

Child Marriage in Punjab: A Political Economy Analysis and Policy Options



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Acronyms

ASER	Annual Status of Education Report
BHU	Basic Health Units
CII	Council of Islamic Ideology
CM	Child Marriage
CMRA	Child Marriage Restraint Act
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
DG	Director General
DHQ	District Health Quarter
FIR	First Incident Report
GBV	Gender Based Violence
HRCP	Human Rights Commission of Pakistan
ICRC	International Convention of Child rights
IGA	Interest Group Analysis
INGOs	International Non-Government Organization
KIIs	Key Informant Interviews
KP	Khyber Pakhtunkhwa
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	National Commission on Status of Women

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
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, including the elimination of child marriage. According to the Pakistan Demographic Health Survey (PDHS) 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. Not only is it girls who overwhelmingly become victims of child marriage in Pakistan, but the numbers in which they do are quite significant. Pakistan might report the lowest incidence of marriage before 15 and 18 years of age out of all the SAARC countries, but 18.3% refers to a substantial number of women in 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 Punjab. The purpose of this analysis is to gather evidence on root causes and the consequences of child marriage in the province while exploring the gaps in the current legal, policy and institutional frameworks that allow child marriages to take place. The findings of this study not only reveal the causes and consequences of child marriage, but also identify potential avenues for action to end the practice.

According to the PDHS 2017-18, in the province of Punjab, 2.1% of girls get married under the age of 15 years, while 14.8% get married under the age of 18 years. The majority of child marriages in Punjab are recorded for girls married between 16 and 18 years of age, thus in compliance with the national legal age of marriage (16 years), while technically still falling in the category of child marriage. The Punjab government has made notable efforts to enforce the legal marriageable age for girls. Violations can be tried in family courts, and prison sentences and fines can be levied against violators.

Poverty is one of the key drivers of child marriage in Punjab. According to the PDHS 2017-2018, the median age at first marriage is 23.48 years for women in the richest quintile compared to 18.93 years for the poorest women. Poorer households prefer child marriage between the ages of 16 and 18 years. Girls are perceived as an economic burden; safety and security, food, shelter, and health comprise critical household expenditures, and parents gain by shifting the economic responsibility for their girl child to her marital home while reserving their resources for their male children, who are perceived as economic assets. Arranging dowry and marriage expenditures for poor households at times translates into child marriage to financially well-off older men. In Punjab, child marriages are more common in rural areas. Culturally, child marriage is sanctioned as “the way things have always been.” While there appear to be no socio-cultural traditions that specifically facilitate child marriage in Punjab, In the patriarchal setting of the province, like most of Pakistan, the father, as the primary decision-maker, has considerable power to marry daughters in order to (a) strengthen familial bonding (shareeka); (b)

consolidate social standing in biradri/clan; (c) control and multiply economic assets; (d) deny inheritance; and (e) increase sociopolitical power.

Child marriage and childbearing have significant 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. Adolescent pregnancies and childbearing often lead to medical complications for the mother and child in a context where proper medical care is unavailable, limited or unaffordable. Research also indicates that child brides internalize spousal and martial violence, sexual and otherwise, and are prone to gender based violence. The age-specific unadjusted maternal mortality ratios calculated in the study for the districts of Bahawalpur, Bhakkar, Jhelum, Layyah, Toba Tek Singh and Chiniot indicated that women less than 20 years of age were at considerably higher risk of complications during pregnancy and childbirth. Child marriage is seen, therefore, to put girls at a higher risk of problems such as pregnancy-related injuries and death in childbirth. It also impacts the ability of girls to complete their education and pursue employment, although further study is required to concretely map the links in this research area.

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 practice of child marriage is a violation of human rights. The global position on child marriage is captured in several conventions, treaties, and international agreements, including the Convention on the Rights of the Child (CRC), 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. The UN General Assembly resolution 71/175 of December 23, 2016, states that, “child, early and forced marriage is a harmful practice that violates, abuses or impairs human rights.” The CRC emphasizes full and informed consent for marriage while recognizing that children do not have that maturity, information and agency to give such consent.

Pakistan is signatory to several international commitments such as CRC, CEDAW, the South Asian Association for Regional Cooperation (SAARC) and Kathmandu Call of Action to End Child Marriage in Asia in 2014.

Globally, Pakistan is one of the first countries that co-opted Agenda 2030 through an Act of Parliament, demonstrating its commitment to the Sustainable Development Goals (SDGs). An important target of SDG 5 on gender equality is to end child marriage, and Pakistan in its recent legal debates and changes (new Child Marriage law in Sindh, Resolution by KP Assembly and procedural changes in Punjab) has made measures towards addressing child marriage. This study presents a political economy and data analysis to help situate the child marriage debate in Pakistan in the context of its most populous province, Punjab. In Pakistan, discourse and practices around child marriage are embedded in, and informed by, broad socio-cultural narratives about marriage and sexuality; for instance, customary trade of symbolic and/or economic goods at the time of marriage.

More critical micro narratives for understanding marriage patterns and practices, though, pertain to the regulation and control of sexuality, specifically female sexuality. Legal and sociopolitical structures exist around the world that impose restrictions on female sexuality, define gender roles and dictate power dynamics. Often, religion plays a pivotal part in these narratives – also understood as frame bridging.¹ There is, however, no global trend suggesting that one religious group has higher rates of child marriage than another².

While the institutional components of marriage behavior are not the main subject of this report, they remain vital identifiers of various narratives that contribute to attitudes and behaviors of different actors (and vice versa) toward marriage, including child marriage.

This study is based on a Structural and Agency diagnosis.³ Its analysis focuses on the interplay between key drivers in Structural and Agency diagnosis to analyze the (a) structural societal landscape; (b) power relations and rules of engagement; (c) motivations that influence behavior and hinder reform; (d) types of relationships and balance of power among stakeholders; and (e) incentives and decision making.

The study engages with different strands and patterns of the socioeconomic, sociocultural and sociopolitical tapestries that are central to locating child marriage in Punjab. Key among these are: a) customary practices that reinforce child marriage; b) value systems that govern social status of women and affect their marriage decisions; c) actors, actions and behaviors that support continued decline in child marriage; and d) current debates on legal amendments that lack social context and health imperatives.

This report begins with global debate agreements regarding child marriage and then contextualizes them in regional and national contexts. After explaining methodology and data analysis techniques, this study offers findings, key messages and recommendations.

1.1 Global and Regional Perspective

The Convention on the Rights of the Child (CRC) defines a child as an individual under 18 years of age. It 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 guiding principle is to have the child's best interest as a primary consideration in all actions, especially the child's inherent right to life. Pakistan ratified the CRC in 1990.

¹ 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

² 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>

³ DFID 2009 Political Economy Analysis

UNICEF defines child marriage as a formal marriage or informal union that occurs before the age of 18 (UNICEF, 2014). Child marriage primarily affects girls; in instances of child marriage, neither the girl child's consent nor her age is taken into account. This hampers the child's ability to exercise and fulfill her basic human rights and needs and, in turn, affects her well-being and often leads to incapacitation to make choices and avail opportunities later in life.

The threshold of 18 years of age is used to define child marriage in several conventions, treaties, international agreements⁴ and the Sustainable Development Goals (SDGs).⁵ In South Asian Association for Regional Cooperation (SAARC countries), legal marriageable age is 16 years in Pakistan, Sri Lanka, Afghanistan and Nepal, and 18 years in Bangladesh, Bhutan, India and the Maldives.⁶

As of 2018⁷, more than 650 million girls under the age of 18 were married globally; nearly 12 million women are married as children each year. More than 40% of women who are married before the age of 18 live in South Asia – a number that amounts to 285 million.

According to a UNICEF report⁸, child marriage is on a slow global decline, especially for girls under 15 years of age. While the global incidence has dropped from 12% to 8% since the 1980s, in South Asia, the decline has been sharper – from 32% in 1985 to 17% in 2010. If current progress is sustained, the proportion of women married as children will decrease from 33% in 1985 to 22% by 2030, thus falling short of commitment to end child marriage.

For girls married before 15 years of age, among SAARC countries, Bangladesh tops the rank while the Maldives have the lowest incidence as shown in the following table:

Table-1.1: Women aged 20-24 years and 25-49, reporting being married before age -15⁹

*

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

⁴ including the Convention on the Rights of the Child (ICRC), 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. SDG goal 5 i.e. Achieve gender equality and empower all women and girls

⁵ SDG goal 5, targets to 'eliminate all harmful practices, such as child and forced marriage

⁶ Age of consent is set at 18 years but for a younger marriage permission is required

⁷ UNICEF ROSA CM, adolescent, pregnancy report May2019

⁸ UNICEF *Ending Child Marriage, Progress and Prospects* Report 2013

⁹ The cycle of DHS is not regionally or globally uniform. Latest DHS, as available for each country, has been used for this comparison

Source: 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 18 years of age in SAARC countries, Bangladesh again tops the list with the Maldives at the bottom. In Pakistan, the oft-quoted figure from Pakistan Demographic Health Survey (PDHS) 2013 of 21% fell to 18% in 2018¹⁰.

Table-1.2: Women aged 20-24 years and 25-49, reporting being married before age 18¹¹

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

In the SAARC region, Pakistan has the highest Singulate Median Age at Marriage (SMAM) and lowest incidences 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.

In order to juxtapose various aspects of child marriage, it is important to understand its drivers¹². Child marriage patterns and prevalence often correlate with poverty, which generally coincides with the lack of educational and work opportunities for girls and women. Additionally, specific marriage practices, notions of family honor associated with women, strict norms related to girls' and women's sexuality and women's economic dependence on men also contribute to the prevalence of child marriage.

Pakistan is a patriarchal society with varying degrees of independence for women often based on their socioeconomic class and level of education. The family and clan remain a strong unit of social reference and standing. Parents are primary caregivers and financial supporters of their children (even after they are of legal age) and hold a socially and religiously accepted position as the decision-maker for their children, including marriage. Poverty, patriarchal structures, archaic socio-customary practices, and economic interests affect women/girl child disproportionately. However, education is seen to have a transformational effect on social progress, dispelling stereotypes and outdated traditions and practices.

¹⁰ The Figure has been taken out of UNICEF – ROSA report that has found media traction post Malala Yusafzai using this number in her tweet

¹¹ The cycle of DHS is not regionally or globally uniform. Latest DHS, as available for each country, has been used for this comparison

¹² See Annex-1

For the majority, religion as a frame of reference governs aspects of everyday life and behavior patterns. Quite often, this framing is used to legitimize prevailing customs, such as child marriage, as a means of controlling social narratives and consolidating power.

The Constitution of the Islamic Republic of Pakistan commits that the State shall ensure elimination of all forms of exploitation¹³ and protection of law as an inalienable right¹⁴ of every citizen and shall undertake special provision for women and children, where needed. It mandates the State to ensure full participation of women and children in all spheres of national life¹⁵ and protect marriage, the family, the mother and the child.¹⁶ The Constitution further prohibits slavery and forced labor including child labor¹⁷. Article 25 of the Constitution establishes the equality of citizens and obligates the State to provide free and compulsory education to all children between the ages of 5 and 16.

The national legal framework of Pakistan presents an inconsistent picture in defining the age of the child. Legal framework concerning child rights, protection and welfare issues are spread out over different national statutes such as the Pakistan Penal Code (PPC) 1860 and the Criminal Procedure Code (CrPC). Three legislations exist that define age parameters for ‘a child,’ which together introduce an age-based legal inconsistency:

- The Majority Act of 1875, which fixes the age of majority at 18 years;
- The Guardianship and Wards Act of 1890, which provides for appointment of legal guardians for children under 18 years of age; and
- The Child Marriage Restraint Act (CMRA) of 1929, which sets marriageable age at 16 years for girls and 18 years for boys.¹⁸

After receiving legislative autonomy through the 18th Amendment, the provinces of Punjab, Khyber Pakhtunkhwa (KP) and Sindh reenacted CMRA 1929, of which only Sindh¹⁹ increased the marriageable age bar to 18 years for boys *and* girls to rectify the age-based legal inconsistency in the original legislation.²⁰

In 2019, the Senate of Pakistan passed a bill to amend CMRA 1929 that proposed to raise the marriageable age for girls to 18 years along with stricter punishments for violations.²¹ The bill identifies

¹³ Article 3 of the 1973 Constitution

¹⁴ Article 4 of the 1973 Constitution

¹⁵ Article 34 of the 1973 Constitution

¹⁶ Article 35 of the 1973 Constitution

¹⁷ Article 11 of the 1973 Constitution

¹⁸ The penalties in CMRA 1929 for child marriage is imprisonment for up-to 6 months and fine of upto PKR 50,000 or both

¹⁹ Post the 18th Amendment to the constitution, Child protection has become a provincial subject that requires provinces to re-enact the federal laws with the provision of amendment.

²⁰ The provincial government of Sindh has re-enacted CMRA in 2013 and brought parity in the marriageable age to 18 years for both boys and girls; increased period of imprisonment at minimum of 2 years and raised the fine to between PKR 0.5 – 0.7m.

²¹ Rigorous imprisonment instead if upto one month to be upto 3 years & shall not be less than 2 years. Fine increased from PKR 1000 to PKR 200,000 and shall not be less than PKR 100,000

poverty, illiteracy, and sociocultural practices as core factors responsible for the incidence of child marriage. It also notes that “an early marriage leads to early conception, which ultimately affects the health of teenage girl, typically enormous pressure to bear children is put on child brides.” The bill, however, did not garner enough support in the National Assembly. In fact, Ministerial treasury benches objected and referred it to the House Committee and Council of Islamic Ideology (CII)²² for opinion. The CII advised to initiate awareness campaigns against harmful practices perpetuating child marriage instead of passing a legislation.²³ The National Assembly Committee could not generate members’ support and the proposed bill was rejected.

Traditional practices that are harmful to women – which have been criminalized through amendments to penal laws²⁴ – still affect young girls in some instances. Such incidents are usually isolated and, thus, cannot be generalized as a prevalent practice leading to child marriage.

To fully understand the current institutional and policy layout, it is important to review the changes made after the passing of 18th Amendment in 2010 when child rights became a provincial matter. 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: Provincial Institutional Setup and Policy Focus on Child Rights

Province	Provincial Department	Child Right Authority	Law	Policy
Punjab	Home	Punjab Child Protection and Welfare Bureau ²⁵	The Punjab Destitute and Neglected Children Act of 2004; Amended in 2017	Child protection policy under draft at the time of the report, as coordinated by P&D Department HR Policy 2018 has a dedicated chapter & cross-departmental focus

Furthermore, curbing child marriages²⁶ is also part of the larger child rights agenda in Pakistan. The Federal Ministry of Human Rights (MOHR) is responsible for international convention-based reporting and awareness-raising regarding child marriage in conjunction with provincial directorates.

²² The Council of Islamic Ideology (CII) is a constitutional body with an advisory role 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 its own accord (president or legislature must request advice). Most importantly, its recommendations are only advisory.

²³ <https://www.pakistantoday.com.pk/2019/05/03/cii-opposes-child-marriages-but-wont-support-legislation/> - press release of 212th meeting of CII and verified by almost all civil society interviewees

²⁴ The Prevention of Anti Women Practices (Criminal Law Amendment) Act 2011 outlines punishments for social practices like Vani, Swara or Budla-i-Sulh, wherein girl child/ women are peace collateral to settle personal, family or tribal disputes

²⁵ <https://cpwb.punjab.gov.pk>

²⁶ See ICCR above

Pakistani civil society has actively advocated to eliminate the practice of child marriage. Pegged as a human rights violation, their campaigns are entrenched in both child rights and women's rights agenda. More recently, there have been rejuvenated advocacy efforts in support of raising the marriageable age bar for girls to 18 years.

2 Methodology: Approach to Framework of Analysis²⁷

2.1 Analytical Approach

This report integrates data and the Political Economy Analysis (PEA) for child marriage in Punjab. UK Aid/DFID's problem-driven analysis approach was adopted for this study.²⁸

The PEA and data analysis investigated the relationship between micro-level patterns and macro-level drivers in Punjab's context and highlight the interconnectedness of these drivers. The data and PEA informed the analysis of the legal, political and religious structures that impact policymakers and their legislative activities.

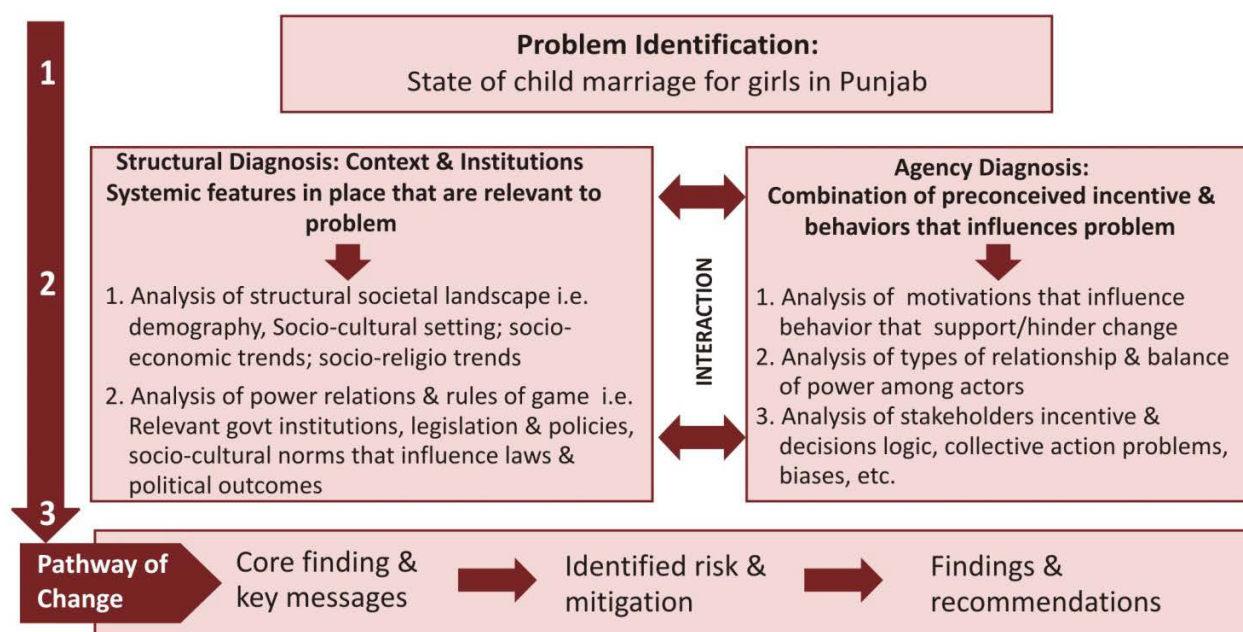
The PEA, through literature review and key informant interviews (KIIs), sought to locate actors/stakeholders and understand behaviors and motivation, specifically, of the connectors and gatekeepers, and to identify the framing of issues around child marriage in Punjab. Micro-level factors were determined by analyzing available data and controlling certain factors to analyze the impact of various outcomes and capabilities at the individual, household and community levels.

The analytical framework used a three-step approach – statement of issue, structural and agency diagnosis to demonstrate and analyze their interactions on the issue, and suggestion of a pathway for change in view of core findings and risks. The framework is as follows:

²⁷ This section is same for the similar report in KP as it was taken as a joint exercise and 2 report as per separate deliverables

²⁸ DFID's Political Economy Analysis- How to Note July 2009

Figure-2.1: Framework of Analysis



2.2 Tools of Analysis

2.2.1 Secondary Data

While integrating the data analysis, the statistics were gleaned from Pakistan Demographic and Health Survey (PDHS: 2017-18, 2012-13), Multiple Indicator Cluster Survey (MICS 2017-18) and Women Economic and Social Well-Being Survey Punjab 2018. The micro/record level data from PDHS was then used for further analysis. Quantitative data analysis used record-level data. The data analysis used a combination of descriptive statistics and multivariate cross tabulation. Additionally, a life table analysis of roster-level data was also conducted for PDHS. The survivor analysis was used to determine the probability of surviving without getting married. Finally, the Cox proportional hazard model was used to predict the strength of correlation between certain variables and age of marriage – this analysis used explanatory variables such as education, residence, wealth and region to predict hazard of child marriage by cross tabulation.

Micro-variables and questions identified for the cross tabulated secondary analysis are:

- Household economic status: Is economic status (including poverty, consumption and income, savings, debt etc.) of the household associated with rates and age of child marriage?
- Education: What is the association between education and child marriage? (Is it a positive determining factor? Which other variables (urbanization, for instance) are instrumental?)

At the macro level, cross tabulation data was used to help diagnose and analyze the following:

- Urbanization: Is urbanization, in any way, associated with age of first marriage? (If there is a negative correlation, what other variables (education, for instance) are relevant?)

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 as 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.

2.2.2 Literature Review

An extensive literature review of 122 documents about the causes and consequences of child marriage was undertaken as part of this analysis.²⁹ Based on this review, the team identified key issues to be included in the key stakeholder consultations, prepared guidelines³⁰, identified stakeholders, and undertook consultations focusing on interactions between key factors that influence decision-making.

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 conducted interviews focusing on interactions between key actors, that influence decision-making. Key informants included parliamentarians, policy-makers in the government, religious leaders, lawyers, police officials, representatives of civil society, and international donors in Islamabad and Lahore. In all, the team conducted 31 in-depth interviews.

2.3 Analysis

Simultaneously, qualitative and quantitative analysis identified factors affecting the vulnerability of girls to child marriages that included household poverty, education, ethnicity, household size and structure. Additionally, community dynamics (prevailing social norms and religious practices), broader macro-institutions and processes of change (indicated by region, religion and place) also proved substantial. The Interest Group Analysis (IGA) tool was also used for power-influence and opportunity-obstacle analysis.

2.4 Limitations

This analysis was limited by the fact that the team did not get the opportunity to conduct a community-level inquiry along the lines of its key informant interviews.

There were also data limitations – PDHS offers variable information on ever-married women only, for instance. The most glaring limitation, perhaps, was the lack of availability of data from the 2017 Census of Pakistan that could have contributed to better calculations to construct measures and analyze attributes, specifically for never married females. Given that the previous census is now over 20 years old, there was little choice but to rely on survey data.

²⁹ The list is at Annex-3.

³⁰ The stakeholder consultation guideline at Annex-4

3 Child Marriage in Punjab

Punjab houses over 52% of the Pakistani population (110 million) of which, approximately 50% are women.³¹ It shares a border with Islamabad Capital Territory in the north, KP province in the west and Sindh province in the south. The province plays a leading role in agriculture, producing crops like cotton and rice, and contributes nearly 68% to the country's annual food grain production.

The political landscape of Punjab is a mix of agrarian feudalism, landed aristocracy and industrialists. Political leadership in the province has been held by the Pakistan People's Party (PPP) and the Pakistan Muslim League (Nawaz) (PML-N), which are considered center left and center right, respectively. Currently, the province is governed by a coalition led by the *Pakistan Tehreek-e-Insaaf* (PTI) with a simple majority in the provincial assembly and PML-N leading the opposition. The province is overall considered moderate in its socio-religious makeup.

Punjab has a value of 0.152 on the Multidimensional Poverty Index (MPI).³² Punjab's poverty incidence (head count) stands at 31.4% whereas its intensity (percentage of people deprived) stands at 43.7% for rural Punjab. Access to health, education and living standards are key contributing factors of this calculation and are also drivers of child marriage.

3.1 State of Child Marriage in Punjab

The SDG indicator-5.3.1 for gauging incidence of child marriage is the proportion of women aged 20–24 years who were married or in a union before age 15 and before age 18. The legal minimum age for marriage in Punjab is 16 years for girls. Marriage under 15 years of age is not a normative practice in Punjab. Both PDHS 2017-2018 and MICS 2017-2018 indicate that majority of girls in the age group of 20-24 years were reported as unmarried at or before the age of 15. As per PDHS 2017-18, among women aged 20-24, nearly 15% were married before the age of 18 years. While it may not be a norm

³¹ https://www.punjab.gov.pk/punjab_quick_stats

³² <https://www.undp.org/content/dam/pakistan/docs/MPI/Multidimensional%20Poverty%20in%20Pakistan.pdf>

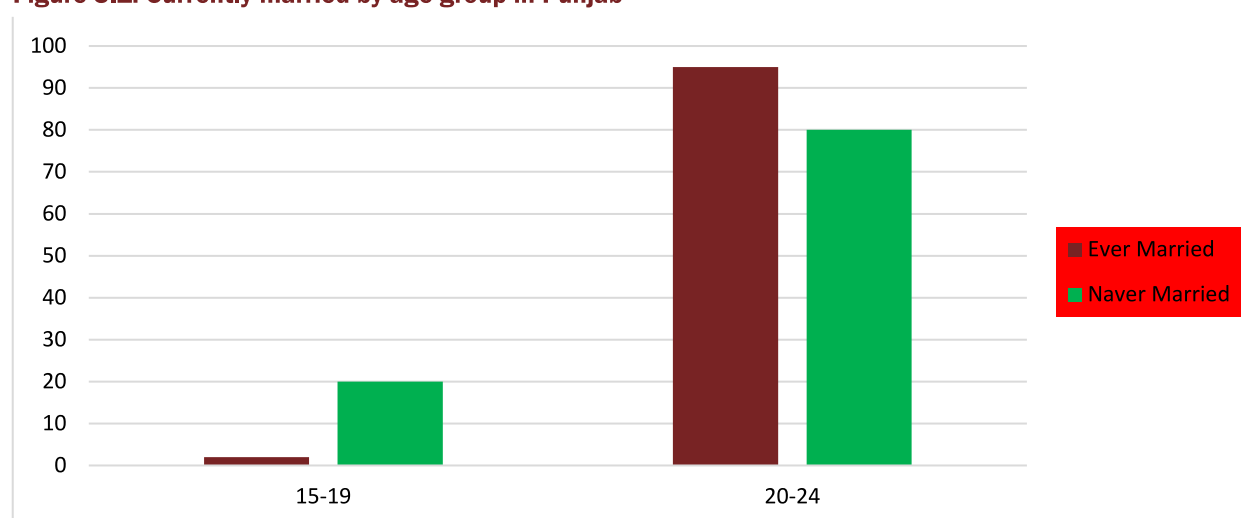
and majority of the girls are not married before 18 years of age, but the incidence of child marriage does affect many girls in the most populous province of Pakistan.

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

Punjab	Percentage first married before the	
	Age 15 years	Age 18 years
15-19 years	1.2	7.1
20-24	2.1	14.8

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: Currently married by age group in Punjab



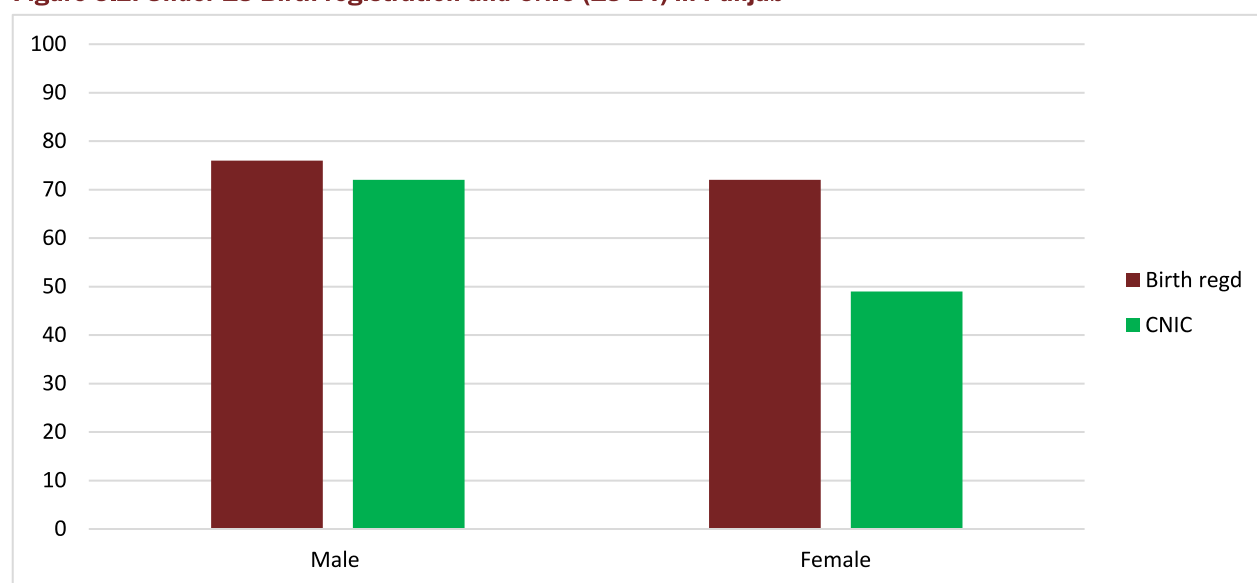
Source: National Institute of Population Studies (NIPS) [Pakistan] and ICF. 2018. Pakistan Demographic and Health Survey 2017-18. Islamabad, Pakistan, and Rockville, Maryland, USA: NIPS and ICF

Determination of age is of pivotal importance to the current debate on child marriage in Pakistan, specifically with regards to legislation on documentation and protection from child marriage. Age of marriage of women aged 20-24 years is one of the SDG indicators to gauge child marriage prevalence. The PDHS for this indicator is based on “recall data” due to the fact that Pakistan has low birth registration and a considerable number of women aged 18-24 years do not have a Computerized National Identity Card (CNIC), which is used to determine age at the time of marriage.

Socially, there is a tendency to underreport women’s age. In such data collection, there will always be a probability that women may have reported a younger age than what it was at the time of marriage. In such social scenarios, the chances of incorrect reporting of age for women are significant.

Punjab has the highest birth registration in the country at more than 70%. Meanwhile, CNIC registration stands at around 72% for men and 49% for women.

Figure-3.2: Under 18 Birth registration and CNIC (18-24) in Punjab

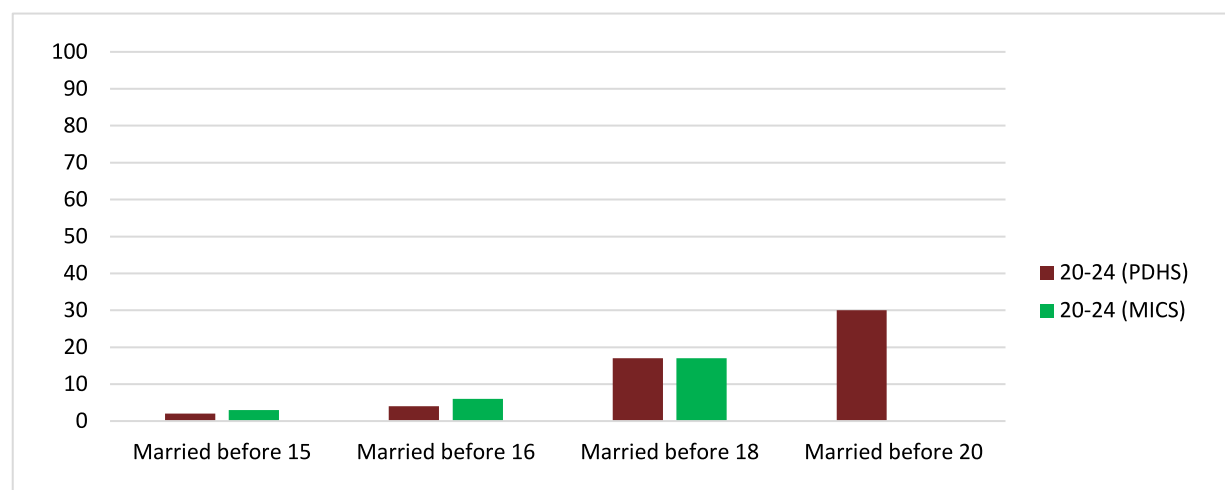


Source: National Institute of Population Studies (NIPS) [Pakistan] and ICF. 2018. Pakistan Demographic and Health Survey 2017-18. Islamabad, Pakistan, and Rockville, Maryland, USA: NIPS and ICF

Birth registration of younger females is estimated to be 70% in Punjab. The rise in rates of birth registration is a recent achievement and, therefore, cannot be used to account for the entirety of female population between 20-24 years, which is the age group used for statistical indicators on child marriage.

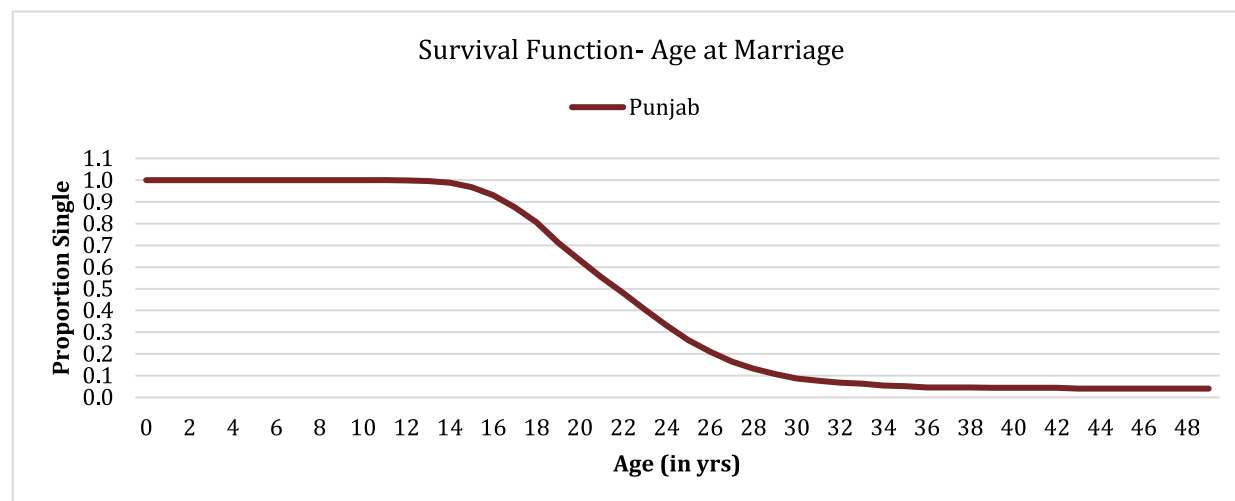
Marriages before the age of 20 years account for 29% of all marriages in Punjab, confirming that most women get married after the age of 20 years in Punjab. SMAM for Punjabi females, as per PDHS 2017-18, stands at 23%. The data reveal that approximately 55-60% of these girls are aged 18-19 years; and 10% of these marriages occur between the ages of 16 and 17 year. This latter group falls into the age bracket of child marriage even though it is compliant with the current legal age of marriage in Pakistan.

Figure-3.3: Age at first marriage for women 20-24, Punjab (MICS and PDHS)



A survival analysis³³ was undertaken to demonstrate the risk of child marriage; in Punjab, the data shows a very high chance of girls remaining single (or “surviving” in the terms of this statistical approach) before 15 years of age, and even higher chances of remaining single before 18 years of age, as shown in the figure below.

Figure-3.4: Proportion of girls remaining single, 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

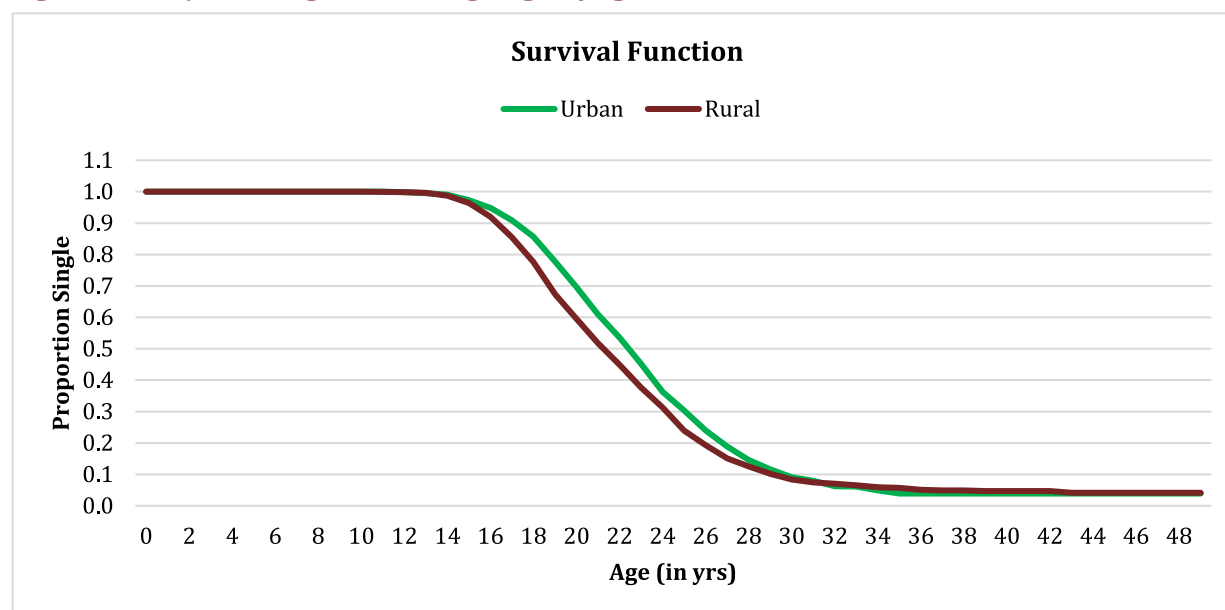
The data reveals low risk (at less than 1 percentage point) until the age of 15 and less than 2 percentage points until age 17. The most pronounced reduction in survival, or chances of remaining single, is between the ages of 17 and 18, when cumulative survival drops from 81% to 71%. This corresponds with the descriptive statistics – 31.5% of women aged 15-49 years reported being married before 18 years; the figure drops to 14.40% for women aged 20-24 years. This confirms the

³³ Survival analysis corresponds to a set of statistical approaches used to investigate the time it takes for an event of interest to occur.

probability that getting married before 18 years of age among younger women is lower, since the survival rate, or chance of remaining single, at 18 years is 71%.

Among married women aged 20-24 years, more rural-residing women reported getting married before the ages of 15 and 18 years (PDHS 2017-18). Yet, with marriage as an intermediate variable for fertility, it is worth noting that a woman is 9% more likely to remain single at 17 years of age in an urban area, which increases to 12% at 18 and 19 years.

Figure-3.5: Proportion of girls remaining single by age and residence



Access to education, health facilities and women in labor force are indicative of flexible gender boundaries. The head(s) of the family primarily make decisions about girls' schooling and marriage, but often not in this sequence. Once girls are married, decisions about their education are no longer in the hands of their family of origin, and education tends to lose out. Punjab's literacy rate stands at 59.6% with a 52:48 enrolment ratio of male to female students. In 2017, enrolment for all grades in public schools recorded an increase of 9.1% over the previous year and 13.5% increase since 2012.³⁴ Safety and mobility which could also be predisposing factors for child marriage, are critical reasons for high dropout rates for girls. This is further exacerbated by the lack of secondary schools for girls within reasonable distance of villages and other community settlements.³⁵

Irrespective of age or social class, the societal expectation for a girl to be pregnant immediately post marriage is high in Punjab. In Punjab among women aged 20-24 years, nearly 5.2% gave birth before

³⁴ http://www.pesrp.edu.pk/downloads/library/Report_on_Annual_School_Census_2017_18.pdf

³⁵ Human Rights Watch: "Shall I Feed My Daughter, or Educate Her?" Barriers to Girls' Education in Pakistan (2018)

the age of 18.³⁶ . Early pregnancy and childbearing for underage brides often lead to medical complications for mother and child.

Punjab has 2,503 Basic Health Units (BHU) and 1,165 dispensaries³⁷ and still falls short on provision of appropriate health facilities for pregnant women. Not only do early pregnancies lead to a higher Maternal Mortality Rate (MMR), they cause significant mental trauma to the mother, stunting the development of her child, and often leads to mother having many children over time. However, health consequences resulting from child marriage are not considered while making such a decision. Interestingly, physical immaturity and not being able to do household chores are top two reasons to not marry in Punjab as per a survey.³⁸

Child marriage is a fundamental human rights violation and there is a growing body of evidence that child marriage prevalence constitutes a grave threat to life, health and future opportunities in schooling and work for young women and their children. The impact of child marriage on a girl child's life in Punjab is far reaching.

Early marriage and childbearing have important implications for women's health and empowerment in Punjab. In a recent study, researchers used an innovative community informant-based methodology to assess the maternal mortality rate in Punjab (Population Council 2017). Age-specific unadjusted maternal mortality ratios were calculated based on data collected from six districts, including Bahawalpur, Bhakkar, Jhelum, Layyah, Toba Tek Singh and Chiniot. Overall, the mortality ratios were higher among women aged less than 20 years than those aged 20-24 years. In Bhakkar and Jhelum 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 (Punjab)

Age in years	Bahawalpur	Bhakkar	Chiniot	Jhelum	Layyah	T.T. Singh	Total
Less than 20	153	269	198	200	111	89	158
20-24	117	181	139	94	170	176	141
25-29	153	270	289	165	219	101	176
30-34	288	331	230	178	334	164	251
35/35+	364	471	300	270	258	300	331
Total (n)	189	301	228	166	217	162	204

Source: Using the Community Informant Based (Made-in and Made-for) Methodology for Estimating MMR in Punjab, Population Council 2015

³⁶ PDHS 2017-18

³⁷ <https://health.punjab.gov.pk>

³⁸ More than Brides Alliance – Baseline Report 2017 by OXFAM

Education has one of the strongest correlations with child marriage prevalence in Punjab. 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' primary school 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.³⁹

PDHS 2017-2018 states that as many as 41.2% of Punjabi women who married before the age of 15 were working as compared to 32% of those married before the age of 18. These data imply that delay in age of marriage enables more women to be part of labor force and ensures their opportunity to work. While employment patterns in Punjab among females, married and never married, need to be explored further to develop sounder thesis, national data suggest 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 Punjab province, child marriage can be also expected to perpetuate poverty, given that 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 Punjab

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 and early marriage are outlined in Table 3.3 below. 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.

³⁹ Human Rights Watch: *"Shall I Feed My Daughter, or Educate Her?" Barriers to Girls' Education in Pakistan* (2018)

Table 3.3: Key Stakeholders of Child Marriage in Punjab

Stakeholders	Power	Role	Current Attitudes/ Status
Youth, unmarried and married girls	Swingers	Right-holders	They have limited agency, and lack access to education, health, and work opportunities. Marriage decisions are primarily made by family.
Parents	Fathers	Caretakers and duty bearers for young girls	The head of the family, usually fathers, make decisions about marriages.
	Mothers	Caretakers	Mothers wield less power but can influence decision regarding who to marry and even delay marriage. Mothers usually have knowledge on the detrimental health effects of child marriage, but have limited influence to stop it.
Family elders	Blockers	Custodian of joint family income, asset and decision-making	Patriarchal mindset that facilitates consanguinity to (a) strengthen familial bonding; (b) consolidate social standing in <i>biradari</i> /clan; (c) control and multiply economic assets; (d) deny inheritance; and (e) increase sociopolitical power.
Community leaders	Blockers	Duty-bearers	The power elite that controls <i>panchayat</i> (Alternate Dispute Resolution mechanism) and its functioning, especially in cases of reconciliation or settlement of socioeconomic feuds. Sanctifying CM in rare cases of reconciliation as tool for social control and power brokerage.
Religious leaders	Swingers	Legitimizers of social practices on religious grounds	They are highly respected, usually conservative, influencers who help shape public opinion. Generally, they are illiterate, far from jurisprudence and, hence, share misinterpretations of religion. Their patriarchal mindsets also incline them to avoid talking about issues like child marriage.

Stakeholders	Power	Role	Current Attitudes/ Status
Marriage Registrars	Enabler/Connectors	Duty-bearers	Designated by the government to solemnize and record <i>nikkah</i> /marriage contracts, they are usually informed about the legalities of the <i>nikkahnama</i> . They may not be up to date on punitive legal repercussions, however. Reported cases of solemnized child marriage are generally to benefit local power elite or have substantial monetary incentive attached.
Federal Setups with provincial presence: Ministry of Human Rights (MOHR) & Provincial Directorates; Office of the National Commissioner of Children (ONCC) - Wafaqi Mohtasib with Provincial Commissioners	Enabler/Connectors	Duty-bearers	MOHR demonstrates the State's commitment and position. Directorates have weak presence and are limited to federal-provincial coordination. ONCC is supported by UNICEF but is inactive on the issue of child marriage at the provincial level.
Provincial Government, legislators, parliamentarians and Women Political Caucus (WPC)	Swingers	Policymakers	Parliamentarians act in line with political priority of their parties but generally avoid legislation or dialogue on religiously sensitive issues. Due to low prevalence of child marriage in the province, there is little policy action in Punjab. MPAs, including WPC, are engaging with CSOs on CMRA bill to increase age. With UNICEF support, government is reviewing policy and legislative landscape on CM. A summary for CMRA amendment is in process.
Department of Health, Education, and Social Welfare	Enabler/Connectors	Duty-bearer	Since child marriage is not part of their express mandate, it is not integrated in departmental functions. The detrimental effects of child marriage are not included in respective service delivery work.
Department of Women Development & Provincial Commission on Status of Women (PCSW)	Enabler/Connectors	Duty-bearer	Lead on advocacy and debate within the gender-based violence and women protection framework as detailed in Women Protection Act of 2011 where marriage under 16 years can be tried as statutory rape.
Department of Population Welfare	Enabler/Connectors	Duty-bearer	Child marriage results in early conception and teen pregnancies, increasing population. Family planning narrative does not have early/underage pregnancy as a lobbying issue.

Stakeholders	Power Enabler/ Connectors	Role	Current Attitudes/ Status
Department of Human Rights & Minority Affairs		Duty-bearer	Human Rights Policy of 2018 has a chapter on the child. It does not take responsibility for action as elaborated in the chapter. Chapter on women has policy recommendations that are linked to the girl child.
Department of Planning & Development	Enabler/ Connectors	Duty-bearer	Child Protection Cell can influence line ministries to mainstream Child Rights agenda. It coordinates inter-departmental work and has delegated drafting of Child Protection Policy to the Department of Social Welfare and is working on Child Marriage Restraint Bill.
Punjab Child Protection and Welfare Bureau (PCP&WB)	Enabler/ Connectors	Duty-bearer	PCP&WB works under the Home department and has seven Child Protection Units and designated Child Courts. Child marriage is not part of its legal mandate; that would need a legal amendment to the Punjab Destitute and Neglected Children Act of 2004. They need technical capacity augmentation.
Police, lawyers and judiciary	Enabler/ Connectors	Duty-bearers; maintain law and order; implement laws	Judiciary is powerful but does not deal with Child Marriage Restraint Act and SRHR violations due to lack of cases filed under specific clauses of the law. In Punjab, child marriage complaints are approximately 1% of all lodged. Investigation Officers are not well versed with Child Marriage Restraint Act and consider marriage as a private matter. Lawyers have no recourse to case law. Fragmented treatment of penal provisions as covered in Cr.P.C & CPC are applied to child marriage cases depending on who files the case.
National Civil Society Organizations, Activists, and INGOs	Enabler/ Connectors	State and society connect to raise issue	Leading in research and documentation of child marriage; the contextualization and subtle differences remain underexplored for the moment. In Punjab, NGOs (with WPC and international funding partners) actively lobby for Child Marriage Restraint Act amendment. Their role in raising awareness to end child marriage is pivotal.

Stakeholders	Power	Role	Current Attitudes/ Status
Relevant UN Agencies	Enabler/ Connectors	Funding Partner	Seek and support State compliance to international commitment and reporting. Work with public departments on programming and technical support on child marriage.
Bilateral and Multilateral Donors	Enabler/ Connectors	Funding Partner	Wield power and influence to strategically raise child marriage at federal & provincial levels. They hold the resources to support the government in multi-pronged programs.
Media	Blockers & Enablers /Connectors	Information provider and influencer	Bear the power to influence and highlight issues to drive public narrative but have corporate interest to serve that do not always align with ending child marriage. Incidents of child marriage get reported but majority of journalists lack understanding and knowledge of child marriage. They do not report child marriage as health-SRHR issues and sensationalize it instead. They choose not to endorse SRHR due to fear of religious backlash.

4 Drivers of Early and Child Marriage in Punjab: Diagnostic and Analysis

Child and early 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 Punjab are poverty, education and employment, socio-cultural narratives, attitudes and practices, cultural interpretation of religion and lack of legal frameworks. These drivers are used as a lens to undertake structural and agency level diagnosis and analysis.

4.1 Poverty

Poverty as a driver for child marriage has several dimensions. At the household level, it impacts: (a) parental economic insecurity; (b) geographical socioeconomic situation; (c) socioeconomic safety, security and relationships; (d) education; and (e) work opportunities.

(a) Parental economic insecurity

Poor economic status of the parents and inability to provide for basic household provisions affects children in a myriad of ways. In fact, the state of household poverty is closely linked to the continuation of child marriage in the poorer families. Girls, in particular, are perceived to be a burden. Diversion of already meagre resources towards a girl child is not considered a viable investment in comparison to a male child since girls are expected to move out of the parental home once married. 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. Cumulatively, economic insecurity can lead to child marriage becoming a viable option, when presented.

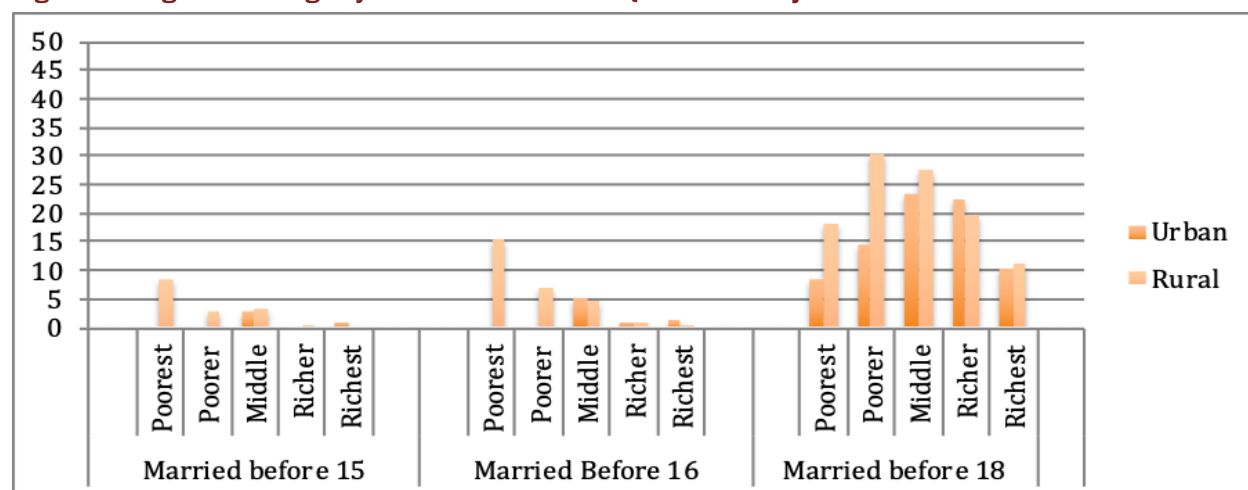
(b) Geographic and socio-economic situation

Globally, there is a substantial gap in the prevalence of child marriage between poor and rich; and urban and rural communities.

Females in the poorest quintile are 2.5 times more likely to marry in childhood than those living in the wealthiest quintile. The median age at first marriage is 19.7 years for women in the richest quintile compared to 15.4 for the poorest women.

In Punjab, child marriages occur mostly in rural areas. Data indicates that poorer households prefer child marriage between the ages of 16 and 18 years. PDHS 2017-2018 found that, in Punjab, the median age at first marriage is 23.48 years for women in the richest quintile compared to 18.93 years for the poorest women.

Figure-4.1: Age at Marriage by Location and Wealth Quintile in Punjab



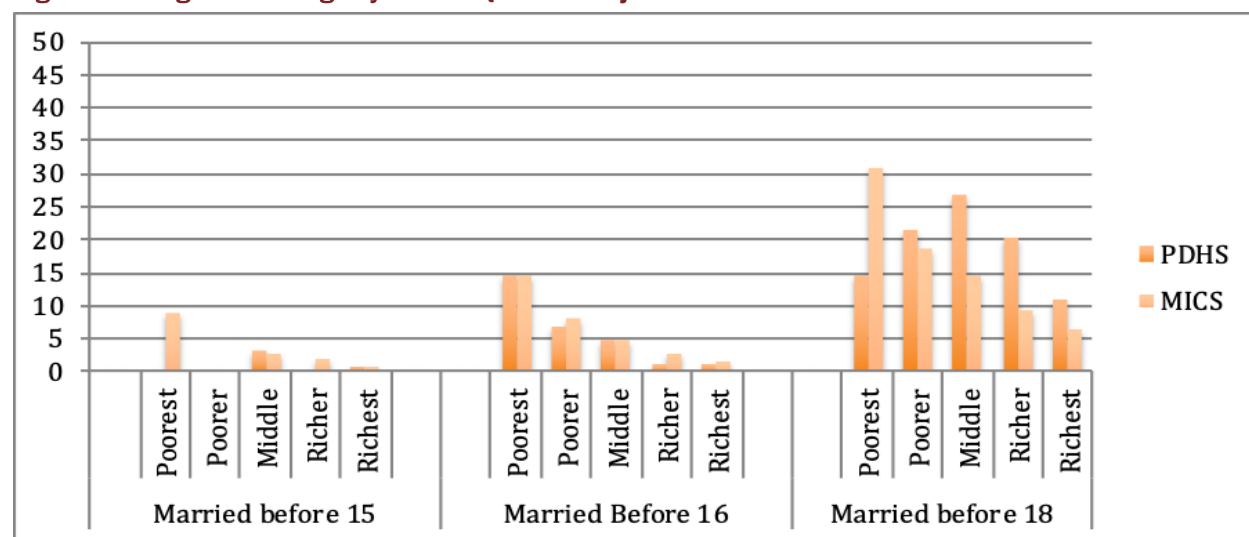
The incidence of marriage involving girls under 15 years of age is the highest among the poorest rural communities than any other group. As expected, for other wealth quintiles, the number is quite low. Most child marriages occur at 16 and 17 years and among the rural poor. The PDHS 2017-2018, affirms similar trends for middle income group households in Punjab.

Punjab has a Multidimensional Poverty Index (MPI) value of 0.152. The incidence (head count of poverty) stands at 31.4%; whereas its intensity (percentage of people deprived) 48.4%. Southern Punjab shares borders with the tribal areas of KP, and Sindh and has the highest incidence of poverty in the province. The belt stretches from Mianwali into Rajanpur. The following table presents a socioeconomic picture of this region:

Table-4.1: MPI Report 2015-2016

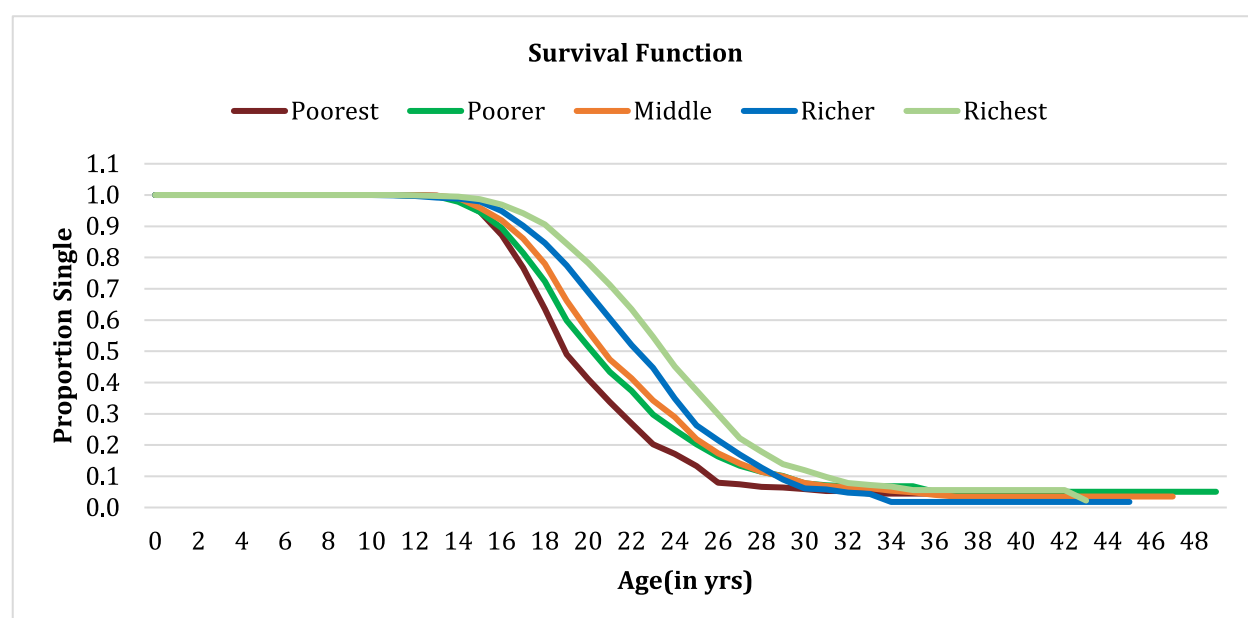
Punjab 2014-2015	MPI Incidence (H) Intensity (A)	MPI Incidence (H) Intensity (A)
Muzafargarh	0.338	64.8%
Rajanpur	0.357	64.4%
D.G.Khan	0.351	63.7%
Rahim Yar khan	0.289	56.8%
Bahawalpur	0.273	53.0%
Bahawalnagar	0.244	50.1%
Mianwali	0.239	46.9%
Lodhran	0.230	46.8%
Layyah	0.214	45.6%
Jhang	0.196	41.6%
Multan	0.173	35.7%
Mandi Bahaudin	0.147	31.5%

In Punjab's rural areas, young girls from poor households are married to financially well-off older men to circumvent marriage and dowry expenditures. In KP, *Walwaar* (bride price) is an accepted social norm that benefits the girl child's family financially and eases the strain on household. Similar incidents are anecdotally reported for Southern Punjab, but documented evidence remains scarce. Dowry, in comparison, is more often recorded as an issue than bride price.

Figure -4.2: Age at Marriage by Wealth Quintile Punjab

A life table analysis of data shows that survival (not getting married) is different for different wealth quintiles, as shown in the figure below:

Figure-4.3: Proportion of those single by age and wealth quintile



Significantly, for the purposes of our analysis, the median survival time across all wealth quintiles is above 18. In Punjab, the rate of marriage for girls under 15 years is very low across all wealth quintiles. However, teen marriages over the age of 15 remains a function of poverty. As the chart shows, the difference between middle and poorer is quite negligible in terms of “surviving” without getting married, which is consistent with the cross-tabulated data presented in Figure 4.2.

Table-4.2: Median survival time for remaining single, Punjab

	Poorest	Poorer	Middle	Rich	Richer
<i>The median survival time is</i>	18.93	20.19	20.71	22.27	23.48

(b) Socioeconomic safety, security and relationships

Punjab’s social and economic structures are entrenched in the agrarian way of life. This rural context is articulated in intergenerational power structure between *ma’azarye* (those who tend to the lands) and *zamindars* (landowners). *Ma’azarye* are, socioeconomically speaking, in an exploitative relationship with *zamindars* because of their dependence on the owners for food, safety, social security and dispute resolution. In some cases, females from *ma’azarye* households are employed as domestic servants in *zamindar* households, even as young girls. The lowest in the category of *ma’azarye* are called *kammie* (workers) who live off *zamindars*. Majority of women from their households, irrespective of age, work in *zamindar* households.

The sexual safety of women working at *zamindars* houses is least protected and remains the greatest fear for a young girl's parents. They have neither the social power to refuse sending her to work nor the access to Law Enforcement Agencies (LEA) in case their daughter is sexually violated or harassed. Therefore, parents often find it best to get them married early to safeguard their chastity and preserve the family's honor. Cases of the *zamindar*, and/or his male relatives, abducting and/or sexually assaulting female household staff are pushed under the carpet because the survivor's family usually has little social power and agency to pursue the case with LEAs. These incidents, tragically, can also result in heinous honor killings that are, in turn, overlooked by LEAs for similar reasons.

(c) Education

Education has one of the strongest correlations with child marriage prevalence. While there has been encouraging progress in girls' schooling globally, reduction in the prevalence of child marriage has fallen short of expected levels (Mensch et al, 1998). Despite these strong associations, the evidence for keeping girls in school to change child marriage practices is surprisingly weak beyond purely mechanistic effects. Studies (Mubarak et al, 2014) also suggest the availability of work opportunities, whether through information or actual labor markets, can also have important implications for child marriage prevalence.

The Pakistani government is obligated to provide universal and free education under Article 25-A of the Constitution. Punjab's literacy rate stands at 59.6% with the ratio of male to female students at around 52:48. As per the eighth Annual Status of Education Report (ASER) 2018⁴⁰, the proportion of out-of-school children decreased to 11% in 2018 from 14% in 2016. Rural girls' enrollment has been increasing since 2014, from 41% to 43% in government schools and from 42% to 44% in 2018 in private schools.⁴¹

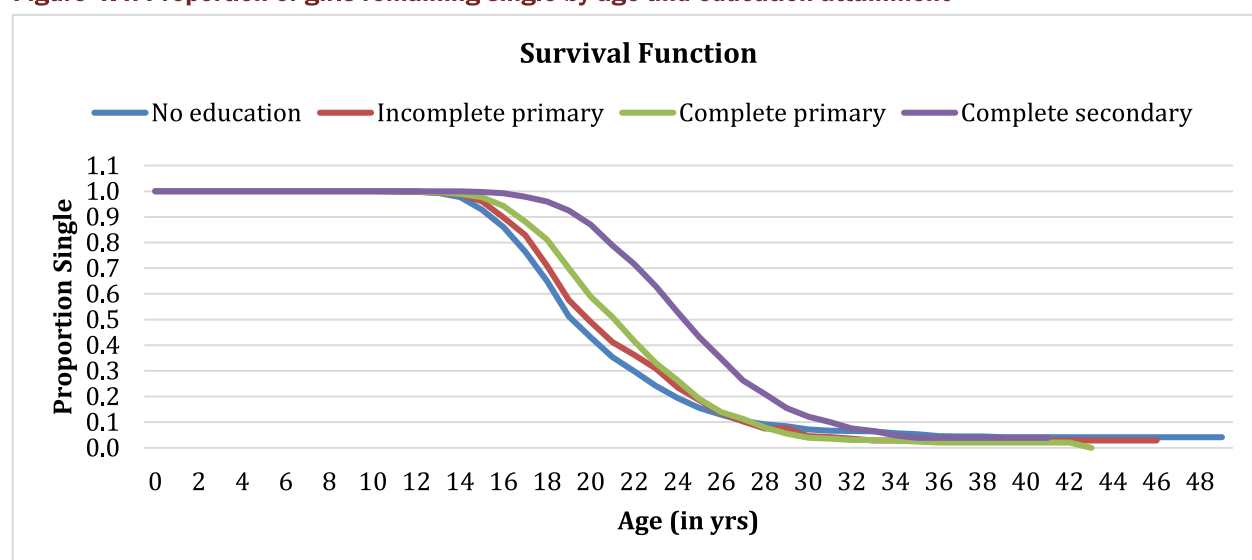
Girls' dropout rate is the highest post-primary level but none of the evaluations identify child marriage as a cause.⁴² The fact that many rural areas lack middle and secondary public schools in proximity to settled communities is a major contributor to girls' dropout rate as parents refrain from sending their young daughters to school citing safety and mobility concerns.

⁴⁰ <https://www.dawn.com/news/1470426>

⁴¹ 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.

⁴² 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.

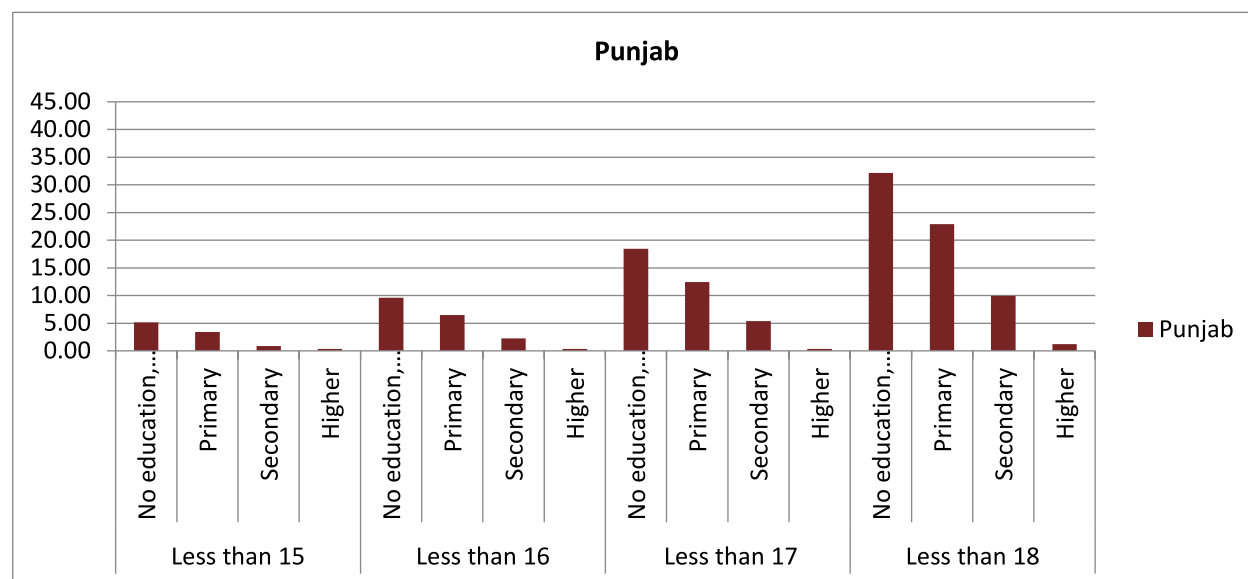
Figure-4.4: Proportion of girls remaining single by age and education attainment



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.

Survival analysis also shows high sensitivity to education, specifically for secondary education in Punjab. Girls who complete secondary education have a 17-percentage point lower probability of getting married between the ages of 13 and 17 than those who have not attended school.

Figure-4.5: Education and Age of Marriage



The data confirm that education is strongly associated with delaying marriage. 32.15% of women with no education married before 18 – a number that dropped to 22.91% among women with primary education and 9.96% among those with secondary education. Generally speaking, Punjabi women, as a baseline, have been delaying marriage and that trend only expands with rising levels of education.

Table-4.3: Median Survival Time by education levels, Punjab

	No education	Incomplete Primary	Completed Primary	Completed Secondary
<i>The median survival time is</i>	19.04	19.85	20.93	24.11

(d) Labor Force Participation

According to the UNESCAP's SDG database, in Pakistan, for every 100 employed males there are 26.9 employed females. For non-agricultural employment, female participation drops to 12.8%. On average, women who participate in income-earning opportunities marry later than their counterparts who do not. In Punjab, labor force participation among married women (at age 20-24) is 29.5% and among unmarried women (at the same age) it is 29.8%.

Table-4.4: Labor force participation rate by age and marital status (women) -LFS, 2017-18

Age	Status of LFS	Married	Never married
15-19	Working	32.3	20
20-24	Not Working	29.5	29.8

PDHS 2017-2018 states that as many as 41.2% of Punjabi women who married before the age of 15 were working as compared to 32% of those married before 18. Employment patterns in Punjab among females, married (by age of marriage) and never married, need to be explored further to develop sounder thesis.

4.2 Traditions and Social Customs: Attitudes and Marriage Practices

The social narrative in Punjab on family and marriage, both behavioral patterns and practices, is also anchored in social norms and traditional customs that impact life events, specifically marriage. At the individual level, protecting one's family name is part of social honor. Across Pakistan, the embodiment of such familial honor is often based in women's chastity.

In Pakistani culture, one's father is accepted as *the* decision maker, especially in the marriage of his children. The consent and age of the girl are often not considered in such decisions. This patriarchal mindset facilitates consanguine marriage patterns (*watta satta*) to (a) strengthen familial bonding (*shareeka*); (b) consolidate social standing in *biradri*/clan; (c) control and multiply economic assets; (d) deny inheritance; and (e) increase sociopolitical power.

This section will elaborate on the structural interplay of social customs that contribute to and/or protect from child marriage in Punjab.

(a) Socio-cultural Narrative and Attitudes on Marriage Practices

Girls are, in the Punjabi social imagination, considered to be temporarily staying with their natal families until they are married. A girl, therefore, is considered a responsibility and are often objectified as property to be taken care of until she is handed off to the ‘real’ custodians – her husband and his family. Moreover, parents, predominantly fathers have the responsibility to marry their daughters before they pass away.

In Punjab, marriage-related decision-making is managed by mothers, generally, but announced by fathers. It's linked to a father's honor to be able to marry off his daughter. Therefore, he bears the right to announce and to agree to the marriage. Mothers also have a vital role to play in seeking her daughter's consent, find and sift through proposals, and manage relationship between the two families. Some researchers also identify a gender imbalance in the role of siblings – as expected, more pressure is placed on women than men.⁴³

Recent research⁴⁴ on the issue found that, in Punjab, a “good” girl marries according to her parents' will and “respectable” girls get married as soon as they are mature biologically to protect the family honour. Linked to this is the perception that a young girl is chaste, simple, beautiful and, thus, more likely to find a worthy marriage proposal. Social norms dictate that a woman's diminishing beauty leads to fewer chances of finding a suitable prospect. Thus, marriage serves two primary objectives – to maintain the girl or woman's honour and to legitimize sex. Another interesting finding of the research⁴⁵ was the definition of characteristics of a “marriageable” girl. Besides chastity, girls must be able to manage household chores independently, be physically mature, and have some level of education in certain cases. The main unit of organization in a Punjabi society is the *biradari*, which can loosely be translated as lineage or clan. The *biradari* embodies a value system that expects urgency in marriage from girls. The stigma of sex before marriage, especially for girls, is often the cause of grave ‘shame’ and ‘dishonor’ for the family and, by extension, for the *biradari*. Therefore, marrying girls early secures the family's honour and ensures the girl's chastity.⁴⁶

While marrying off daughters is considered good parenting, child marriage is not. This is validated by the fact that only 2.10% of marriages occur before the age of 15 years in Punjab and SMAM of 23.1 years indicates that most girls do not get married before the age of 23 years. The survival analysis for Punjab shows that girls are most prone to marriage between the ages of 18 and 29; and at the age of 30, the risk of marriage lies at 91 percentage points in sharp contrast to 30 percentage points at 18.

(b) Social Customs and Traditions of Marriage Patterns

⁴³ Human Rights Watch: “*Shall I Feed My Daughter, or Educate Her?*” *Barriers to Girls' Education in Pakistan* (2018)

⁴⁴ More than Brides Alliance – Baseline Report 2017 by OXFAM

⁴⁵ *ibid*

⁴⁶ A finding that was recognized by *Bedari* for the communities in Punjab

Marriage is a significant social event for any individual and family in Punjabi society, which enshrines the right of family elders to decide and to give consent for marriage. Colloquially speaking, Punjabis believe that marriages occur not between individuals, but their families. Therefore, parents and elders have a pronounced role in marriage-related decisions, assuming they have the best interest of their children in mind, irrespective of their age. Communities believe that with familial support, marriages tend to foster stronger bonds between spouses.

Familial relationships are a vital component of Punjabi social structure. *Shareeka* (bonding among extended family) is an important factor in marriage-related decisions. Marriages between cousins and distant relatives are common; a match within the same caste and ethnicity is also an important criterion for many Punjabis.

Marriage proposal between first cousins is encouraged to: (a) strengthen familial ties and economic assets; (b) strengthen socio-political power and standing in one's *biradari*; and (c) multiply land holdings. In certain cases, it is also a tool to withhold girls' inheritance. Refusing a *shareeka* marriage proposal is often taken as a social insult and the parents may face risk of social ostracization.

The exalting of *shareeka* leads to the practice of *watta satta* (exchange marriages).⁴⁷ *Watta satta* marriages are yet another manifestation of endogamy⁴⁸- when a man marries a woman, his wife's brother simultaneously marries the man's sister. Parents consider it a social safeguard by linking their son-in-law's sister in a *quid pro quo*. The practice is common in rural Pakistan among low-income households and against the will of the girl/woman at times. In other instances, a single father may also opt for child marriage of his daughter in order to remarry himself – something a *watta satta* arrangement can facilitate.

Economically rich feudal families also practice *watta satta* marriages, regardless of education level. In addition to keeping assets in the extended family, it is believed to increase political leverage in an elite household. Even in elite circles, the possibility of women being denied their inheritance exists. Parents' literacy, land holdings and political standing are also instrumental in decisions regarding exchange marriages in rich households.

A national study⁴⁹ claimed that approximately 36% of marriages in rural settings are rooted in *watta satta*. As per the study's data, the practice was more prevalent in *Saraiki* belt of Sindh and Southern Punjab. Researchers warned against generalization of their conclusions for the entire country, However, due to swinging data. Among the *Saraiki* belt, Muzaffargarh had the highest percentage; its presence was also observed in cities like Chakwal, Faisalabad and Attock.

(c) Marriage expenditures: Dowry and Bride Price

⁴⁷ This involves the simultaneous marriage of a brother-sister pair from one family to a sister-brother pair in another family.

⁴⁸ <https://www.dawn.com/news/657239/bartered-in-marriage-the-bride-exchange-in-rural-pakistan> by Murtaza Haider September 2017

⁴⁹ *Watta Satta: Bride Exchange and Women's Welfare in Rural Pakistan* Hanan G. Jacoby and Ghazala Mansuri by <http://crossasia-repository.ub.uni-heidelberg.de/3878/1/Watta%20Satta%20Pakistan.pdf>

Marriages in Pakistan, as in Punjab, are lavish and are spread over a number of days with invitees ranging from hundreds to thousands depending on the family's financial standing. The length of marriage events, venue and food are indicators of socioeconomic standing and social prestige. These are often negotiated as part of a marriage proposal.

In Punjab, it is traditional for the bride's family to transfer a sizable amount of dowry, in the form of cash or other assets, to the groom's family at the time of marriage.⁵⁰ This can comprise of the bride's dresses, jewelry and range of household items. The size of a dowry depends on the bride's family's financial position and their internal familial traditions and is also indicative of family's financial standing. Socially, the practice is still seen as a sign of prestige in both *shareeka* and *biradari*. Hence, it can dictate marriage decision, especially in terms of selection of family. While dowry is not formally recognized as a demand, but it *is* expected. In cases of young girls being married to relatively older men (approximately 10 years of age difference or more), the option of less to no dowry is often seen in poorer households.

The concept of bride price⁵¹ in Punjab is not same as in KP or Sindh. The prevalent tradition is an extension of dowry that intends both to exert some control over what a girl takes out of her own family on marriage, and what comes in with her brother's bride. Marriage in some parts of southern Punjab can be transactional, in which fathers will accept a financial settlement for elopement or other disputes involving their daughters. In the *Saraiki* belt, tribal customs of bride price (*sar paisa*) is being co-opted as a cultural explanation of such transactions. It is, however, a lowly-demonstrated custom among poor *Saraiki* families where father of the bride gets some money in exchange for a marriage proposal.

(d) Age of Consent for Marriage

Globally, the age of consent is the minimum age by which a person is considered legally competent to consent to sexual acts and/or marriage. As a result, if an adult engages in sexual acts with a minor, any sexual activity amounts to statutory rape. In Pakistan, the Women Protection Act of 2011 defines sexual activity with a girl under 16 years of age as statutory rape. There is, however, legal inconsistency in the age-based definition of a child in Pakistan - marriageable age for girls is 16 when the age of majority for all individuals is 18 years.

Society imposes its own patterns on girls by practice. In Punjab, the justification for child marriage is colloquially stated as “that's how it is commonly done” or “that the way things have always been”. This generates social pressure, which is best understood in relation to efforts to regulate young women's sexuality in the name of honour and under the fear of shame that could be brought upon their families as a consequence of premarital sexual relations. Under Muslim Family Law of 1961, the concept of *vakil* (representative) and *vali* (guardian) strips girls of their right to exercise personal autonomy and consent. This is perhaps best demonstrated by that the administrator of a *nikkah* will sometimes guess

⁵⁰ <https://www.dawn.com/news/537353>

⁵¹ <https://wunrn.com/2007/04/pakistan-watta-satta-exchange-marriages-dowrybride-price-issues-of-womens-rights/>

the bride's age based on her physical appearance but, in general, will not insist on getting verbal consent from the bride herself.

The majority of child marriages in Punjab are recorded between 16 to 18 years, which are in compliance to national legal age of 16 years. For the most part, PDHS covers data from 20-24 years old married women, asking them if they were married before 18 years of age. Our KIIs⁵² found that in rural villages of Punjab, the concept of age is abstract - middle age men identified themselves between the ages of 30-35 and women between 25-30 years. A woman with a teenager in the 8th grade, for instance, would say she married young, approximately at the age of 15 or 16.

Further research⁵³ findings show that girls between 12 and 24 years of age in southern Punjab were asked if they knew about any legislation pertaining to the age of marriage for girls and if yes, if it was implemented in their community. Many respondents did not know their own age. About 62% of the girls did not know the legal age for girls to marry and 33% said the legal age of girls to marry is 18 years. About 63% of married female respondents said that they gave their consent to marry their current husband. Often respondents referred to maturity as the perfect age to marry for girls, but not many indicated the age at which girls become mature. Maturity could be understood as puberty, regardless of the actual age of a girl. Some respondents said they were against child marriage or said that it did not happen in their village since girls had matured at the time of marriage.

Another study⁵⁴ in Punjab found that girls need certain capacities for marriage. Physical, mental and emotional maturity were deemed important by respondents. The groom's family prefers a daughter-in-law who can contribute to their household – is able to do chores, has some education, and is “mature.” The ability of a girl to do household chores is especially important.

4.3 Religious Stakeholders

In a survey-based study⁵⁵, many respondents in southern Punjab noted religious arguments as drivers for child marriage - specifically, the argument of it being a sin to keep menstruating girls at home. However, religious leaders think differently on the matter.

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 stated 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 need to be applied in conjunction in decisions regarding marriage. The Quran repeatedly emphasizes endearment to children and orphan children and awards the highest priority to education regardless of gender. This resonated leaders of Jamia Al Azhar⁵⁶, who

⁵² Anbreen Ajaib Executive Director Bedari; Waseen Durrani – OXFAM; Imran Takkar – Group Development; etc

⁵³ More than Brides Alliance – Baseline Report 2017 & Midline draft report by OXFAM

⁵⁴ More than Brides Alliance – Baseline Report 2017 by OXFAM

⁵⁵ More than Brides Alliance – Baseline Report 2017 by OXFAM

⁵⁶ Cairo based Islamic university and globally reverend hub of Islamic jurisprudence

issued a *fatwa* in 2017 that deemed marriages lacking a girl's consent to be immoral and equivalent to a death sentence for the girl. It also stated that the marriage of minor is unacceptable as Islam neither acknowledges nor promotes it.⁵⁷

The Chair of Council of Islamic Ideology (CII), Dr. Qibla Ayaz⁵⁸, recently expressed that underage marriages should be discouraged as they trigger a wide range of complex issues for the married couple, their respective families and the entire community, and bear multi-faceted social, psychological and physical consequences.

Punjab-based CSOs and activists observe little religious legitimization for child marriage. Religious thought leaders⁵⁹ in Punjab do not see it as a religious problem, but a cultural practice and support the CII's stance to condemn and lobby against child marriage. Renowned religious scholar and CII member Raghbir Naeemi⁶⁰ has noted that *Sharia* does not condone the marriage of a child and suggested campaigning against child marriage through Ulema and Education departments all over the country. The current legislative consultation group includes religious thought leaders alongside civil society members.

While verbal *Nikkah* is not a common practice in Punjab, *Nikkah* on the basis of incomplete documentation (missing evidence of the girl's age) will continue to perpetuate cases of forced, early and/or child marriages unless stricter legal punishments are introduced. Verbal *Nikkah* is also not prevalent because the actual marriage contract (*nikkahnama*) requires a true statement of the bride's, which is only possible through birth registration.

4.4 Positioning of the Government of Punjab: Institutional setting and policy framework

The section expands upon the Punjab government's position on child marriage and its institutional setup and policies to address child marriage as part of the province's overall development agenda.

(a) Institutional setting

The government of Punjab does not have a dedicated administrative department that focuses on children's issues, as per recognized child rights agenda, including child marriage.

Punjab Child Protection and Welfare Bureau (PCP&WB) established under the Punjab Destitute and Neglected Children's Act of 2004 (amended in 2017), stipulates mechanisms for rescue, custody, care and rehabilitation of destitute and neglected children. While the law seeks to protect children under

⁵⁷ The religious explanation/ position was elaborated in 2017 by Al-Azhar and National Council of Women in Cairo launched the campaign to promote the role of women in Egypt in particular & Muslim world in General.

⁵⁸ 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/>

⁵⁹ Molana Tayyab Qureshi, Imam Masjid Mohammad Khan, Peshawar was one of them

⁶⁰<http://bedari.org.pk/legislators-formed-an-advisory-working-group-of-parliamentarians-to-combat-child-marriages-and-improve-girls-education-in-punjab/>

the age of 15, it does not include child marriage in its legal mandate. Child Protection Courts (CPC) were established under section 22 of the same law. The Lahore High Court conferred powers of the Court upon a session judge in districts and to Additional Session Judge at the headquarter to be the Child Court Judge. The mandate of CPC is to manage:

1. Legal custody of destitute and neglected children;
2. Reunification of destitute and neglected children with their families; and
3. Trail of cases registered under the Act.

The Planning & Development Department in Punjab⁶¹, in collaboration with UNICEF, has established the Child Protection Cell as part of a multi-year work plan to coordinate overall implementation of the Child Protection Work Plan. It is an effort to work together - in the absence of an authority - to protect children against violence, abuse, neglect and exploitation. Its key work includes:

1. Review of public spending from the perspective of Children's Rights (Child-Responsive Budgeting);
2. The Social Welfare Department, which prepared and shared the Child Protection Policy (CPP) to assume administrative control of PCP&WB;
3. Amending the CMRA of 1929 to ensure protection of girls' rights (Social Welfare department acts as the main stakeholder); and
4. Mapping and assessment of child protection systems with the Child Protection Mapping and Assessment Toolkit.

Office of Chief Provincial Commissioner for Children (OCPCC), operating under the Wafaqi Mohtasib (Ombudsman) Office, established with UNICEF support in 2009 and upgraded in 2013.

(b) Policy Frameworks

In Punjab the issue of child marriage is pooled as an off shoot of domestic and gender-based violence, which are handled by the PCSW and Department of HR. Moreover, the fact that the Child Protection Cell is housed under the Planning & Development Department, which primarily works on inter-departmental coordination, reiterates political apathy on the subject.

PCP&WB, as a technical set-up, is not administratively independent to function as a primary coordination and/or oversight body. Administratively, it is housed under the Home Department and focuses on rescue of destitute, neglected and street children in partnership with LEAs (Police, Federal Investigation Agency), Judiciary, local government, and provincial departments (Health, Law, Social Welfare) to execute its responsibilities. The Act and Commission, both, do not talk about child marriage as an active public issue.

⁶¹ https://pnd.punjab.gov.pk/child_protection_cell

Child Rights is addressed in different policy enactments, but lacks comprehensive definitions, integrated protection, implementation plans, and concerted oversight mechanisms. These policies exist without mutual coherence to ensure efficacy. Child marriage, however, is not central in any such policies. Peripheral actors on the issue include human rights directorates, ombudsperson offices, and health and education departments, which focus on child rights as part of their specialized mandate.

The Punjab Human Rights Policy of 2018 gives due attention to child rights and their protection, taking after the National Action Plan for Human Rights, but does not directly address child marriage.⁶² The PCP&WB is responsible for leading the child rights implementation of the 2018 Policy and must consider all cross-cutting themes and issues that directly affect the state of children in Punjab. The KIs conducted for this report found a prevailing consensus that child marriage stems from poverty and must be addressed through better health and family planning practices to discourage early pregnancies.

4.5 Legal Landscape and Stakeholders

Laws do not exist in a vacuum but in a social context. Legislation is a critical tool to direct public behavior and provide protection from social ills. Yet child marriage has not been a priority for the government. Since the devolution of powers after the 18th Amendment, most federal laws have been reenacted in Punjab. Prior to the amendment, issues pertaining to marriage and divorce were in the Concurrent Legislative List of the Constitution that both federal and provincial legislatures were empowered to legislate on. In case of any conflict between the two, federal laws prevailed. Now, however, child marriage is a provincial subject and only the provincial legislatures are empowered to legislate to stem its incidence.

(a) Child Marriage Restraint Act Punjab

The legal age of marriage in Pakistan is 18 years for boys and 16 years for girls as per the Child Marriage Restraint Act (CMRA) of 1929. Data indicates that most marriages in Punjab comply with the 16 years threshold. The Government of Punjab, with the Senate's approval of CMRA Bill of 2019, considered increasing the minimum age to 18 years for girls. A proposal has reportedly⁶³ been sent to the Chief Minister.

The CMRA, in 1929, was the first legislation to discourage and criminalize child marriage. Punjab reenacted the law in 2015⁶⁴, stipulating harsher punitive measures for the practice – enforcing imprisonment and fines and increasing the powers of Family Court. It also imposed liability on the *nikkahkawan* (officiant or administrator) as well as the child's guardians but fell short of raising the minimum age for marriage to 18 years for girls. Under-age (under 16 years) and forced marriage,

⁶²https://hrma.punjab.gov.pk/system/files/Punjab%20Human%20Rights%20Policy%202018%20_%20Print%20Version_Gazatte_0.pdf

⁶³ <https://www.urdupoint.com/en/pakistan/punjab-govt-considering-to-increase-minimum-a-677890.html>

⁶⁴ https://pcsw.punjab.gov.pk/child_marriage. The new act further amends the sections 4, 5, 6 and 9 of the previous act

however, is a punishable crime and complaints of its incidence can be registered with the Police, Union Council, or a Judicial Magistrate.

Key changes in the reenacted law included that any male adult participating in child marriage shall be imprisoned for up to six months or face a fine of up to Rs. 50,000, or both. It included similar punishments for solemnizing a child marriage for the *nikkahkhan* unless he proves that he had reason to believe the marriage was not a child marriage. It instituted similar reprimands for parents and guardians involved in child marriage. Section 9 of the law, on cognizance of offence and trial, allows Family Court to exercise powers of a Judicial Magistrate of the first class in conducting a trial after the Union Council forwards a complaint.

The punitive measures include:

- Punjab CMRA, 2015: Any person marrying a girl of less than 16 years of age and the person conducting such marriage, including *Nikkah* Registrar shall be liable for imprisonment up to 6 months and fine PKR 50,000/-.
- PPC S-310-A & 498-C: Customs like Vani and marriage in lieu of compromise, or marriage with the Holy Quran are illegal, liable for imprisonment for 3 to 7 years and fine of PKR 500,000/-
- PPC 498-B: A person forcibly marrying a girl against her will is liable to be punished with imprisonment for 3 to 7 years and a fine of PKR 500,000/-.

b. Weak Implementation

The inconsistent implementation of CMRA remains its biggest weakness. In terms of legal lacunas, for example, Section 6 of the Punjab CMRA states no woman shall be punishable with imprisonment if involved in child marriage as a parent or guardian. This exonerates the single mother of a girl child despite being the sole decision-maker of child marriage. Secondly, the law leaves punishments to the discretion of the court – these can be as low as one day in jail time and/or a fine of one rupee.

Third, punitive responsibility is also placed on the *Nikkah* registrar to ascertain the age of girl, by stating in Section 6 that “....unless he proves that he had reason to believe that the marriage was not a child marriage”. In Pakistani social setup, a stranger to the family usually does not have access to the bride on the day of *Nikkah* even to physically verify her age. In rural settings, the bride’s age is rarely verified when her father hires a *Nikkahkhan* and consent is conveyed through the girl’s *vali* or *vaakil*, which also renders this clause as meaningless. The few instances of a verbal *Nikkah* in parts of southern Punjab also nullifies the need for documented proof of age or even registration of marriage.

Except for increasing the age bar, the CMRA does not provide any relief to the girl child. The biggest unaddressed legal issue is that the law does not provide a legal pathway for the girl child to swiftly exit the marriage. In order to get out of her unlawful marriage contract, she must file for divorce under Civil Law. The logical fallacy here lies in the fact that that law expects a child with no legal agency to stop a

marriage or assert consent to file for divorce. This is virtually impossible in cases where the girl child must act alone without parental support, especially when it is often parents who made the decision of her child marriage to begin with.

c. Legal Actors

Law enforcement agencies are key legal actors and can help curb child marriage. In southern Punjab, cases of elopement are registered as kidnapping or child marriage which, as per local police⁶⁵, more often than not turn out to involve willing adults. This, in turn, validates parents' adherence to child marriage in order to avoid social shaming and to protect family honor.

LEAs are rendered helpless to stop child marriage unless it's reported by a complainant. Out of reported cases, child marriage accounts for under 1%. Among filed complaints, a number of abduction cases involving minors often turn out to be cases of elopement. The family may use 'underage' as incentive to get the police involved. This points toward the need to integrate child marriage into police training curricula to orient officers with ground realities and to identify incidents accurately. Moreover, the police often treat child marriage as private matter with a patriarchal mindset and is likely to side with the parents.

Lawyers also have no recourse to case law for legal jurisprudence. Cases are pursued as per the laws against which a First Incident Report (FIR) is registered, which may not necessarily cite CMRA. Cases are similarly adjudicated by judiciary; Child Courts have no oversight over child marriage cases.

This section undertook a structural diagnosis of Punjab's societal landscape and public institutions to analyze key stakeholders and power hubs. A tabular consolidation of these stakeholders is included in Annex-6.

This section also did an agency diagnosis for stakeholders to analyze the combination of preconceived incentives that support or hinder reform and lead to the lack of collective action. A tabular consolidation of this is included in Annex-7.

4.6 Consolidation of Structural and Agency-Level Diagnostic Analysis

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.

⁶⁵ DIG Zulfiqar Hameed, Punjab Police CCPO office, Lahore

Table-4.5: Punjab Stakeholder's Structural & Agency Diagnostic Analysis

	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
1	Adolescent Girls						
a	Youth - unmarried Girls	Connectors	L	H	M to L	L	1. They lack agency. 2. Potential agent of change depending on their education and economic opportunities.
b	Youth - married Girls	Connectors	L	H	M to L	M	1. They lack agency. 2. Potential agent of change supporting physical & mental health, GBV, SRSH
2	Family						
a	Mothers	Connectors	L to M	M	M	L to M	Can (i) influence decisions on delaying marriage and accepting marriage proposal; and (ii) inculcate social change among sons on equality and equity of girls/women
b	Fathers	Blockers	H	H	H	L	1.They are core marriage decision-makers, often perpetuate watta-satta and cousin marriages. 2.Need sensitization on health effects of child marriage on girls and need awareness that isn't religiously sanctified.
c	Family Elders	Connectors	M to H	M to H	M to H	L	3. Power wielders who encourage marriage within their siblings' family to facilitate consolidation and control over the extended family's economic assets.
d	Shareeka (clan)	Blockers	H	M to H	M to H	L	Core influencer who generally complies with in-clan marriages and threaten social sanctions for non-compliance.

	Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
3	Community Actors						
a.	ADR practitioner (Panchayat)	Blockers	H	L	H	L	1. Wield power to demand conformity to social traditions and threaten social ostracization 2. Power structures used to benefit local elite in settling disputes resulting in GBV and/or sanctify child marriages by using illegal judicial powers 3. Empowered & functioning local government rules out their existence and functioning
b.	VNC Councilors especially women & youth	Connectors	M	L	M To L	L	Potential influencer for i. increased birth registration; ii. documented marriage; iii. lobby about effects of child marriages on girls; iv. CMRA compliance; v. narrative against underage marriages
c	Teacher	Connectors	M	L	M	L	1. Potential influencer for parents on girls' education and health impact of child marriage as per HR policy through Parent-Teacher Meeting 2. Needs training to link gender perspective in curriculum and priorities as elaborated in HR policy
d	Health Practitioner (LHV/TBA to BHU / DHQ)	Connectors	M	L to M	M	M	1. LHV/TBA have the potential to advocate against early pregnancy, citing MMR and stunting. 2. FP services should be made available as part of mainstream health service provision.
4	Religious Stakeholders						
a	Council of Islamic Ideology (CII)	Connectors	L	L	H	H	High influence on legislative decisions despite advisory status. Bears potential to lead campaign against child marriage as a health issue

	Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
b	Religious thought leader	Connectors	L	L	H	L	1. Brokers of bridging narrative among thought-based religious following 2. Potential influencer against early, child and forced marriages 3. School of thought based religious following should be used in advocacy
c	Nikkah Registrar	Blocker	L	L	L to M	L to M	1. Despite CMRA's increased punishment, has little influence. 2. Has potential to influence if each UC has a notified <i>nikkah</i> registrar
d	Molvi (Religious Leader)	Blocker	L	L	M	L	1. Influences social power dynamics for marginalized households and obeys village elite in rural areas 2. Sanctifies child marriage and upholds the father as the sole decision-maker 3. Has the potential to be engaged in lobbying through CII
5	Government						
a	Ministry of Human Rights & Provincial Directorates	Connectors	L	H	H	H	1. Connects federal government's position with Provincial Directorates 2. Weak presence and functioning of Directorates in provinces
b	National Commission on Child Welfare & Development (NCCWD)	Connectors	L	L	L	M	1. Advisory body, mandated to facilitate, coordinate, monitor and report 2. Stunted function in and reporting on CRC 3. It should be subsumed into NCRC
c	National Commission on Status of Women (NCSW)	Connectors	L to M	H	H	H	Can influence policy as a watchdog body on marriage practices

	Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
d	National Commission on Rights of Child (NCRC)	Connector	L to M	H	H	H	Announced in Oct 2017; yet to be formed; would have the potential to lead on CR agenda
e	National Commission on Human Rights (NCHR)	Connectors	L	L	L	L	Completed tenure in 2018 & yet to be re-constituted
f	Office of the National & Provincial Commissioner of Children- Wafaqi Mohtsib	Connectors	L	L	L	M to H	UNICEF-supported set up with limited outreach and impact. It is complaint based and cannot be proactive.
g	Department of HR & Minority Affairs	Connectors	H	L	M to L	L	KP-HR policy 2018 has a chapter on Child but is not responsible for its attainment. Chapter on Women also recommends focus areas that are linked to CR
h	Department of Women Development	Connectors	H	L	M to L	L	Potential advocate for adolescent girls rights and elimination of child marriage Can be custodian of chapter on women in HR policy and link up to CR agenda
i	Department of Planning & Development	Connectors	H	M	M to H	M	Child Protection Cell established to influence line ministries to mainstream Child Rights
j	Department of Social welfare	Connectors	L	L to M	L	L	1. Drafting Child Protection Policy. 2. Has potential to influence policy and collaboration.

	Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
k	Department of Education	Connectors	L to M	L	L to M	L	Has the opportunity to influence <ul style="list-style-type: none"> discourse setting on girls' education against child marriage; add content in curriculum; training of teachers.
l	Department of Health	Connectors	L to M	M to H	M to L	M	1. LHV network trained on child marriage and early pregnancy, FP products.
	(LHV/ TBA, BHU to RHU to DHQ)						2. Mainstream FP windows in Health Unit. 3. Use LHV/TBA in raising awareness about the negative impact of early pregnancies.
m	Department of Population welfare	Connectors	L	M	L	L	1. Lead a campaign in line with SC decision on demographics. 2. Connect health to FP practices and safe pregnancies.
n	Child Protection Welfare Bureau	Connectors	L	L	L	L	If child marriage is added to their mandate, via legal amendment, child court and protection can be applied
o	Provincial Commission on Status of women (PCSW)	Connectors	L	M	M to H	M	Influence government to increase departmental and bureaucratic collaboration for service provision It has the potential to raise bar of advocacy in line with women social well-being survey by adding data collection tool for 16-18 years marriage, etc.
6	Political Actors						
a	Federal Government including Cabinet	Blockers	H	L	H	L	Not interested in legislation that gets negative PR and wants to appease religious groups.
b	Senate of Pakistan	Connectors	H	H	H	H	Approve CMR Bill 2019 to influence provinces. Leading policy discourse through CMR Bill 2019

	Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
c	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. NA is the only forum to legislate and members should be engaged.
d	Provincial Government including Cabinet	Connectors	H	L to M	H	M to H	Child marriage is not a statistically high issue in Punjab yet it's recognized in HR Policy 2018.
e	Provincial Assembly	Connectors	H	L	L	L to M	Members, in partnership with CSOs, have formed a legislative advisory group for advocacy.
f	National Women Political Caucus (WPC)	Connectors	L	L	L	L	Potential to create intra-party consensus on amendment in CMRA & lead on advocacy.
g	Provincial Women Political Caucus (WPC)	Connectors	L	L	L	L	Institutionally and technically weak but can table resolutions and initiate legislation
7 Legal Actors							
a	Lawyers: Judicial Activist	Connectors	M	H	M	H	Can create precedence and case law for pleading child marriage cases
b	Police	Connectors	M	L	H	L	1.Potential influencer for increased deterrence for compliance with GBV legislations and Child Right Acts 2. Patriarchal mindset and weak capacity in understanding rights-based legislation and its application
8 Civil Society & International Community							
a	Civil Society Organizations & Activists	Connectors	L to M	H	M	H	Lead research, raise awareness and engage stakeholders

	Stakeholders	Status	Power	Motivation	Influence	Awareness	Status & Potential
b	Relevant UN Agencies	Connectors	M	H	M	H	1. Can influence State in compliance to its international commitments. 2. Government is comfortable accepting technical support on sensitive issues like child marriage – an opportunity to push integrated CR policy and programming
c	Bilateral & Multilateral donors	Connectors	M to H	H	M	H	1. Raise issue at strategic level with federal and provincial governments. 2. Can develop multi-pronged programs with financial support.
d	INGOs	Connectors	L	H	L	H	1. Can bring in international best practices. 2. Lead on large program implementation.
9	Media						
a	State owned Electronic Media TV & Radio	Connectors	M to H	L	H	L to M	1. High outreach & influence. 2. Underused for Public interest programming and messaging in support of State's position on child marriage.
b	Private Electronic Media - TV & Radio	Connectors	M to H	L	H	L to M	1. Bows to corporate interests on issues. 2. Undertakes CSR based PSM on issue of the day. 3. Anchors and research teams need orientation for current and public affairs programming.
c	Print Media	Connectors	M to H	M to L	H	M to L	1. Bows to corporate interests on issues. 2. Columnist and editors can be influenced.
d	Social Media	Connectors	M to H	M	H	M	1. Highlight core issues in short span of time 2. Interest is personal than organizational

5 Pathway of Change: Way Forward

The discussion around child marriage in Pakistan is limited to its international conventions⁶⁶ to gender equality. Pakistan is signatory to several international commitments such as the Convention on the Rights of the Child (CRC)⁶⁷, Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and Sustainable Development Goals (SDGs 2030).

SDGs 2030 commit nations to eliminate “child, early and forced marriages”⁶⁸ and focus on the negative impact on the well-being of girls who are married before 18 years of age, particularly the lack of agency and autonomy in the process of contracting marriage.⁶⁹

5.1 PEA Findings

There is an emerging social consensus in Pakistan that child marriage is a fundamental human rights violation and there is a growing body of evidence that child marriage prevalence constitutes a grave threat to life, health and future opportunities in schooling and work for young women and their children. Socioeconomic, religious and political factors, in addition to institutional settings and policy frameworks, are core drivers of child marriage.

⁶⁶ Key among these are 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) and the Convention on the Rights of the Child (CRC 1989) Cairo International Conference on Population and Development (1994) The United Nations Fourth World Conference on Women, Beijing 1995,

⁶⁷ Pakistan has to date presented 4 reports to the Child Rights Committee (CRC) that recommended the Government to increase harmonization of laws with the Convention, improved coordination at the national and local levels, establishment of a monitoring mechanism, resource allocations for children, data collection, cooperation with non-governmental organizations (NGOs), adopting uniform definition of the child, combatting violence against and abuse of children including sexual abuse, implementing right to education, prevent child labor, promote juvenile justice.

⁶⁸ Transforming Our World: The 2030 Agenda for Sustainable Development. (n.d.). A New Era in Global Health. doi: 10.1891/9780826190123.ap02

⁶⁹ Schaffnit, S. B., Urassa, M., & Lawson, D. W. (2019). “Child marriage” in context: exploring local attitudes towards early marriage in rural Tanzania. *Sexual and Reproductive Health Matters*, 27(1), 1571304. doi: 10.1080/09688080.2019.1571304

Child Marriage is a multi-layered issue that impacts the individual, their family and society at multiple levels. It often swings between gender equality and child rights debates but there is significant need for an integrated narrative anchored in a rights-based agenda that is multi-sectoral and addresses an array of stakeholders. Such a narrative must centralize the child at its core and make concrete connections to a child's right to life, well-being and opportunities with a special focus on the girl child.

The provincial narrative in Punjab is not supportive of child marriages. Recent studies of some Union Councils in southern Punjab indicate most reports of child marriage are found to be compliant with the law because sixteen years of age at marriage is considered legal under the existing law. There are no widespread social cultural traditions that facilitate child marriage in Punjab. However, anecdotal evidence from southern Punjab observes seepage of harmful societal practices like bride money from neighboring provinces that deserves ready attention. Practices of consanguinity, cousin marriages, and *watta satta* are not seen as an active instrument of child marriage but preferred inter-family marriage practices. While not being able to afford a dowry pressurizes parents to indulge in marriage, there is no causal link to child marriage.

In the Human Rights Policy 2018, the Government of Punjab recognized child marriage reporting first marriage age of girls/women aged 15-49 at 5.2% as per 2014 data.⁷⁰ As per the PDHS 2017-2018, the SMAM in Punjab stands at 23 years. The percentage of married girls under 15 years of age stands at a mere 2.10%; and for under 18 years stands at as per the PDHS 2017-2018, the SMAM in Punjab stands at 23 years. The percentage of married girls under 15 (20-24 years) stands at a mere 2.10%; and for under 18 years (20-24 years) stands at 14.8%.

Interestingly, Punjab's CMRA Amendment of 2015 imposed stricter penalties on facilitators of underage marriages. Given the fact that overall birth registration in Punjab is 70% and approximately 72% children under the age of 5 years are registered, the probability of implementation of CMRA is much more possible.

The early recognition of child marriage is a trend-setting opportunity for the Government of Punjab. It can initiate social transformation that creates a balance between sensitizing stakeholders to the harmful effects of child marriage and lobby for integrated cross-sectoral policies to improve protections for children in terms of human rights, welfare, education, and health.

Robust evidence suggests that education is the main factor pushing age for marriage to 20 years for girls who complete secondary education. The Human Rights Policy of 2018 further emphasizes institutionalized measures to ensure compliance with the Article 25-A of the Constitution. Education and work opportunities are also validated as essential to socioeconomic empowerment of women that will, ultimately, bolster gender equality and national development.

⁷⁰https://hrma.punjab.gov.pk/system/files/Punjab%20Human%20Rights%20Policy%202018%20_%20Print%20Version_Gazatte_0.pdf

All stakeholders validate health risks as the gravest of all consequence of child marriage that need concerted lobbying with an emphasis on family planning perspective and lobbying against teen pregnancies. Integration of family planning support and availability of such guidance in the mainstream health system can contribute to prevent teen pregnancies. Religious stakeholders' support for lobbying against child marriage- on the Quranic principle that mental maturity is intrinsic to physical coming of age for marriage - from a health perspective can also play an important role.

The Human Rights Policy recognized the need to create early childhood care, to protect and provide a safe environment for all children, and to undertake special measures to secure their rights and entitlements. It commits to engage with donor agencies and NGOs to build programs for the development and protection of children. This opens up an entry point for stakeholder consensus towards collaborative affirmative actions to create an ecosystem where the underlying drivers of child marriage can be addressed through integrated programming. The risks and challenges around single-focus programming are included in Annex-8.

The Child Rights institutional setting and policy framework needs to be reviewed to incorporate and extend outreach within the complete child rights agenda with focus on child marriage and rehabilitation. Punjab needs to have a child-focused policy that takes after the HR policy and is able to integrate cross-sectoral focus to put forth a mechanism for coordination and oversight. PCP&WB needs to work as an autonomous institution in compliance with Child Rights agenda (inclusive of CM) and that needs amendment to their administrative legislation. Social safeguards are also important and are needed to protect and rehabilitate child brides and orphans who fall victim to child marriage.

This PEA finds the current debate on increasing the age bar for girls to 18 years will eventually result in merely checking off international commitments. Marriage patterns in Punjab, as all over Pakistan, occur not just under the jurisprudence of law but also under the influence of societal practices. While the current version of CMRA increases penalties, it does not make provisions to rescue a child bride. Once child marriage is contracted, the girl child remains in marriage. The law expects the girl child, whose agency and consent are virtually nonexistent, to file for divorce to get out of the marriage even though it was her parent/guardian who put her in this quagmire. The State provides no relief or protection mechanism for her safety. She remains in the marriage and pays the ultimate price of teen/adolescent pregnancy that affects her and her child alike. Should she pursue divorce, she is likely socially ridiculed for being part of a court proceeding and bringing shame upon her family.

The role of law enforcement agencies is also important in that there is significant need for sensitization as part of their training. The HR Policy suggests that the Criminal Law Act of 2016, which deals with the cruelty towards children, should be made part of training and teaching institutes to sensitize duty-bearers on violence against children. Similarly, child marriage should be added as a subject to their training.

The following table encapsulates key findings regarding stakeholders:

Stakeholders	Findings
Girls at risk of child marriage	<ul style="list-style-type: none"> • Need socioeconomic power to have a greater voice in decision-making processes • Children can be the agents of change for their peers and introduce a changed narrative to their homes through education • Increased access to education to build their future
Parents & Male family members (Fathers & Brothers)	<p>Fathers and brothers need sensitization to negative impacts of CM, especially on the health and life of the girl child</p> <ul style="list-style-type: none"> • Cultivate role models from them to become champions of girl's rights, girl's education and thus fight against child marriage
Community leader	<ul style="list-style-type: none"> • Government needs to cap their legal informal influence by strengthening local governance to replace ADR/Jirga • Initiate sensitization to adverse health impacts of child marriage on girl child • Emphasize girls' education with relevant Quranic injunctions
Religious leader	<ul style="list-style-type: none"> • CII should disseminate a clear and firm opinion against child marriage in line with Jamia Al-Azhar fatwa • Government's designated <i>Nikkah</i> registrar should submit monthly details of contracted marriages to local Union Council to cross-check for underage marriage and discourage verbal <i>Nikkah</i>
Political Actors & Legislators	<ul style="list-style-type: none"> • Federal Government must take and pass CMR Bill 2019 to demonstrate its positioning against child marriage • Punjab-WPC should foster cross-party consensus on child marriage as a harmful as a social evil, table resolutions and encourage political debate to discourage it • Punjab-CSW should strengthen its watchdog function in line with women's well-being survey objective to include girls over 16 years and engage WPC and MPAs to lobby against it
Government departments/ Service providers (Health, education, Population & Social Welfare)	<ul style="list-style-type: none"> • There should be a Child Rights institution with administrative and financial autonomy to function as an independent setup • Comprehensive Child Rights policy is needed to include of child marriage in education, health, population and human rights policies • Birth registration should be made mandatory for all parents • Strengthen LG base mechanisms to drastically improve birth and marriage registration • Use TBA/ LHV to collect birth and marriage data and share information about adverse impact of CM in ongoing health awareness programs • Expand and integrate FP services in mainstream health setups rather than standalone units • Ensure free education for all as per Article 25-A of the Constitution and incorporate child marriage in curricula
Judicial & Legal	<ul style="list-style-type: none"> • Reduce legal inconsistencies regarding definition of age for a child and multiple laws covering child as subject • Create an accessible legal space to annul child marriage once contracted with a welfare mechanism • Training for child court judges on international covenants, legislation, personal and family law • Engage with Bar Council to create case law
Media	<ul style="list-style-type: none"> • Engage a mix of media to sensitize audience on child marriage in current affairs and entertainment content • Promote facts and figures to encourage debate and dialogue on the adverse impact of CM
International development partners	Rights-based programming to mainstream child rights and child marriage

5.2 Core Findings of Data Analysis

The data recorded for this analysis found education to be the strongest indicator that has a direct association with delay in marriage in the province of Punjab. Children, especially girls, need to be empowered in order to develop their agency to voice their needs and demand accountability of their rights.

The median survival time without education is 19.04 years, which jumps to 24.11 years with the completion of secondary schools. Secondary education is the key protecting factor against marriage under 15 years of age. For ages 13-15, primary education is also an insulating factor.

Data provides evidence that child marriages in Punjab account for 14.40% of all marriages in the group of women aged 20-24 who married before 18 years. Whereas, among the same age group for girls who have completed secondary education, the percentage drops to 9.96%. The Pakistan Labour Force survey found that participation of girls aged 15-19 who are married is 32.3% whereas it stands at 20% for unmarried girls in same age group.

The data establishes that secondary school education delays age at marriage by 27 percentage points at age 17 when compared to girls with no education. Girls with secondary education have very high odds (97%) of remaining single at 17. Primary education data also demonstrates effectively the decreasing likelihood of marriage for the otherwise vulnerable teenage age band of 16 to 18. Even in those cases, the average age is 16 or 17 – within the legal age of marriage in Pakistan. Moreover, there is a marked increase in likelihood of survival from 10% to 17% between 16 and 20 years of age.

It is clear that in Punjab poorer households prefer child marriage between the ages of 16 and 18 years. As mentioned, the Multidimensional Poverty Index (MPI) value for Punjab is 0.152 with the incidence (head count of poverty) at 31.4%; whereas its intensity (percentage of people deprived) at 48.4%. With reference to child marriage, the highest number of marriages between 16 and 18 years are not among the poorest, quintile but among the poorer quintile. This perhaps can be explained with the tendency of poorest households to send young girls to work, whereas households from poorer and other quintiles do not. However, as education increases in the middle, richer and richest households the safety is provided by education.

Child marriages, however, are sanctified by religious norms in Punjab. Socially, decision-making powers for marriage rest with the father since he is the anointed *vali* in Islamic tradition. Despite criminalization of child marriages, it continues to exist due to weak enforcement, which effectively denies adolescent and young girls their right to life, safety, education, health and opportunities. The onus then falls on the federal and provincial governments not just to establish a clear position on child marriage but also to in-state mechanisms and legal instruments to address harmful sociocultural traditions that perpetuate the prevalence of child marriage.

5.3 Key Messages of the PEA

- In the SAARC region, Pakistan has the highest SMAM and the lowest incidences of marriages before 15 and 18 years of age.
- In Punjab, marriage under 15 years stands at 2.10% and marriage under 18 at 14.40%.
- 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.

“The legal age for marriage should be 18 across Pakistan.”

- Pakistan recognises 16 as the legal age for marriage, with the exception of Sindh province, where it is 18 for both boys and girls.
- Pakistan’s official position is in line with its international commitments and responsibilities – child marriage is not condoned in the national legal structure.⁷¹ Pakistan has agreed to examine UPR recommendations to raise the minimum age for marriage to 18 for both girls and boys.

“Legal recourse needs to be more holistic rather than merely increasing the age bar for marriage.”

- Current form of the CMRA recognizes child marriage as a grievance worth penalizing but does not go far enough to protect the girl child. There are currently no legal pathways to annul a child marriage and the girl child bride remains legally married.
- Raising the legal age bar is an opportunity to encourage access to education and economic opportunities in addition to delaying early pregnancy among adolescent girls.

“There is need for awareness against the misuse of religious and cultural values.”

- Actors identified as ‘blockers’ use religious and cultural frames to justify and perpetuate the practice and thus prevent it from being eliminated from the society.

“We need to frame child marriage not just as a social issue and violation of human rights but equally as a health rights issue as well”

- Child marriage has critical effects on the physical health of adolescent girls, especially due to immense social pressure they face to procreate. Childbearing at less than 18 years of age increases the risk of complications during pregnancy and childbirth that leads to higher rates of neonatal mortality.

⁷¹ 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.

“We must draw a link between early pregnancies and family planning.”

- Stakeholders agree unanimously that early pregnancy is the most critical risk attached to child marriage in population and health narratives. This warrants a response in the form of awareness-raising, specifically for:
 - i. Availability of family planning services; and
 - ii. Advocacy on delaying first pregnancy.
- Pakistan needs to integrate family planning into public health. Postponing first births and extending intervals between births have positive effects on the health of both mother and child (PDHS 2017-18:83). A woman's age at marriage and the duration of breastfeeding are extremely important proximate determinants in Pakistan's cultural context.

5.4 Findings and Policy Recommendations

The overall strategy to prevent child marriage in Punjab 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.

Policy Level:

- Institute a policy discourse for public dialogue against child marriage that is anchored in education, population dynamics, and public health, i.e. Sexual and Reproductive Health and Rights (SRHR) and Family Planning.
- Integrate a cross-sectoral child rights policy that recognizes child marriage as a form of violence against the girl child.
- Ensure full implementation of the Human Rights Policy of 2018 and develop a national action plan to protect child rights.
- Consider social protections for free enrollment in a private school in areas where government schools, especially at the secondary level, are not situated within 2-3 kilometers of community settlements.
- 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. Mobilise 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.

Institutional Level:

- Strengthen Punjab Child Protection Commission & Welfare Bureau through administrative & financial autonomy.
- Amend the Punjab Destitute and Neglected Children's Act of 2004 to cover complete child rights agenda and to include child marriage in its mandate.
- Provide family planning products and services as part of mainstream health services to prevent early/teen pregnancies among adolescent girls who have been subjected to child marriage. This is especially critical because once the child marriage has occurred, it is important to safeguard the young girl's health by delaying pregnancy.
- Commit to building more middle and secondary school within 2-3 kilometers of rural settlements to ensure girls have safe access to quality education.
- Continue to increase mandatory birth registration and expand digital birth registration to all areas of Punjab. The options to consider are:
 - a. Coordinate with NADRA to connect with LG at UC Secretary, THQ & DHQ hospitals for direct birth registration.
 - b. Use LHV/TBA to collect data on birth and marriage and to raise awareness about the detrimental health effects of early pregnancy due to child marriage.
- Mandate proper marriage documentation:
 - a. Government-designated *nikkah* registrar at the village level should be overseen by the local Union Council.
 - b. *Nikkah* registration should be mandatory.
 - c. Official, documented evidence of age must be presented at the time of *nikkah* and must be written on *nikkahnama*.
 - d. *Nikkah* registrar must submit details of contracted marriages to Union Council Secretary on a monthly basis.
- Strengthen local governments and their mechanisms to oversee and catch child marriage incidents by:
 - a. Sensitization of councilors, especially youth and women councilors, to initiate change in knowledge and attitudes toward child marriage.
 - b. Government-designated *nikkah* registrars should mandatorily submit monthly marriage data to Union Council Secretary.

- c. Union Council Secretary to pass on monthly contracted marriage data to NADRA and District Social Welfare Officer to be included in provincial databases like the PBS.
- d. Local skill-based job opportunities for girls (under LG set up) to demonstrate their economic productivity and contribution to prosperity of their families.

Legal Level:

- In Punjab, the CMRA Assembly resolution that recommended increasing marriageable age to 18 years should be converted into a bill.
- Judicial and police academies must prepare curricula on child rights for child court judges and police personnel training.
- Reduce legal contradictions in legal definitions of the child.
- Engage bar councils to create relevant case laws on child marriage.

Advocacy and Lobbying:

- 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.
- Engage children as public role models against child marriage so they may become agents of change.
- Train teachers to use parent-teacher meetings to advocate for girls' education, health and against child marriage.
- Generate public service messages and regular campaigns against child marriage.
- Engage CII and religious thought leaders in anti-child marriage lobbying.
- National and provincial WPCs should act collectively against child marriage and raise the issue on the floors of their respective houses.
- Enlist SDGs and Child Rights committees of the National Assembly as champions.

Annex-1: Federal Institutional Setup & Policy Focus on Child Rights

Ministry of Human Rights	
National Commission on the Rights of the Child (NCRC)	Formation of a Commission was announced under the NCRC Act of 2017 but has yet to be constituted.
National Commission for Child Welfare and Development (NCCWD) ⁷²	Mandated to coordinate, monitor and facilitate reporting on implementation of CRC and other national/international obligations. It is expected to be subsumed by the NCRC.
National Plan of Action on Children 2006 (NPA)	Prepared in response to CRC commitments, it sets targets for improvements in health, education, and for the elimination of commercial sexual exploitation. The primary responsibility of its implementation lies with sectoral ministries while MOHR assumes reporting and coordination responsibilities.
Draft National Child Protection Policy 2009	Initially drafted for child protection & welfare, post-18 th Amendment, it has not been adopted by provinces. Punjab is in the process of finalizing a provincial draft with UNICEF support.
Wafaqi Mohtasib (Ombudsperson)'s Secretariat	
Children's Complaints Office (at federal and provincial levels)	Headed by the National Commissioner for Children & Provincial Commissioners, the Office - with UNICEF support - works as a cell to protect the children's rights and to promote accountability in public institutions regarding those rights.

⁷² Advisory body to the government. It was established on 16th December 1979 being effective from 1st January 1980, and has been amended from time to time. Post devolution it was transferred to the Capital Administration & Development Division to function at the ICT level. It is currently which is placed with the Ministry of Human Rights

Annex-2: Provincial Institutional Setup & Policy Focus on Child Rights

Province	Provincial Department	Child Right Authority	Law	Policy
Punjab	Home	Punjab Child Protection & Welfare Bureau ⁷³	The Punjab Destitute & Neglected Children Act of 2004; Amended in 2017	Child protection policy under draft, as coordinated by P&D Department Human Rights Policy 2018 has a dedicated chapter & cross-departmental focus
Khyber Paktunkhwa (KP)	Social welfare, Special Education, Women Development, Zakat & Usher Department	KP Child Protection & Welfare Commission ⁷⁴	The KP child Protection & Welfare Act of 2010; Amended in 2016	HR Policy 2018 has a dedicated chapter & cross-departmental focus
Sindh	Social Welfare	Provincial Commission for Child Welfare and Development (PCCWD)	The Sindh Child Protection Authority Act of 2011	No dedicated policy but list of child protection activities and project are cited ⁷⁵
Balochistan	Social welfare, Special Education, Literacy/Informal Education; Human Rights Department	Child Protection Cell ⁷⁶	The Balochistan Child Protection Act of 2016	No dedicated policy but the Cell has a dedicated focus

⁷³ <https://cpwb.punjab.gov.pk>

⁷⁴ <http://kpcpwc.gov.pk>

⁷⁵ <https://sindh.gov.pk/dpt/swd/Childwfr.htm>

⁷⁶ http://www.balochistan.gov.pk/~balochi/images/SocialWelfare/Social_Welfare_Wing/Projects/Childern_Protection_Cell.pdf

Annex-3: Data Sources

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2. Child protection Index - <http://www.childprotectionindex.org>
3. Council of Islamic Ideology – www.cii.gov.pk
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https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf
5. KP women Empowerment policy framework
<https://kpcsw.gov.pk/wp-content/uploads/2017/11/Women-Empowerment-Policy-Framework.pdf>
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Annex-4: Stakeholder 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"> ✓ Is this a common problem? Or is it rather rare? Does it vary from place to place? What factors lead to differences? ✓ Has the situation been changing over time? ✓ 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? ✓ Where does it emanates from i.e. individual, family, community level? ✓ In your experience, what sorts of norms and practices are common around Punjab/KP about child marriage and other marriage practices? Around girls' schooling? ✓ Have these norms and practices shifted over time? If so, how and why? ✓ 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? ✓ In your experience, is there incidence of trying to stop Child Marriages? (b) If yes, by whom? Share some of your experience ✓ Existing laws, policies and programmes to address this? ✓ What more needs to be done?
Government Stakeholders Administrative institutions & political person	<ul style="list-style-type: none"> ✓ Political position and politics on CM to CMRA? ✓ Is this a common problem? Or is it rather rare? Does it vary from place to place? What factors lead to differences? ✓ Has the situation been changing over time? ✓ 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? ✓ In your experience, is there incidence of trying to stop Child Marriage? (b) If yes, by whom? Share some of your experience ✓ Existing laws, policies and programmes to address this? ✓ What more needs to be done? ✓ How are social norms around girls' education changing over time (or remaining the same)? Does this vary from place to place? How/why? ✓ 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.)? ✓ Can schools and the education system play a role in delaying marriage? ✓ Do you think opportunities for work, has any implications for marriage? ✓ Existing laws/programmes/policies to promote girls' education ✓ Does government draw a link between health & child marriage?

Stakeholder/Key Informant	Key discussion Points/Questions
	<ul style="list-style-type: none"> ✓ Perceived health issues/ challenges regarding child marriage? ✓ Do health policy, programmes link with child marriage? ✓ Population welfare, family planning & child marriage?
CSO representatives and Women/Gender Rights activists	<ul style="list-style-type: none"> ✓ Is this a common problem? Or is it rather rare? Does it vary from place to place? What factors lead to differences? ✓ Has the situation been changing over time? ✓ 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? ✓ 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? ✓ Are people aware of the rights of young women protected by law? What do they know? Can she realize her rights? ✓ 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. ✓ In your experience, is there incidence of trying to stop Child Marriages? (b) If yes, by whom? Share some of your experience ✓ Existing laws, policies and programmes to address this? ✓ Is there any loophole of marriage law and assessment of age?
Lawyers & Child protection authority/Bureau, LEA	<ul style="list-style-type: none"> ✓ Positioning of legal framework PPC, Cr.P.C, CPC? ✓ CMRA within PPC, Cr.P.C, CPC? ✓ National legal framework and international commitments ✓ Application and implication of law & its impact on society? ✓ Ease/difficulty of access and recourse to law and legal aid? ✓ Case law on CM? ✓ Child protection law and CM? ✓ Legal protection, welfares, rehabilitation for victim of CM
Religious persons	<ul style="list-style-type: none"> ✓ Religious Positioning of CM – Islamic jurisprudence ✓ Normative value of harmful social practices and religio-sanctification ✓ Lines of advocacy & partnership in awareness raising

Annex-5: Stakeholders for Key Informant Interviews - Punjab

CSO:

1. Valerie Khan – Group Development
2. Samar Minallah – Ethnomedia
3. Dr. Zeba Sattar – Population Council
4. Sajjad Cheema - SPARC
5. Munizeh Bano- SAHIL
6. Anbreen Ajaib - Bedari
7. Harris Khalique, Tahira Jabeen – Head Complaint system HRCP
8. Imran Takkar -0333-9207805 – Group Development Pakistan
9. Qamar Naseem - Blue Veins
10. Waseem Durrani - OXFAM

Member of Parliament:

11. Sardar Awais Dareshak – Provincial Minister Punjab
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 - The Netherlands Embassy
19. Dilshad Pari - UNFPA
20. Saliha Ramay- UNFPA
21. Saman Ahsan - UNW

Government:

22. Khawar Mumtaz, Chairperson, National Commission on Status of Women (NCSW)
23. Humera Azam – Secretray NCSW
24. Aftab Alam – Director General National Commission on Human Rights (NCHR)
25. Irum Bukhari, Secretary Women Development department
26. Mohammad Afzal - Addl Secretary WDD and Acting secretary of PCSW
27. Ambreen Raza - Secretary Social Welfare department
28. Zahid Zaman - Secretary Health
29. Faiz Naeem warriach - Child Protection & welfare Bureau Punjab
30. Tariq Mahmood - Secretary Human Rights Punjab
31. Zulfiqar Hameed – DPO- HQ Punjab Police

Annex-6: Stakeholder's Power Analysis

Stakeholders	Context specific information	Power & Interest
Girls at risk of child marriage and married girls	Instances of child marriage are low in Punjab and are being recorded relatively in Southern Punjab that can be attributed to poverty. Issue is girls marrying even at current legal of age 18 becoming pregnant; because family expects that once married one would immediately start bearing children. Hence, the health risks for mother, MMR, stunting, etc.	Low power, high interest
Male family members, particularly fathers and brothers	Fathers, and if they not alive male members, take marriage decision. Since dowries for child brides can be more affordable, financial considerations can incentivize the marriage of girls at young ages in such instances. Marriage expenditures have been capped by the Government of Punjab in a bid to ease the financial pressures associated with marriage.	High power, low interest
Mothers	Mothers are key informal influencer in arranging marriage proposal and managing the family relations between the two households including seeking girls' consent. Socially, marrying girls at young age – averaging 16-17 years for Punjab- is considered acceptable	Medium power, high interest
Community elders/ leaders	They have negligible role to sanctify child marriage as its incidents are already low. However, through <i>Panchayat</i> they hold socio-political power that has validated some cases of compensatory marriages or <i>watta satta</i> . It generally is tilted towards socio-political elite.	High power, high interest
Religious Community: Maulvi to leader	In Punjab Union Council based <i>Nikkah</i> registrar are available and is a practice. Maulvi is relatively aware of laws yet does not ask for documentary evidence of age (even for 16 years) and solemnize <i>Nikkah</i> by accepting it as private domain. They take father as Vali & his word/consent overrides girls' consent At religious leadership level it generally does not favor child marriage and would not relate it with religion. They partner/lobby against societal practice as well.	High power, Low interest
Government, legislators, and parliamentarians	A summary was moved in July to CM Punjab and a resolution/bill tabled in Assembly as per reported media news. Because of low occurrence. Punjab being governed by PTI is not expected to take pro-active stance to change law since Federal government of PTI has rejected amendment in CMRA;	High power, low interest

Stakeholders	Context specific information	Power & Interest
Government departments: Health, Education, Social Welfare, Women Development, PCSW, Human Rights, Planning & Development and PCP&WB	Although they are aware of the adverse effects for the child, this group does not take an active role in discouraging child marriage due to its low numbers in Punjab. Human Rights policy is recognizing it as a budding social evil in Punjab 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. Service providers have limited contact with young people & community on this topic. P&D under Child Protection Cell is providing a platform to assess, research and contribute to institutional strengthening to curb CM at early stage. PCP&WB does not have child marriage in its mandate.	High power, Low interest
Police and legal officials	LEA cannot act without complaint. Child marriage is viewed as private matter. Number of complaints filed negligible. Judiciary cannot provide complete relief to girl child as child marriage 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	Historically, they do not take progressive stance on sensitive issues like reporting on child marriage as it needs research & expertise. No public interest shows/ programs are done on the topic.	High power, low interest
International Development partners & National CSOs	They are active to prevent and advocate for the prevention of child marriage. They organize themselves at national level through a variety of platforms and bodies to strive for improvements of the law and its implementation.	High power, high interest

Annex-7: Stakeholders Agency Diagnosis: Incentive & Behavior

Stakeholders Justification	Analysis of Motivation that influence Behavior (<i>Belief, Values, Concerns, Expectations</i>)	Analysis of stakeholders' incentive (decisions' logic, biases, collective action problems)
Why Child Marriage	Stakeholders prefer early marriage yet data establishes it to be legally compliant. Percentage wise cases of child marriage are low	Those who commit child marriage, do it to protect girls' chastity. Individual, family & community/clan equates honor with chastity of women.
Socio-cultural Traditions & Practices	<p>Social perception that child marriage is a way of preventing sexual activity, that may lead to pregnancy, out of wedlock. Puberty is taken as indicator of possibility of sexual activeness, hence, ready for marriage.</p> <p>In kin marriages, <i>watta satta</i>, age is immaterial as <i>Nikkah</i> can be done early but <i>Rukhsati</i> is mostly delayed.</p>	<p>Child marriage is in negligible numbers and for poor families it's economic & social burden transfer from parental to marital home.</p> <p>Across socio-economic strata <i>watta satta</i> is a tool to retain and multiply joint family assets; deny girls right of inheritance; and in elite class get more political and social mileage.</p>
Role of Fathers, Male family members, and Mothers	<p>Fathers are to take marriage decision for his children. Elder brothers and male family grandparents are also engaged in discussion.</p> <p>Mothers play are expected to seek girls' consent/inform her, assess marriage proposal and family, manage relationship and then apprise father for decision making & announcement.</p>	<p>Society accepts it as right of father to finalize marriage decision in the best interest of girl & family honor.</p> <p>It's role of mothers to ensure girl is ready to accept the decision & in cases seek consent as well.</p>
Community leaders	<p>Power wielders that influence political and social decisions at national and local levels. Custodian of ADR – <i>Panchayat</i> that has social power to adjudicate feuds that may involve girls/women specific punitive actions, which may include CM.</p> <p>Has the social power to sanctify child marriages and cap societal progression in thought and action in the culture & tradition.</p>	Socio-economic elite control social conduct for poor households economically dependent on them. It uses socio-political power to take punitive action & sanctifying socially acceptable and unacceptable behavior in a village and/or for a <i>Biradari</i> to consolidate their hold.
Religious leaders	Defenders of traditional norms & practices that link puberty to time of marriage & propagate in rural setting that its sin to keep menstruating girl unmarried.	Traditional and religious norms regulators. At times, they follow cue from local socio-political elite to either sanctify an underage marriage and/or twist religious injunctions.

Stakeholders Justification	Analysis of Motivation that influence Behavior (<i>Belief, Values, Concerns, Expectations</i>)	Analysis of stakeholders' incentive (<i>decisions' logic, biases, collective action problems</i>)
Governments, legislators, and parliamentarians	Government & legislator go by pulse of constituency and are careful to debate and legislate on any religiously sensitive issues to avoid backlash. They would push for law and policy that does not upset socio-cultural practices unless State has taken a position on it being harmful.	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 child marriage in compliance with international obligations. Functional mechanism among government setups to integrate, deliver and monitor state of Child Rights	State is expected to demonstrate Constitutional 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.
Judiciary, Lawyers & Police	State must 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.
Media	Prioritizes sensational information over educational or public service information. Limited appetite for edutainment programming on child rights and adverse impacts of child marriage	Influenced by politics, politicians & priorities of the government of the day for corporate interests. News item is perishable & media needs target rating point.
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.

Annex-8: Risk Management to Change Child Marriage Practices

Risks	Mitigation Options	Expected Change
Efforts to initiate a population and health centric public and policy discourse on child marriage does not find traction	Prepare clear communication strategy and knowledge products that have governmental ownership in particular and resonance with community in general	Importance of education for girls and their productivity as income generating member of household Improved health & safer pregnancy if a girl is married after 18 years of age
Religion- 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.	Cultivate favorable response through Women Political Caucus, engaging with political leadership to table amendment in Punjab CMRA bill to raise marriageable age to 18 years; and legislate against harmful marriage practices.
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 victims of child marriage
Insufficiently autonomous institutional mechanism to integrate and monitor the issue of child rights with cross sectoral focus (education, health, population, social welfare) i.e. set up, technical expertise, financial and human resources, etc.	Provide technical support to government prepare & implement a holistic approach with effective services for adolescents and document the effect on girl's lives; advocate for investment in holistic approaches.	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 on health- SHRH & service delivery Strengthen PCP&WB, include CM as part of its mandate; activate child courts; technical resource augmentation; and administrative anchorage to Social Welfare Department
Legal fragmentation continues to impact judicial dispensation; and weak enforcement of law	Judiciary can ask Bar to create case law. Capacity building around child rights agenda for legal actors. Train Child Court judges & training of investigation Officers of LEAs	Support Judicial Academy & Bar Council in preparation of case law Child rights to be added to Judicial & Police training Academy's curriculum Judiciary can ask government to streamline policies & definitions of child

Risks	Mitigation Options	Expected Change
Government's backslides on CRC, HRC and SDG international commitments	Integrate and mainstream child rights & human rights-based approaches in development programming.	Extend community outreach activities for increased participation of adolescents/ youth in policy dialogues and program activities
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 & child rights agenda	Mainstreaming child rights & child marriage in Health, Education, Gender & LG programming

