of law &amp; its impact on society?</li> <li>• Ease/difficulty of access and recourse to law and legal aid?</li> <li>• Case law on CM?</li> <li>• Child protection law and CM?</li> <li>• Legal protection, welfares, rehabilitation for victim of CM</li> </ul>
Religious persons	<ul style="list-style-type: none"> <li>• Religious Positioning of CM – Islamic jurisprudence</li> <li>• Normative value of harmful social practices and religio-sanctification</li> <li>• Lines of advocacy &amp; partnership in awareness raising</li> </ul>

## Appendix B: Key Informants Interviewed

### CSO:

1. Valerie Khan – Group Development Pakistan
2. Samar Minallah – Ethnomedia
3. Dr. Zeba Sattar – Population Council
4. Sajjad Cheema – Executive Director SPARC
5. Munizeh Bano - Executive Director SAHIL
6. Harris Khaliq - HRCP
7. Tahira Jabeen – HRCP
8. Imran Takkar - Group Development Pakistan
9. Qamar Naseem - Blue Veins
10. Waseem Durrani - OXFAM

### Member of Parliament:

11. Sardar Awais Dareshak – Provincial Minister Punjab/ PTI
12. Mehnaz Aziz – MNA – PML-N
13. Nafisa Shah – MNA - PPP

### Lawyers:

14. Natalya Kamal
15. Sharafat Chaudhry
16. Benazir Jatoi

### Donors:

17. Emelia Allan - UNICEF
18. Saadat Ali - Netherlands Embassy
19. Dilshad Pari - UNFPA
20. Saliha Ramay - UNFPA
21. Saman Ahsan - UNW

**Government:**

- 22. Khawar Mumtaz - NCSW
- 23. Humera Azam- Secretary, NCSW
- 24. Aftab Alam – DG, NCHR

**Peshawar:**

- 25. Mohammad Idress Khan, Secretary KPK Zakat Ushr, Social Welfare, Special Education and Women Empowerment Department
- 26. Ijaz Khan Deputy Chief, KP Child Welfare Protection Commission
- 27. Rakshanda Naz, Women Ombudsman KP
- 28. Riffat Sardar - Chair KPCSW

**Religious leader**

- 29. Molana Tayyab Qureshi, Masjid Mohammad Khan



## Appendix C: Stakeholder's Power Analysis in KP

Stakeholders	Context specific information	Power & Interest
Girls at risk of child marriage and married girls	Traditions, such as Swara, Vani, Walwaar, Pait Likhi, Ghag, result in some case of early/child marriage to settle conflict. They are also married off because of poverty. Married girls are at a health risk to conceive as early as possible after marriage due to social pressure; hence posing health risks. They are also prone to suffer SGBV.	Low power, high interest
Male family members, particularly fathers and brothers	Male members, especially from poor families, envisage economic benefits from girl's marriage by taking <i>Walwaar</i> (bride price). Marrying off girls also reduces the food, health and security/ safety burden from parental to marital household.	High power, low interest
Mothers	Mothers are keen to protect their daughters from child marriage since they have some negative experiences themselves. But the community values of getting girls married at a young age is also important to avoid social teasing <i>Pighore</i> to the girl & family	High power, high interest
Community Elders/ leader	They pressurize & threaten social ostracization in case of non-conformity to <i>Pakhtunwaali</i> especially in cases of CM used as peace collateral. They are also the socio-political power elite that control <i>jirga</i> and influence adherence to traditional custom & practices for poor. It generally is tilted towards the socio-political elite.	High power, high interest
Religious leader	In line with the community's acceptance of the verbal <i>Nikkah</i> , they religio-sanctify it by solemnizing and accepting it as private domain. Molvi is relatively unaware of CM laws yet does not ask for documentary evidence of age (even for 16 years). They take the father as Vali & his word/consent overrides girls' consent & age. <i>Nikkah</i> registration in KP is not a practice and is undertaken when needed.  At religious leadership level it generally does not favor child marriage and would not relate it with religion. They are ready to be a partner to lobby against CM as a social evil as societal practice along with harmful tradition and practices of Vani & Swara.	High power, low interest
Government, legislators, parliamentarians, WPC	Its an election Manifesto commitment of PTI. KP Assembly has agreed to amend KP-CMPRA. However, due to resistance of PTI government at Federal level, KP bill is not being tabled despite Cabinet clearance due to lack of a political will.	High power, Medium interest
Government Departments: Health, Education, Social Welfare, Women Development, PCSW, Human Rights, Planning &	Although they are aware of the adverse effects for the child, but this group does not take an active role in discouraging child marriage despite its rising number as it gets clubbed with Vani & Swara. HR policy is recognizing it as a budding social evil in and wishes to address it. Largely its recognized to be addressed in health, family planning and Population domain to avoid early pregnancy and increase family planning practices. Population Welfare	High power, low interest

Stakeholders	Context specific information	Power & Interest
Development and KPCCP&WC	Department has designated F information to be shared by <i>Nikkah</i> Registrars. Service providers have limited contact with young people & community on this topic.	
Police and legal officials	LEA cannot act without complaint. Its viewed as private matter. Number of complaints filed negligible. Judiciary cannot provide complete relief to girl child as CM is dealt under Cr.P.C and annulment of marriage under C.P.C. Case law is not available to support lawyers	High power, low interest
Media	It needs research & expertise in better understanding of CM like it is more in the context of harmful practice and violation of child rights. No public interest shows/ programs are done on the topic though incidents are reported.	High power, low interest
International Development partners & National CSOs	They are active to prevent and advocate for the prevention of child marriage. They organise themselves through a variety of platforms and bodies to strive for improvements of the law and its implementation.	High power, high interest

## Appendix D: KP Stakeholders Agency Diagnosis: Incentive & Behavior

Stakeholder's Justification for CM	Analysis of Motivation that influence Behavior (Belief, Values, Concerns, Expectations)	Analysis of stakeholders' incentive (decision's logic, biases, collective action problems)
Why Child Marriage	CM when contracted is a matter of the local culture and tradition of child marriages. However, it also gets compounded when it has Swara/Vani as its trigger under. <i>Pakhtunwaali</i> code	Those who commit to early/ CM, do it to protect girls' chastity. Individual, family & community/clan equates honor with chastity of women.
Socio-cultural Traditions & Practices	<i>Pakhtunwaali</i> code equates individual, family & community/clan honor with chastity of women. It allows several harmful practices like <i>Swara/ Vani/ Ghag / Badl suleh</i> that may perpetuate cases of CM in KP. <i>Walwaar</i> (bride price) is also a socially accepted custom that encourages CM.  Girls, socio-culturally, have no to limited agency to assert their right to life or consent. Age is immaterial in cases when used as peace collateral or object of settlement of feud. Even unborn girls' fate is pre-decided by fathers/male family elders.  Social misperception also leads to child marriage. Besides keeping chastity intact, it's said that once she attains puberty, she is ready for marriage. In Kin marriages to at times in <i>Swara</i> cases girl shifts to husband house at attaining puberty.	Compliance to <i>Pakhtunwaali</i> code is an act of honor at individual, family & community level that must be upheld.  Across socio-economic strata <i>Addo-Baddo</i> & cousin marriages are norm to retain and multiply joint family assets; deny girls right of inheritance; and in elite class get more political and social mileage. Rejecting it leads to family based social boycott among siblings which is not preferred.  <i>Walwaar</i> presents an economic incentive to poor / marginalized families as younger girls get a better bride price. For poor families, the economic & social transfer of burdens from parental to marital home is a huge incentive.
Role of Fathers, Male family members, and Mothers	Fathers are to take marriage decision for his children. Elder brothers and male family grandparents are also engaged in discussion.  It's taken as a cultural right to do child marriage to avoid any unwanted sexual mishap. Decision makers in the family take it as a compliance to traditional norms and customs and think it is in the best interest of the girl and family's honor.	In cases of early or CM, it gets facilitated by the belief that protecting honor is the responsibility of the male family members/ father. Patriarchal biases further facilitate CM as girls are seen as objects rather than humans.  Its role of mothers to ensure girl is ready to accept the decision & in cases seek consent as well.
Community leaders	Influence adherence to social norms to cap societal progression in thought and action, all in the name of honor.  Custodian of ADR – Jirga that has judicial& social power to adjudicate feuds that may involve girls/women specific punitive actions, which may include CM.  Power wielders that influence political and social decisions at national and local levels	Controlling social conduct from individual to communal level by sanctifying social code of harmful practices. They have the Power to take punitive action  Socio-political local elite control social conduct for poor households under <i>Pakhtunwaali</i> pressure. They lead to sanctifying socially acceptable and unacceptable behavior in a village and/or tribe to consolidate their hold.

Stakeholder's Justification for CM	Analysis of Motivation that influence Behavior (Belief, Values, Concerns, Expectations)	Analysis of stakeholders' incentive (decision's logic, biases, collective action problems)
Religious leaders	Deepen the patriarchal mindset by propagating that religion allows the marriage of a girl as soon as she hits puberty; and & propagate in rural setting that its sin to keep menstruating girl unmarried.	They can regulate religious norms/ misunderstandings. Take cue from social elite and sanctify harmful practices under misinterpreted religious injunctions
Governments, legislators, and parliamentarians	Government & legislator go by pulse of constituency and are careful to debate and legislate on any religio- sensitive or against cultural traditions issues to avoid backlash.	Influenced by religious and traditional practices linked to political mandate
Fragmented Institutional settings & policy frameworks	State is expected to have clear position on Rights, Human Rights & Child Rights including CM in compliance to international obligations. Functional mechanism among government setups to integrate, deliver and monitor state of Child Rights. Legislation against harmful traditions & practices like Swara, Vani, Ghag have been undertaken but lack functional oversight mechanism where its compounded by an early/CM	State is expected to demonstrate national & province specific compliance to Child Rights through protection, welfare and rehabilitation policies & support mechanism. It needs to demonstrate holistic Child rights regime as per ratified international conventions. CM should be key focus area. Functional mechanisms and policy framework among government departments be in place to integrate, deliver and monitor the state of Child Rights & track CM
Judiciary, Lawyers & Police	Create legal edifice that has clarity of mandate & reduces fragmented legal frameworks Equality of rights & harmonized legal ambit	Clarity in judicial decision. Case laws to support fragmented laws. Use forceful implementation as deterrence. Ensure swift & easy implementation of laws. Use forceful implementation as deterrence
Media	Prioritizes sensational information over educational or public service information. Lack of coverage on child rights and the health risks associated with child marriage.	Influenced by politics, politicians & priorities of the government of the day for corporate interests News item is perishable & media needs TRP
CSOs & international partners	Supporters for law and policy change process Awareness raising & partnerships for societal transformation at national to local level	Strategic negotiations with government on national compliance of international obligations. Development programming & application of regional best practices as technical support

## Appendix E: Risk Management to Change Early & Child Marriage Practices in KP

Risks	Mitigation Options	Expected Change
Efforts to initiate a population and health centric public and policy discourse on CM does not find traction	Prepare clear communication strategy and knowledge products that have governmental ownership in particular and resonance with community in general	<p>Importance of education for girls and their productivity as income generating member of house hold;</p> <p>2. Harmful social -cultural practices under Pakhtunwaali that sanctify women as peace collateral resulting in forced, early &amp; child marriage be criminalized &amp; stopped.</p> <p>3. Improved health &amp; safer pregnancy if girl is married after 18 years of age</p> <p>4. engage media to create a neutral discourse around the issue and influence opinions of the public and policy makers.</p>
Religio- Political sensitivities de-prioritize focus on child rights in general & child marriage in particular	Adapt strategy to changing contexts and narratives; maintain dialogue with governments to re-commit; build resilience in local partners to ensure continued efforts.	<p>They can use their influence to spread awareness on the detrimental effects of CM within the health/SRHR context &amp; discourage Swara/ Vani.</p> <p>Cultivate favorable response through Women Political Caucus, for cross party-political leadership engagement to table KP-CMRA to raise marriageable age to 18 years; and legislate against harmful marriage practices.</p>
Socio-economic issues continue to perpetuate child marriage	Lobby & advocacy campaign highlighting impact of harmful traditions & practice son children	Institute social protection and safeguards to contribute to supportive factors that delay child marriage i.e. education; and institute protection and rehabilitation mechanism for CM victims.
Insufficiently autonomous institutional mechanism to integrate and monitor the issue of CR with cross sectoral focus (education, health, population, social	Provide technical support to government prepare & implement a holistic approach with effective services for adolescents and	Activation of HR policy linked component for Education & Health; by being support through capacity building & resources to prevent CM and play a powerful role in awareness creation

Risks	Mitigation Options	Expected Change
welfare) i.e. set up, technical expertise, financial and human resources, etc.	document the effect on girl's lives; advocate for investment in holistic approaches.	<p>on health- SHRH &amp; service delivery. E.g. KP-HR policy 2018 states) teachers can be trained to engage students on their rights and harmful practices including CM and using women as objects to settle conflict etc.</p> <p>Strengthen PCP&amp;WB, include CM as part of its mandate; activate child courts; technical resource augmentation; and administrative anchorage to Social Welfare Department.</p> <p>Department &amp; Commission to jointly pursue clearer amendments against harmful practices, rescue CM victims &amp; work towards their protection. Child courts need to be activated.</p>
Legal fragmentation continues to impact judicial dispensation; and weak enforcement of law	<p>Judiciary can ask Bar to create case law.</p> <p>Capacity building around CR agenda for legal actors.</p> <p>Train Child Court judges &amp; training of investigation Officers of LEAs</p>	<p>Support Judicial Academy &amp; Bar council in preparation of case law.</p> <p>CR to be added to Judicial &amp; police training Academy's curriculum</p> <p>Judiciary can ask government to streamline policies &amp; definitions of child</p>
Government's backslides on CRC, HRC and SDG international commitments	Integrate and mainstream CR & human rights based approaches in development programming.	<p>Extend community outreach activities for increased participation of adolescents/ youth in policy dialogues and programme activities.</p> <p>Integrate messages against CM in all lobbying campaigns (HR, Health, FP, Education, Labor, etc.)</p>
Increased government control on CSOs, limiting freedom to operate, freedom of speech and sphere of influence	Let the funding partner engage government for Civil Society space.	Productive partnership between CSOs and government for mutual benefit
Changing donor priorities of development cooperation, with less attention to SRHR & CM	Advocate programming on rights based & CR agenda	Mainstreaming CR & CM in Health, Education, Gender & LG programming.



## Appendix F: Key Institutions and Policies Related to Child Rights at Federal Level

<b>Ministry of Human Rights</b>	
National Commission for Child Welfare and Development (NCCWD)	Government advisory body, mandated to coordinate, monitor, and facilitate reporting on implementation of the CRC and other national/international obligations. Transferred to the Capital Administration & Development Division to function at the Islamabad Capital Territory level after devolution of powers in 2010.
National Commission on the Rights of the Child (NCRC)	Formed under the NCRC Act 2017 but yet to be constituted. It is expected to subsume the NCCWD after being constituted.
National Plan of Action on Children 2006 (NPAC)	Prepared as a response to CRC commitments. Sets targets for improvements in health, quality education, protection, and elimination of commercial sexual exploitation of children. Primary responsibility for implementation lies with sectoral ministries while the role of the MOHR is to provide specific coordination.
Draft National Child Protection Policy 2009	Drafted with a focus on child protection and welfare. Post 18 <sup>th</sup> Amendment, it has not been co-opted by provinces. Punjab is in the process of finalizing a provincial draft with UNICEF support.
<b>Wafaqi Mohtasib's (Ombudsperson's) Secretariat</b>	
Children's Complaints Office at federal and provincial level	Headed by National Commissioner for Children and Provincial Commissioners. Works as a cell formed with UNICEF support. Focuses on promoting and protecting the rights of children, and promoting accountability in public institutions with regard to children's rights.

## Appendix G: Key Institutions, Policies, and Laws Related to Child Rights at Provincial Level

Province	Provincial Department	Child Rights Authority	Law	Policy
Khyber Pakhtunkhwa	Zakat Ushr, Social Welfare, Special Education and Women Empowerment Department	KP Child Protection & Welfare Commission <sup>55</sup>	The KP Child Protection & Welfare Act 2010; amended 2016	Human Rights Policy 2018 has a dedicated chapter on Child rights and cross-departmental focus
Punjab	Home Department	Punjab Child Protection & Welfare Bureau <sup>56</sup>	The Punjab Destitute & Neglected Children Act 2004; Amended 2017	Child protection policy being drafted, coordinated by Planning and Development Department  Human Rights Policy 2018 has a dedicated chapter and cross-departmental focus
Sindh	Social Welfare Department	Provincial Commission for Child Welfare and Development (PCCWD)	The Sindh Child Protection Authority Act 2011	No dedicated policy but list of child protection activities and projects are cited <sup>57</sup>
Balochistan	Social Welfare, Special Education, Literacy, Non-Formal Education, Human Rights Department	Child Protection Cell <sup>58</sup>	The Balochistan Child Protection Act 2016	No dedicated policy but focused cell in place

<sup>55</sup> <http://kpcpwc.gov.pk>

<sup>56</sup> <https://cpwb.punjab.gov.pk>

<sup>57</sup> <https://sindh.gov.pk/dpt/swd/Childwfr.htm>

<sup>58</sup> [http://www.balochistan.gov.pk/~balochi/images/SocialWelfare/Social\\_Welfare\\_Wing/Projects/Childern\\_Protection\\_Cell.pdf](http://www.balochistan.gov.pk/~balochi/images/SocialWelfare/Social_Welfare_Wing/Projects/Childern_Protection_Cell.pdf)





