

Child Marriage in Sindh: A Political Economy Analysis



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List of Abbreviations

BPfA	Beijing Platform for Action
CMRA	Child Marriage Restraint Act
CPA	Child Protection Authority
CPR	Contraceptive Prevalence Rate
CPIs	Child Protection Institutes
CPO	Child Protection Officer
CPU	Child Protection Unit
CNIC	Computerized National Identity Card
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CCI	Council of Common Interests
CII	Council of Islamic Ideology
DuA	Dar-ul-Aman
DHS	Demographic and Health Survey
DG	Director General
DSP	District Sub-inspectors of Police
DV	Domestic Violence
FCO	Family Courts Ordinance
FIA	Federal Investigation Agency
FATA	Federally Administered Tribal Areas
FIR	First Information Report
GDP	Gross Domestic Product
GER	Gross Enrollment Ratio
HIES	Household Integrated Economic Survey
ICRW	International Center for Research on Women
ICPD	International Conference on Population and Development
ICESCR	International Covenant on Economic, Social and Cultural Rights
JUI (F)	Jamiat Ulema-e Islam (Fazl-ur-Rehman)
KP	Khyber Pakhtunkhwa
MDGs	Millennium Development Goals
MFLO	Muslim Family Laws Ordinance
MICS	Multiple Indicator Cluster Survey
MMR	Maternal Mortality Ratio

MPI	Multi-dimensional Poverty Index
NADRA	National Database and Registration Authority
NCSW	National Commission on the Status of Women
NWFP	North-West Frontier Province
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPHI	Oxford Poverty and Human Development initiative
PDHS	Pakistan Demographic and Health Survey
PEA	Political Economy Analysis
PPC	Pakistan Penal Code
PRMM	Pregnancy-related Maternal Mortality
PSLM	Pakistan Social and Living Standards Measurement
PTI	Pakistan Tehreek-e-Insaaf
SAARC	South Asian Association for Regional Cooperation
SAIEVAC	South Asia Initiative to End Violence Against Children
SCSW	Sindh Commission on Status of Women
SCMRA	Sindh Child Marriage Restraint Act
SDGs	Sustainable Development Goals
SHC	Sindh High Court
SWD	Social Welfare Department
SCHR	Sindh Commission of Human Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UNGA	UN General Assembly
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
WDD	Women Development Department
WHO	World Health Organization

Terminologies Used in the Report

The literature cited in this report by and large defines child marriage as a marriage or union where one or both spouses are under the age of 18 years. In some literature, distinction is made between child, early, very early and forced marriages, which may connote different ages under which a person is considered a child legally, medically, or socially; or the circumstances under which a marriage is contracted irrespective of age. To elucidate, while all marriages of children under age 18 may be considered forced due to lack of general informed consent¹, all forced marriages do not involve children under the age of 18 years. Further, it is not necessary for both parties to feel forced to the same extent, irrespective of age, due to gendered differences between female and male spouses, or because of age differences between the spouses. Additionally, while the term “child marriage” generally connotes marriage under the age of 18 years in literature, marriage under 15 years of age is considered “very early”² as this disrupts education and jeopardizes health more acutely. The United Nations uses the term youth to refer to all people in the 15–24 years age bracket; however, different UN treaties and instruments set different ages for young people which are also recognized by the UN.³ Following are the key terminologies used with respect to their meaning:

- **Child marriage:** Marriage or informal union where one or both spouses are less than 18 years of age, as defined under the [Convention on the Rights of the Child](#), 1989.
- **Early/Underage marriage:** Marriage below the minimum age or age of majority set under specific jurisdictions (can be 16, 18, 21 years).
- **Very early marriage:** Marriage where one or both spouses are under the age of 15 years.
- **Forced marriage:** Marriage where one or both spouses have been forced or coerced into marrying, but either or both spouses may not necessarily be under the minimum legally prescribed age of marriage under a jurisdiction.
- **Girl child marriage:** Marriage where the girl specifically is under the age of 18 years. The term is used to highlight the concerns specific to the health, social and educational consequences for girls’ wellbeing and locate these consequences in the gender norms associated with being a girl. The report focuses on girl child marriage as described here.

¹ The definition of informed consent may also vary depending on context. In cases where pre-marriage couples’ counseling is mandatory by law (for example, in Iran), failing to provide this prior to marriage may constitute lack of informed consent. For children too young to understand the implications of getting married, it may again be taken to imply lack of informed consent.

² <https://www.unfpa.org/child-marriage-frequently-asked-questions>.

³ See UN definition of youth at <https://www.un.org/esa/socdev/documents/youth/fact-sheets/youth-definition.pdf>.

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Executive Summary

In 2017–18, about 5.7 percent of women aged 20–24 years reported being married before 15 years, and 21.7 percent were married before reaching the age of 18 years in Sindh. Different reports suggest that the number of cases reported in the media and to the police have been on the rise since 2015, despite the promulgation of the Sindh Child Marriage Restraint Act, 2013. Sindh is the only province in Pakistan to have set 18 years as the minimum age of marriage for both girls and boys, and has recently (May 2021) formally recognized the issue of child marriage as part of the larger child protection agenda (amendments to Sindh Child Protection Authority Act, 2011). Yet different reports and experts in the province suggest that the implementation of law remains weak, and support systems are inadequate in responding fully to the range of problems that are presented, depending on the circumstances under which such a marriage has been contracted. Data and insights discussed in this report also partially support the idea that, so far, the child marriage law in Sindh has not had any significant impact on its prevalence. The cyclic multiple indicator cluster survey (MICS) conducted and published recently by the United Nations Children’s Fund (UNICEF) and the Sindh government also clearly shows that despite the presence of a dedicated law as of 2013, the reported prevalence of girl child marriage in Sindh rose by 1.3 percent for girls married under age 15 and by 2.2 percent for girls married before the age of 18 years, between 2014 and 2018–19.

The drivers behind girl child marriage are deeply complex, divergent and interlinked. Understanding the breadth and depth of forces that drive, trigger and maintain the practice are key to reducing and ultimately ending the practice, as part of the global agenda to achieve gender equality and empower all women and girls (Target 5.3) of the Sustainable Development Goals (SDGs).

This study provides empirical evidence related to intersecting and temporal effects of micro-level and macro-level factors on girl child marriage in Sindh. It seeks to investigate trends that are common to cases where women report marrying before the ages of 15 and 18 and looks at data at the district level to identify common and outstanding trends within those contexts.

While statistical analysis is presented to the extent it was relevant and available, more critically this report seeks to explore the political economy of girl child marriages in the context of Sindh. It aims to identify the incentives and constraints affecting the behavior of different individuals and institutional actors that are involved in child marriages or are responsible for responding to it across sectors.

The PEA was conducted between October and December 2020, with inputs from key informants who are working closely with the subject in the province, and an extensive literature search, including both quantitative and qualitative data. The report is divided into seven main segments: Section 1 introduces the subject and summarizes key global, regional, and national trends, concerns and political commitments towards eradicating girl child marriages. This is followed by Section 2 which lays out the conceptual framework and study methodology. Section 3 provides girl child marriage prevalence data for the province of Sindh and analyzes key attributes of women and girls who report marrying below 15 and 18 years. Section 4 goes deeper into the context of present-day Sindh and provides an account of key macro-level

factors that are relevant to the subject based on correlational indicators identified in existing literature. Section 5 investigates sector-specific formal laws, policies and regulations and their interplay with unwritten and informal social codes, power structures, values, belief systems, arbitration mechanisms and ideologies that may contribute to the practice directly or indirectly. Section 6 reflects on plausible pathways to change, and Section 7 offers some operational recommendations that could help prevent girl child marriage occurrence and/or substantively improve government responses to it.

Key Findings

Comparing girl child marriage before the ages of 15 and 18 for the younger women's population between ages 20 and 24 years reveals an intergenerational decline in girl child marriage across Sindh. Nevertheless, the Sindh provincial Multiple Indicator Cluster Survey (MICS) 2018–19⁴ shows an overall increase in girl child marriage between 2014–15 and 2018–19, with a 1.3 percent increase in girl child marriage under 15, and a 2.2 percent increase in girl marriages under 18 years of age compared to the previous survey in 2014. District-wise increase (or decrease) in girl marriage prevalence as reported by women aged 20–24 years varies significantly by district, location (urban, peri-urban and rural), girls' education, and wealth.

A review of changing trends in Sindh whilst keeping the issue of girl child marriage central to the discussion reveals a mixed picture in terms of correlations between indicators along multiple levels of disaggregation (location, age, education, wealth, labor, etc.); whereas some indicators have improved (e.g., improved SRHR service coverage, birth registration, reduced poverty, etc.), others have deteriorated (e.g., reduced access to education and means of information, increased intensity of poverty, social inclusion, and so on). These indicators do not always coalesce with changing patterns of girl child marriage incidence in each district, but it can be observed (to a certain extent) that where there are high levels of reported girl child marriage, districts generally also lag in terms of their overall development status or are constrained by their formidable geographies, ecologies and polity.

The following findings are extrapolated from a comparison of district and divisional level data presented in the Sindh MICS 2014 and 2018–19, regarding the prevalence and key features of girl child marriage in Sindh and other related indicators for girls aged 15–24 in the province.

Girl Child Marriage Indicators:

- Across Sindh, 14 districts out of 29 show an increase in girl child marriage for either girls under 15 or those under 18 years, and nine districts are seeing a rise in both to varying degrees.
- In terms of increase in girl marriage *under 15 years*, Jacobabad tops the list with an 8.8 percent increase from the MICS 2014 (bringing prevalence rates amongst girls aged 20–24 married before reaching 15 years to 17.4 percent, and 46.8 percent for those marrying at less than 18 years in the

⁴ Sindh Bureau of Statistics and UNICEF (2015) Sindh Multiple Indicator Cluster Survey 2014, Final Report. Karachi, Pakistan: Sindh Bureau of Statistics and UNICEF. Available from: <http://sindhbos.gov.pk/mics/>.

district). Jacobabad is followed by districts Tando Allahyar (+7.8%), Ghotki (+6.6%) and Hyderabad (+6.2%) in terms of the highest percentage increases in girl marriage under 15 years.

- Girl child marriage *under 18 years* appears to have *increased* most significantly in district Naushahro Feroze (+11.6%), followed by districts Tando Allahyar (+9.7%), Jacobabad (+9.5%) and Ghotki (+9.3%). It *declined* most dramatically in Tando Mohammad Khan (-24.4% decline), although prevalence rates were amongst the lowest compared to other districts in 2014.
- Within the most urban district of Karachi, an increased number of girl child marriages under 18 years is reported from all zones/sub-districts except Malir (including Karachi East +7.2%; Karachi Central +6.9% and Karachi West +6.8%). District Malir itself is seeing a decline in girl marriage under 18 years, but an increase in the number of girls married before the age of 15 years (along with central, west, east and south zones albeit to a lesser extent).
- Amongst districts where girl child marriages declined, although District Kashmore has the second-highest percentage of girls marrying before age 18 at 42.9 percent, it also saw a more dramatic *decline* in both marriage under 15 and under 18 years between 2014–15 and 2018–19. Similarly, District Umerkot, where about 40.2 percent of girls are married before age 18 and 13.6 percent before age 15 years, a *decline* is seen in girl marriage before 15 and 18 years, but not at the same pace as Kashmore (-1.7% and -4.9% respectively). Nevertheless, districts Jacobabad and Kashmore in the north of Sindh and District Umerkot in the south are both hotspots for girl child marriage in terms of the highest percentage of reported cases at the household level in 2018–19.
- While the most significant *decline* in very early girl marriage (under 15 years) can be seen in both districts Jacobabad and Kashmore despite both having the highest overall prevalence across the province, a similar *decline* is also seen in the southern coastal district of Badin (-7%), a climate-change stricken, disaster-prone and relatively underdeveloped district of Sindh.
- In terms of a relationship with wealth, women between the ages of 20 and 24 years who are married before age 15 and age 18 years mostly belong to the poorest and poorer wealth quintiles and the incidence of both decreases with rising levels of household wealth.⁵
- Although girls marrying before 18 years into the richest families constitute about 10.4 percent of all women getting married between the ages of 15 and 19 years, the percentage of girls marrying into the richest homes before 15 years is not too dramatically different from those marrying before 18 years. The prevalence of very early girl child marriage falls more dramatically between wealth extremes than those married before age 18 across the two wealth extremes. This suggests that better wealth status can drive under-15 years girl marriages down more significantly than for girls married before the age of 18 years. In other words, poverty graduation programs are likely to be more effective in curbing the under-15-year girl child marriage than for older girls.

⁵ Wealth status for married girls is determined on the basis of the wealth status of the households they are married into.

- In terms of a relationship with education, about 12.1 percent of women aged 20–24 who reported being married before 15 years had no education, whereas only one percent of those who had attained higher education (aged 16+) were married before reaching the age of 15. This suggests some continuation of studies after girls are married at 15 years, although the percentage is very small and usually education ceases permanently following marriage.
- Overall, the likelihood of girl child marriage decreases significantly by higher levels of education, but the decrease is most significant when girls have completed their primary education or graduated from secondary school to higher studies; in between, the rates of decline tend to be constant but slower.

Select Linked Indicators:

- Despite extremely high levels of girl child marriage in pockets across Sindh (Sindh MICS 2018–19), about 96.7 percent of girls aged between 15 and 17 years and 94.5 percent of girls aged 18–19 are not using any form of contraception and a mere 5.1 percent of girls aged 15–19 are using some method.
- The absence of any method of family contraception declines significantly for girls ages between 19 and 24 years and improves between women of ages 15–17 and 18–19 years. The uptake of any form of contraception amongst women aged 15–49 is lowest in the Mirpur Khas division (including districts Mirpur Khas, Tharparkar and Umerkot), and younger girls of 15–19 have a higher unmet need for *spacing* than for *limiting births*.
- In Division Larkana, where 82.7 percent of women of reproductive age between 15 and 49 years are not using any contraception, a larger concentration of girl child marriage hotspots are also located within the division (Jacobabad, Larkana, Kashmore, Kambar Shahdadkot and Shikarpur towards the north-west of Sindh). These districts have higher adolescent birth rates (age-specific fertility rate for women aged 15–19). Districts Kashmore and Jacobabad also have a higher percentage of women aged 20–24 who had a live birth before the age of 18 years: 26.8 percent and 22.8 percent in the two districts, respectively (MICS 2018–19).
- Generally, girls of ages 15–19 years across Sindh have a larger reliance on traditional methods for contraception than any other, and a mere 4.9 percent of girls aged 15–19 are having their demand for modern methods of contraception satisfied. There are big differences between girls aged 15–17 and 18–19 years having their family planning demand satisfied with any or modern contraception: 20.2 percent of women of ages 18–19, with 19.3 percent using modern methods, and a negative (-)14.4% for girls aged 15–17 years, for both any method or a modern method.
- The Maternal mortality ratio (MMR), which is intricately linked to girl child marriages, remains high in Sindh: Pregnancy-Related Mortality Ratio (PRMR) is 345 deaths per 100,000 live births in the province (Pakistan Maternal Mortality Survey, 2019), higher than both Balochistan and the national average (358/100,000 live births and 251/100,000 live births, respectively). National data also show that girls

aged 15–19 are nearly twice as likely to die due to pregnancy-related issues (PRMR of 249) than those in the 20–24 age bracket (PRMR of 131) overall in Pakistan, which is also true for Sindh.⁶

- Between 2014–15 and 2017–18, the proportion of unmarried women to married women in the formal labor force amongst women aged 15–19 changed across Sindh, with a drop in the number of unmarried women and an increase in married women between 15 and 19 years. For the 20–24 year-old cohort, however, the percentage of unmarried women in the labor force has increased, with a decline in the ratio of married women between the same ages. The 2017–18 LFS also shows an increase in the ratio of unmarried women to married women making up the formal labor force by marital status from previous years (2014–15 LFS), even though Sindh’s overall female workforce participation has declined between 2014–15 and 2017–18.
- Between 2014–15 and 2017–18 changes also occurred within both the age structure of women’s labor force participation and types of work undertaken by women in the formal labor force. Based on disaggregation by occupation and age for all working women (aged 15–49), married or unmarried women/girls remain more concentrated in the skilled agriculture, forestry and fishery work (51.7 percent), which is, however, seeing a decline over recent years alongside an increase in women’s share in other professions, particularly elementary or untrained manual work, or a push towards lower-end jobs. Women/girls’ participation in agriculture work also tends to increase with age, whereas their employment as professionals tends to be constrained with increasing age, the highest being for girls between the ages of 20 and 24 years across the 15–49 age group.

Formal Laws and Response Mechanisms Related to Girl Child Marriage:

- Sindh is the only province in Pakistan to formally criminalize child marriage for both girls and boys under 18 years of age under the Sindh Child Marriage Restraint Act (SCMRA), 2013. While the minimum age for marriage for girls has been increased from 16 to 18 years vide amendments to the federal law on child marriage, there is limited discourse on the subject in the province beyond legal solutions, and less emphasis on girl-centered care planning and prevention. As experience with the child marriage law and its rules has accumulated over the past seven years amongst lawyers, shelter homes, human rights bodies and government departments, there is a general understanding that the formal law is ambiguous or inadequate in describing different scenarios and conditions under which girl child marriages may be contracted and how they should be managed by the stakeholders concerned.
- No attention has been paid in the Sindh law to cases where a girl may be “groomed”⁷ into consenting to marriage or may be evading marriage to someone chosen by her family by contracting a self-arranged or “own-choice” marriage.

⁶ Pakistan Maternal Mortality Survey, 2019. Available at: <https://dhsprogram.com/pubs/pdf/PR128/PR128.pdf>, p. 22.

⁷ According to medical dictionaries, child grooming constitutes a variety of psychological manipulations and actions taken by a predatory adult, meant to reduce a child’s fears and inhibitions, as a prelude to sexual abuse or exploitation by the predator or his/her associates.

- The current law does not allow automatic annulment of child marriages or recognize the legal status of children born of such a marriage, which leaves a significant loophole that is exploited by informal processes of reconciliation and arbitration between concerned parties.
- The child marriage law in Sindh does not allow automatic annulment of child marriages or recognize the legal status of children born of such a marriage, which leaves a significant loophole that is exploited by informal processes of reconciliation and arbitration between concerned parties.
- The Sindh Child Protection Authority (Amendment) 2021, has amended the 2011 Child Protection Act by inserting a new definition of (child) abuse (Section 2), which now categorically recognizes child marriage as a form of (child) abuse, and introduces other new elements: special courts for child protection in each district of the province; Suo moto powers for the provincial child protection authority to intervene legally in cases, and so on. Key concerns regarding intersecting rights and vulnerabilities (for example, girls trafficked under the garb of marriage) and responses around health, education, etc., remain unaddressed.
- Most cases of girl child marriage are simply not reported to law enforcement agencies, and the number of convictions is negligible. Only specific types of cases are highlighted in the media, particularly those involving arbitration by local (tribal) councils, forced faith-conversion marriage, and where the age difference between spouses is substantial.
- Knowledge of the SCMRA and its rules is severely limited across a range of stakeholders in Sindh, including police, *nikahkhwans* (marriage solemnizers), *nikah* registrars, Union Council Secretaries, lawyers, judges and the general public, and there remains little accountability for officials failing to verify girls' ages at the time of marriage.
- While some protective measures have been put into place in the formal laws and procedures pertaining to how girl child marriages can be stopped in a timely manner through police action and age verification processes, their implementation remains difficult due to social and political positioning on the subject across a range of actors, and financial problems that directly influence government performance across a range of sectors (for instance, the absence of radiology/ossification testing facilities to determine age at a nearby medical unit across districts if such is required to settle the matter in the absence of proof of birth year/school records).
- A designated system of housing rescued girls whose case has been reported to law enforcement authorities does not provide optimal solutions for a child-conducive environment (particularly in *Darul-Amans* (shelter homes) for older women; 24-hour Crisis Centers and safe houses for women, and children's orphanages). These are not only too few across the province, but they also do not have the necessary facilities—to cater to the many complex (mental and emotional) health needs of girls who often require constant supervision; to provide them with necessary education and skills to leave the shelter independently without having to eventually choose between contending parties; or to provide adequate reproductive healthcare to girls who may be pregnant. With very small set-ups (one-two

rooms), the few District Child Protection Units in Sindh are functioning essentially as post offices for onward referrals to remoter locations, especially outside divisional headquarters.

- A host of other legislations seeking to promote gender justice for women and girls in Sindh need harmonization and strong implementation mechanisms, with trackable budgets. These include, amongst others, provincial laws related to domestic violence and compulsory education from age five to 16 years, and federal laws related to sexual harassment, rape, and marriage, that are closely linked to the issue of child marriage.

Oversight Mechanisms, Monitoring and Review:

- Statutory oversight bodies such as the Sindh Child Protection Authority or the Sindh Commission on the Status of Women remain beholden to government departments for financial releases and enjoy limited fiscal space to function or expand—roles overlap with departmental work or fall between the cracks.
- There is policy overreach as oversight mechanisms have assumed the role of the executive branches of government in matters concerning child protection. For instance, the Child Protection Authority was established in Sindh via an act of the Provincial Assembly in 2011 (and placed under the Social Welfare Department). It is responsible for *monitoring* and *reviewing* child protection-related issues and accompanying government response across the province, yet its formal functions also include developing, managing and maintaining physical support systems to respond to reported cases of child abuse.
- There is no inter-agency budget dedicated to child protection issues or child marriage within it, making investments hard to track.
- There is also no central system for compiling and collating child marriage data at the provincial or district level by the stakeholders and authorities concerned, including the Child Protection Authority (under Social Welfare).
- The Women Development Department was responsible for monitoring and responding to the issue of child marriage at the district level under the 2016 Rules of Sindh Child Marriage Restraint Act, 2013, which is now superseded by the 2021 Amendments to the Sindh Child Protection Act of 2011, which shifts this responsibility to Social Welfare. The change in mandate has occurred just as the WDD was able to operationalize its Monitoring Committees on Child Marriage in seven to eight districts in Sindh in 2019 in response to the rising number of complaints.

Sector Policies and Practices:

- Health sector- specific guidelines are not available to address the health needs of child mothers, including protocols for onward referrals to legal services and counseling support, collecting/collating confidential data on cases reported to hospitals, or detection of warning signs such as physical and sexual abuse amongst young women by health practitioners, and so on.

- There is a disconnect between discussions at the policy level concerning responses to girl child marriages and clinicians who deal with such cases in Sindh. Cases that may be detected by healthcare providers are usually not referred further for assistance because there is little awareness amongst healthcare providers on the child marriage law and/or practitioners are not interested in getting involved in legal proceedings.
- The Sindh Population Policy, 2016, however, explicitly mentions child marriage in terms of the need to manage its health-related impacts (e.g. early childbearing, unwanted pregnancies, maternal mortality and morbidity and increased fertility, and so on), meeting the family planning needs of young couples, and tracking child marriages by taking a multisectoral approach and improving birth registration.
- Local government (a crucial actor in terms of birth, marriage, citizenship, and divorce registration) is not actively involved in policy level discourses amongst civil society actors and oversight mechanisms related to child protection.
- The Sindh Education Roadmap 2019–2024 makes no explicit mention of (child) marriage as a plausible reason for school dropout amongst girls, and neither does the Sindh Non-formal Education Policy, 2017. The former offers no solutions on how child marriage related dropouts could be tracked or prevented, while the latter does not consider continued education for out-of-school girls who may be more susceptible to child marriage.
- Many departments concerned including Sports and Youth Affairs, Labor and Industry, Health, Law and Parliamentary Affairs, and Education are still missing from formal response mechanisms under the law when a case is reported.
- Though the Sindh Youth Policy, 2018 mentions child marriage as an issue to be addressed, specific outputs mentioned in the Policy relate to ensuring implementation of the child marriage law which is not part of the Department’s remit.

Decision-making Related to Child Marriage:

- Decision-making concerning marriage remains in the hands of elders, and the inter-generational gap limits young people from participating in decision-making about their lives in general as well as marriage. However, there are pockets of resistance and both youth and women’s groups are taking the lead on the issue at the local level.
- Despite the provincial law on child marriage in Sindh, police are reluctant to act where parents may be pushing for a girl child to be married. The community is also unwilling to intervene where powerful political actors are involved.

Key Recommendations

While more detailed recommendations are provided towards the end of this report (Chapter 7), the following are the main areas of concern that need to be addressed to curb child marriage in Sindh:

- Strategies to end girl child marriage in Sindh need to be tailored to sub-provincial contexts and address the political economy drivers of such marriages, particularly as the practice is not consistent across districts and may be the result of a combination of different factors that come into play locally.
- Increasing female educational attainment, skill sets and social capital, reducing feminized poverty, and ensuring that girls' voices and agency are actively encouraged are likely to have a more profound effect on girl child marriage practices than relying on a punitive law to delegitimize a widely accepted social practice. While these are long-term projects, incremental change can be achieved by exploiting the provisions available in law, policies, and existing institutional arrangements, together with ensuring better cohesion, coupling of different sector-specific policy streams, and building capacity for focused advocacy based on evidence.
- Alongside better cohesion between different laws and sector policies that address the issue of (child) marriage directly or indirectly, the roles and responsibilities of different actors need to be clarified and propagated, specifically those relating to local government, health, labor and education.
- Awareness of the law, its implications for different sector policies, and government obligations under both international commitments and orders of superior courts, needs to be highlighted regularly and vociferously amongst all policy participants and communities at large.
- There is a need to unpack consent, conditions under which it may be given or revoked, and exceptions to it under the Sindh Child Marriage Restraint Act, 2013. Defining consent on the mere basis of age, though helpful in drawing lines between when consent may or may not be relevant, is insufficient as girls older than 18 years are also routinely forced to marry and not all girls above age 18 may have the mental and emotional maturity to undertake the responsibility of marriage. In this sense, the forced marriage of girls and women irrespective of age needs to be viewed as part of a larger spectrum of violence that begins in the natal home and carries over into marital life. Without opening dialogue on the social meaning of consent to marriage and how it may be elicited, policies are unlikely to respond to a vast majority of cases that remain unreported or involve self-arranged/own-choice child marriage.
- In terms of resistance from religious quarters, Islamic injunctions related to age and rights within marriage need to be clarified, taking the cue from other Muslim-majority countries that have redefined readiness and valid consent to marriage both by age (18 years) and mental, emotional and physiological maturity.
- There is an urgent need to resolve jurisdictional issues in the dispensation of justice as the minimum age for marriage differs across provinces, and additional offences such as rape, domestic violence,

inheritance deprivation, trafficking, and so on, and the filing for separation (*khula*) and divorce, fall under the remit of different authorities, courts, and magistrates of the court.

- The issue of child marriage concerns a wide range of stakeholders with complex relationships and asymmetric access to power, knowledge, and resources. There is thus an urgent need to build consensus on taking a systems/intersectional and girl-centered approach to the issue and mobilize planning and resources for needs-based services that foster a supportive environment for addressing related issues—such as lack of education, work opportunities and sexual and reproductive health and rights—and managing unintended consequences, such as misuse of the law to punish adolescent sexuality.

1. Introduction

Harmful practices such as child marriage are considered a serious infringement of child rights leading to a continuum of human rights violations and stunted development. In many instances, its occurrence is preceded by pre-existing violation of child rights including social and economic deprivation and restrictive social and gender norms. Child marriage is addressed directly or indirectly under various international treaties and human rights conventions, chief amongst them being the Universal Declaration of Human Rights (UDHR), 1945⁸; the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1960⁹; Convention on the Rights of the Child (CRC), 1989¹⁰; International Conference on Population and Development (ICPD), 1994; the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979¹¹; Beijing Platform for Action (BPfA), 1995¹²; and the 2030 Agenda for Sustainable Development (SDGs).¹³ The United Nations (UN) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962, and various UN General Assembly (UNGA) resolutions since have called for an end to child marriage and declared improved status of the girl child as key to equitable and sustainable development.¹⁴

The Office of the United Nations High Commissioner for Human Rights (OHCHR) clubs together child, early and forced marriages to define them as any marriage where at least one of the parties is under 18 years of age, and where one and/or both parties have not personally expressed their full and free consent to the union. A child marriage is a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent.¹⁵

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, healthcare, social services, and penal laws and establishes the right

⁸ Article 16.

⁹ Article 10.

¹⁰ Articles 1-3, 6, 12, 16, 19, 24, and 34-36.

¹¹ Article 16.

¹² Available from: https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf.

¹³ Target 5.3 and Goal 16 (concerning birth registration).

¹⁴ Including resolutions 68/148 of 18 December 2013; 69/156 of December 2014; 70/138 of December 2015; 71/175 of December 2016; 72/154 of December 2017 and one on 16 November 2020, co-led by Canada and Zambia.

¹⁵ UNHCR. Child, early and forced marriage, including in humanitarian settings.

of children to have a say in decisions that affect them. The guiding principle is to have the child's best interests as a primary consideration for all actors, especially the child's inherent right to life. The CRC calls on governments to abolish traditional practices prejudicial to the health of children and to protect them from all forms of sexual exploitation and sexual abuse, and prohibits governments from validating marriages between persons who have not attained the age of majority, that is, the age of 18 years.

Article 16 of the Universal Declaration of Human Rights (UDHR) adopted in 1948 states that men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family and they are entitled to equal rights as to marriage, during marriage and at the time of its dissolution. It further states that marriage must be entered into only with the free and full consent of the intending spouses and that the family is entitled to protection by society and the state.

Article 16 of CEDAW contends that betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory. The CEDAW Committee and the Committee against Torture has also identified child marriage as a harmful practice having multiple effects on wellbeing over the short and long term. The Special Rapporteur on the sale of children, child prostitution, and child pornography has also indicated that child marriage is the sale of children for sexual exploitation and violates the CRC (Article 35).

The International Covenant on Civil and Political Rights (Article 23.3), the International Covenant on Economic, Social, and Cultural Rights (Article 10.1), and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Supplementary Convention) emphasize abolishing forced marriage, including acts of promising or giving a woman in marriage without consent, involving payment to parents, guardians, family or another person or group, or wrongfully depriving a person of their right to inheritance on the pretext of marriage.

The UDHR, CRC, ICPD, CEDAW and BPfA bind all ratifying countries to report periodically to respective treaty bodies and make it incumbent upon governments to exercise political will in achieving legal reforms and policy changes; support and initiate capacity-building programs; set up mechanisms for monitoring and accountability; set up co-operative or partnership relations between social sectors; and create programs to support women and girls suffering from violence, abuse and discrimination. The SDGs, which draw from preceding conventions related to international human rights, also carry a dedicated Target (5.3) for ratifying countries to eliminate all harmful practices including child, early and forced marriage and female genital mutilation. The SDGs are not legally binding, however, and the process of review remains voluntary.

As of 2018,¹⁶ more than 650 million girls under the age of 18 were married globally; nearly 12 million women are married as children each year. Global data indicate that the age cohort at the highest risk of marriage is of people aged 15–18 and girls are at a much higher risk of being married during this time compared to boys. Across the world, about 15 million girls are married as children every year, and the

¹⁶ Population Council (2019) Child marriage, adolescent pregnancy and school dropout in South Asia. Kathmandu, Nepal.

sheer numbers highlight the importance of investing in appropriate large-scale solutions to end the practice.

According to the United Nations Population Fund (UNFPA) and the World Health Organization (WHO), complications of pregnancy and childbirth are the second leading cause of death among adolescent girls aged 15–19 globally, with nearly 70,000 girls dying each year (UNFPA 2013; World Health Organization 2014). Child marriage impacts both the physical and mental wellbeing of girls as it is closely linked to issues of depression, malnutrition, isolation,¹⁷ higher maternal mortality and morbidity, and increased out-of-pocket expenses on health. Already risky pregnancies become riskier as married girls who are still children run a higher risk of potentially disabling complications and debilitating health problems including obstetric fistula and urine incontinence, and both they and their babies are more likely to die¹⁸ during and within weeks following childbirth. Adolescent mothers (aged 10–19) face higher risks of eclampsia, puerperal endometritis, and systemic infections than women aged 20 to 24 years. It also contributes to poor sexual and reproductive health outcomes including a higher risk of sexually transmitted diseases and infections, including HIV, particularly if the male partner is older and sexually more experienced; lack of birth spacing; lack of safe births and abortion; and inadequate medical care due to the subordinate position of the girl within her marital home.

Girl child marriage and teenage pregnancy as interrelated issues not only involve both high health risks and costs, they also impede socioeconomic development across many developing countries in the Global South. A study conducted by the International Center for Research on Women (ICRW) and the World Bank estimates that a “reduction in child marriage would go hand in hand with a decline in fertility and population growth rates, leading to an increase in the gross domestic product (GDP) per capita in countries where child marriage is common” (Wodon et al. 2017).¹⁹

The costs imposed by these include both immediate direct costs for healthcare, and longer-term economic impacts in the form of lost productivity and earning potential.²⁰ Unexpected illness can also result in reduced savings and propensity to absorb other economic shocks at the household level thus perpetuating the cycle of poverty. In addition, girl child marriage can have negative consequences on educational attainment, the overall personal development of children (Nguyen and Wodon 2014),²¹ and increase the risk of girls experiencing emotional, physical and sexual violence in their marital home (Nasrullah, et al.

¹⁷ Le Strat, Dubertret, & Le Foll 2011; and Nour 2009, in Parsons, J. et al. (2015) ‘Economic Impacts of Child Marriage: A Review of the Literature’, *The Review of Faith & International Affairs*, 13(3), pp. 12–22. DOI: 10.1080/15570274.2015.1075757.

¹⁸ UNICEF (2016) *The State of the World's Children 2016: A Fair Chance for Every Child*.

¹⁹ Wodon, Q., C. Male, A. Nayihouba, A. Onagoruwa, A. Savadogo, A. Yedan, J. Edmeades, A. Kes, N. John, L. Murithi, M. Steinhaus and S. Petroni (2017). ‘Economic Impacts of Child Marriage: Global Synthesis Report’, Washington, DC: The World Bank and International Center for Research on Women.

²⁰ Parsons, J. et al. (2015) ‘Economic Impacts of Child Marriage: A Review of the Literature’. *The Review of Faith & International Affairs*, 13(3), p. 12–22. DOI: 10.1080/15570274.2015.1075757.

²¹ Nguyen, M.C. and Wodon, Q (2014). *Impact of Child Marriage on Literacy and Education Attainment in Africa*. UNICEF and UNESCO.

2014; UNICEF 2018²²). Lack of social capital due to not being in school further impacts girls' earning potential²³ and reduces their ability to climb out of social and economic impoverishment.

Intergenerational effects on children's health are also significant in that children born to young mothers may suffer from low birth weights, under-development, stunting and higher chances of mortality. Thus, over a period, it reinforces inequitable gender norms between generations, which can result in reduced community investments in social services and programs that might increase the children's chances of success in the future.²⁴

Ending child marriage can translate into reduction of under-five mortality and stunting at the national level, which is estimated to translate into global annual welfare gains of up to US\$82 billion and US\$16 billion respectively by 2030.²⁵

Girl Child Marriage in South Asia

According to the United Nations Children's Fund (UNICEF), South Asia has the highest prevalence of child marriage where 30 percent of all girls are married before reaching the age of 18 years. The region, comprising Pakistan, Nepal, India, Bangladesh, Bhutan, Maldives, Afghanistan and Sri Lanka, bears 40 percent of the global burden of child marriages, amounting to about 285 million women marrying before the age of 18.²⁶

According to a 2013 UNICEF report,²⁷ while child marriage has been declining globally (dropping from 12 percent to 8 percent since the 1980s), the decline has been sharper in South Asia—from 32 percent in 1985 to 17 percent in 2010. South Asian studies on child marriage suggest that the region has experienced a significant decline particularly in very early or under 15 marriages amongst girls. India leads in terms of overall decline in girl child marriages where women aged 20–24 years who married before age 18 declined from 47.4 percent in 2005 to 26.7 percent in 2016 (India International Institute for Population Sciences 2017). This decline is despite relatively slow progress compared to other South Asian countries in terms of adopting a national strategy and a dedicated action plan to prevent child marriage in India.²⁸

²² UNICEF and UNFPA (2018) Key Drivers of Changing Prevalence of Child Marriage Across Three Countries in South Asia. Kathmandu, p.1.

²³ Parsons, J. et al. (2015) 'Economic Impacts of Child Marriage: A Review of the Literature' (p.13-14), *The Review of Faith & International Affairs*, 13(3), pp. 12–22.

²⁴ Ibid.

²⁵ UNICEF and UNFPA (2018) Key Drivers of Changing Prevalence of Child Marriage Across Three Countries in South Asia, Kathmandu, p.1.

²⁶ UNICEF and UNFPA (2019) 'Child Marriage in South Asia: An evidence review', Kathmandu, 2019.

²⁷ UNICEF (2014) 'Ending Child Marriage: Progress and prospects', UNICEF New York, 2014.

²⁸ UNICEF and UNFPA (2019) 'Child Marriage in South Asia: An evidence review', Kathmandu, 2019, p.33.

Table 1: South Asia Country Comparison: Girls between ages of 20 and 24 years that report being married before age 15 and 18

Country	Survey	Percentage women between 20 and 24 years married before age 15	Percentage women between 20 and 24 years married before age 18
Pakistan	2017-18 DHS	3.6	18.3
Afghanistan	2015 DHS	9	35
Bangladesh	2014 DHS	22	59
Bhutan	2010 MICS	6	26
India	2015 –2016 DHS	7	27
Nepal	2016 DHS	7	40
Maldives	2016 – 2017 DHS	0	4
Sri Lanka	2016 DHS	1	10

Source: UNICEF global databases 2018, updated March 2018.

In Bangladesh and Nepal, the percentage of women aged 20–49 years who were married before 18 years has also decreased and there is evidence of an overall decline in the rates of girl child marriages in Bhutan and Maldives. In Bhutan, 26 percent of girls are married before the age of 18 and the average age at first marriage is 23 years for males and 20 years for females (Royal Government of Bhutan 2017; Alkire et al. 2016).²⁹ A study by UNICEF (2016) using quantitative predictive models that analyzed multiple datasets in Afghanistan projected a decrease in child marriage by 2017, while official data was insufficient to cull out trends. In Sri Lanka, data are too sparse to aid conclusions on whether there were any changes in trends of child marriage.³⁰

Various research reports by UNICEF and UNFPA generated under a joint program to Accelerate Action to End Child Marriage in South Asia since 2015 suggest that though child marriage is generally on the decline in South Asia, progress has been uneven both between and within countries. The practice remains widespread in many South Asian countries and is often concentrated in geographic regions and amongst certain cultural groups; for example, closed communities in India and Nepal, certain islands in Maldives and the Indian states of Rajasthan, Maharashtra and Uttar Pradesh which show increased rates of child marriage over the years.³¹ If progress is sustained at the levels achieved by 2013, the proportion of women married as children will fall to 22 percent by 2030, still falling short of commitments under the Sustainable Development Goals to end child marriage.

Studies looking at the role of education in reducing the risk of girl child marriage in the region suggest that the relationship between the two is not straightforward although the difference is highly significant by

²⁹ In UNICEF and UNFPA (2019) ‘Child Marriage in South Asia: An evidence review’, Kathmandu, 2019.

³⁰ Ibid.

³¹ UNICEF and UNFPA (2019) ‘Child Marriage in South Asia: An evidence review’. Kathmandu, p. 2.

upper- and lower-most wealth quintiles. The fact that many unmarried girls remain out of school irrespective of their age of marriage has been a confounding factor in countries such as Pakistan and Afghanistan, making a direct correlation between child marriage risk and education difficult to establish. In India, a 2015 UNICEF and ICRW study³² found that districts with more rapidly rising female literacy rates and narrow gender gaps in literacy rates have seen a decline in girl child marriage, although completion of secondary education is seen to be a more critical intervention point across different countries.³³ In at least 15 countries around the world, the likelihood of marrying before 18 or having a first child before 18 decreases by an average 6 percent with every year of secondary education including in Pakistan, Bangladesh and Nepal³⁴; however, micro-level studies show that secondary education may not be a panacea for delaying marriages as low aspiration and parental perception of the value of girls' (and boys') education (including pessimistic views of future employment prospects), low level of education amongst the heads of households, and birth order may be important factors contributing to child marriage prevalence across different South Asian countries.³⁵ Incentivizing schemes for parents to draw up years of schooling for girls in India and Nepal have also shown different and sometimes unintended results: while research suggests that conditional cash grants to promote education amongst girls is likely to benefit girls from poor families who are already enrolled in school as opposed to out-of-school girls, sometimes such grants are re-diverted towards arranging a dowry for marriage rather than investments in girls' education since customary practices related to dowry remain strong.³⁶

Further, although a strong correlation is found between child marriage and wealth/poverty, sub-national studies in the region suggest that the relationship is again not straightforward; in Nepal, for instance, there is a negligible difference between rates of child marriage in the four lowest wealth quintiles while there is evidence of girls from the richest households being more likely to marry early (Nepal MICS 2014), a finding which is consistent in some parts of Pakistan at the sub-national level. There are differing conclusions across literature³⁷ in determining risks of child marriage in relationship to poverty, and instead structural and normative factors such as access to income and assets and child labor practices influence marriage decisions on an individual and household level. Nevertheless, perceptions of an insecure financial future and truncated livelihood opportunities amongst communities can drive up child marriage ratios as seen in Afghanistan. Nevertheless, one study using national DHS and annual satellite night-time light data shows that increased economic activity may have contributed to lowered child marriage prevalence in at least three South Asian countries: Pakistan, Bangladesh and Nepal (UNICEF and UNFPA, 2019). In Pakistan, where women and girls' labor force participation is concentrated mainly in the informal sector, this contributes to financial instability and perceptions of economic insecurity which provides a push towards early marriages (UNICEF and UNFPA 2019). Regional and national economic activity,

³² UNICEF and ICRW (2015) 'District-Level Study on Child Marriage in India. What do we know about the prevalence, trends and patterns?'

³³ UNICEF and UNFPA (2019) 'Child Marriage in South Asia: An evidence review'. Kathmandu, p. 18.

³⁴ Wodon, Q., et al (2017). 'Economic Impacts of Child Marriage: Global Synthesis Report', Washington, DC: The World Bank and International Center for Research on Women.

³⁵ Young Lives - Tackling Child Marriage and Early Childbearing in India: Lessons from Young Lives, Oxford Department of International Development, Oxford, 2016, p. 3.

³⁶ Nanda, P., N. Datta, and P. Das (2014) Impact of Conditional Cash Transfers on Girl's Education, International Center for Research on Women (ICRW), New Delhi, 2014.

³⁷ Ibid.

however, can be predictive of low child marriage rates after controlling for several household factors, but mainly in areas where normative support and acceptance for the practice is also low (UNICEF and UNFPA 2018). External shocks to income (both positive and negative) have also been shown to have a profound effect on child marriage practice but again vary by cultural norms including dowry payments, and the result of such shocks, for example reduced income and/or displacement. Migration to urban centers, though responsible for improved education and employment opportunities, has also been shown to have mixed results and is not an automatic panacea for child marriage, particularly where it leads to uncertainty about prospects and leads to child marriage as a coping strategy or potential for stronger social networks.³⁸ There is also the issue of the commutability between child labor and child marriage, where different countries in South Asia have shown different results when child labor has been studied as a possible delayer of marriage. While child labor can lead to reduced education, it can also delay marriages, but such a relationship is not necessarily consistent for boys and girls where girls may be given an education irrespective of employment status and be pulled out of labor if a suitable marriage proposal is received.

National studies across countries in the South Asia region also show changing patterns in types of marriages: In Maldives, for example, where parent-arranged marriages have been traditionally uncommon, there is a reported rise in such marriages which is attributed to an increasingly conservative form of Islam influencing gendered roles and responsibility of women in private and public life (El-Horr and Pande 2016).³⁹

A Plan International study on child marriage in Pakistan, Bangladesh and Nepal⁴⁰ (Muslim-majority countries) further finds that child marriages are also more likely to lead to less harmonious marriages, conflict, domestic violence and divorce. Evidence from these countries suggests that divorce remains culturally taboo and a powerful rallying point against child marriage.

Due to the increased attention being directed towards the issue of girl child marriage in South Asia over the past two decades, a wide variety of interventions have been made to reduce child marriage prevalence. Evaluations of different programs show that empowering girls with information, skills and support networks including girls' clubs and safe spaces constitute promising strategies, but a narrow focus on any one approach is not enough to bring about dramatic results as marriage decisions are mediated by multiple intersecting factors and actors: for instance, different studies in Pakistan and Afghanistan have noted what while increased knowledge of the health impacts of early pregnancy and childbirth on young girls may have led some to see the value of deciding to delay marriage, it did not necessarily translate into decreased child marriage practices.⁴¹ Some studies in Pakistan, however, have shown that multiyear engagement with youth and their families on building knowledge and expanding communication can drive

³⁸ Jaya Sharma et al. (2015) 'Early and Child Marriage in India: A Landscape Analysis', New Delhi, India: Nirantar Trust, p.11.

³⁹ El-Horr, J., and R. P. Pande (2016) 'Understanding Gender in Maldives: Toward inclusive development', World Bank Group, Washington, DC.

⁴⁰ Elizabeth Yarrow, Kara Apland, Kirsten Anderson and Carolyn Hamilton (2015). Research Report- Getting the Evidence: Asia Child Marriage Initiative. Plan International and Coram Children's Legal Center, p. 15.

⁴¹ UNICEF and UNFPA (2019) 'Child Marriage in South Asia: An evidence review'. Kathmandu p. 25.

the practice down.⁴² Mobilizing men, boys, parents and communities to shift social norms that drive the practice have also emerged as good strategies in many countries but economic incentives to address low socioeconomic development and “shock drivers”, or triggers of child marriage have been limited in scope and have shown mixed results.⁴³

Generally, literature suggests that an appetite for policy change remains high in the South Asia region, marked by several international and regional agreements to discuss, approve, support, and implement actions and laws to curb child marriages. While several strategies, action plans and campaigns have been undertaken across the region to explicitly address child marriage at the national and regional levels and there is a rise in policies and initiatives focused on youth and adolescents (some of which address the issue of child marriage), coherence remains low amongst these. Some policies have sometimes worked in opposition to each other, and the implementation of law is often thwarted by cultural norms contributing to policy evaporation. Evidence also suggests that governments in the region have paid insufficient attention to predictable investments needed to curb child marriages because action plans are not costed or do not have clearly earmarked funds to support initiatives.⁴⁴

National Overview

Pakistan’s Constitution, 1973, commits that the state shall ensure elimination of all forms of exploitation and protect citizens’ right to life,⁴⁵ which has been interpreted by courts to include the right to health. It recognizes protection under the law as an inalienable right of every citizen⁴⁶ and binds the state to undertake special provision for women and children as needed.⁴⁷ It mandates the full participation of women and children in all spheres of national life⁴⁸ and the protection of marriage, the family, the mother and the child.⁴⁹ It further prohibits slavery and forced labor including child labor⁵⁰ and obligates the state to provide free and compulsory education to all children between the ages of five and 16.⁵¹

Within the South Asian region, Pakistan has some of the lowest girl child marriage prevalence rates at national level, with 3.6 percent of girls between the ages of 20 and 24 marrying before age 15, and 18.3 percent marrying before age 18 (Pakistan Demographic and Health Survey – PDHS 2017–18). However, at the provincial levels, prevalence rates vary significantly, with Balochistan having the highest reported prevalence of girl marriage under 15 years (6.1%) and Khyber Pakhtunkhwa (KP) having the highest reported under-18 girl child marriages (28.6%) (PDHS/NIPS 2017–18)—see Table 2 below.

⁴² Shaheed, F. et al. (2019) Humsathi: Empowering Girls to Become Their Own Advocates and Boys as Allies to End Early Child and Forced Marriage. Final Technical Report (p.12). Lahore, Pakistan: Shirkat Gah-Women’s Resource Centre.

⁴³ UNICEF and UNFPA (2019) ‘Child Marriage in South Asia: An evidence review’. Kathmandu, p. 4-14.

⁴⁴ Ibid.

⁴⁵ Article 3 of the 1973 Constitution.

⁴⁶ Article 4 of the 1973 Constitution.

⁴⁷ Article 25 of the 1973 Constitution.

⁴⁸ Article 34 of the 1973 Constitution.

⁴⁹ Article 35 of the 1973 Constitution.

⁵⁰ Article 11 of the 1973 Constitution.

⁵¹ Article 25 of the 1973 Constitution.

Table 2: Percentage of women between the ages of 20 and 24 who were first married by specific ages across Pakistan – PDHS/NIPS 2017–18

Region	Percentage women first married by	
	Age 15	Age 18
Pakistan	3.6	18.3
Urban	2.0	12.5
Rural	4.6	21.6
Sindh	5.7	21.7
Punjab	2.1	14.8
KP (merged districts of FATA included)	5.9	28.6
Balochistan	6.1	21.6

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

At the country level, PDHS 2017–18 data suggest a sustained overall decline in the percentages of girls married before the ages of 15 and 18 years. Using five waves of DHS data, a working paper⁵² by UNICEF focusing on child marriage in three countries in South Asia including Pakistan, suggests that girl child marriages under 18 years in Pakistan stood at 41 percent in 1990 and 31 percent in 2012, respectively (a 10-percentage point decline over 12 years), while marriages under 15 years amongst girls declined from 15 percent to 6 percent (9-percentage point decline) over the same period. The UNICEF’s database which uses the PDHS data from 2017–18 suggests that currently, about 3.6 percent of girls are married by the age of 15 years, and about 18 percent are married below 18 years across Pakistan. Compared with 1990 data, it appears that under-15 girl marriages have fallen by around 60 percent as compared to marriages under 18 years which fell relatively slowly by 44 percent between 1990 and 2017–18,⁵³ even if they remain quite high in certain provinces and pockets thereof.

A 2016 Population Council report notes that the median age at marriage for females has risen from about 17 years to 19.5 years between 1975 and 2013 (a 2.5 percent improvement in 38 years), and that the singulate mean age at marriage rose from 21.5 to 23.3 years for girls and 26.5 to 27.1 years for boys between 1991 and 2013 across Pakistan.⁵⁴ The 2019 UNICEF multi-country report also concludes that girl child marriage rates decreased most significantly in Balochistan and Khyber Pakhtunkhwa between 1990 and 2012 but fails to expound on why this may be the case compared to other provinces.

By sheer aggregates the fifth most populated nation in the world, Pakistan has the sixth position globally in terms of absolute numbers⁵⁵ of girl child marriages, and the ages between 16 and 18 years constitute a relative grey area in terms of interventions for both the development sector and policymakers in places

⁵² UNICEF (2019). Key Drivers of the Changing Prevalence of Child Marriage in Three Countries in South Asia.

⁵³ Calculation by author.

⁵⁴ Zeba A. Sattar et al (2016). Youth in Pakistan: Priorities, Realities and Policy Response. Population Council. Islamabad. P 13.

⁵⁵ Girls Not Brides, Where Does It Happen.

where most girl child marriages happen.⁵⁶ Further, as different factors drive the practice depending on context, reported prevalence ratios differ across provinces and, as this report shows, within provincial divisions and districts.

As a signatory to UDHR, ICESCR, CRC, ICPD, CEDAW, BPfA, and the SDGs, Pakistan is committed to ending child marriage. In 2014 it also committed to the regional Kathmandu Call for Action to End Child Marriages in South Asia⁵⁷ and became a stakeholder in the Regional Action Plan to End Child Marriage in South Asia, 2014–18, developed under the South Asia Initiative to End Violence Against Children (SAIEVAC). The Regional Plan seeks to delay child marriages in at least four countries in the region while also combating child labor, corporal punishment, child sexual abuse and child trafficking as part of the larger child rights agenda. Pakistan is also a signatory to the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution⁵⁸ since 2002, which locates child marriage in the context of trafficking.

More recently at the ICPD–25 Nairobi Summit (November 2019), Pakistan committed to not just pass federal and provincial legislation to curb girl child marriages, it also committed to halve adolescent birth rate for women between the ages of 15 to 19 from 46 percent (in 2017) to 23 percent by 2030 and to introduce pre-marital counseling on family planning during the *nikah* (marriage) registration. This has been driven by the Supreme Court of Pakistan suo moto action (case 17599 of 2018) in the matter regarding the alarmingly high population growth rate in Pakistan (2017 census), and Recommendations of the Supreme Court Task Force approved by the Council of Common Interests (CCI)⁵⁹ that urge the federal and provincial governments⁶⁰ to pass legislation specific to child marriage⁶¹ and introduce mandatory premarital counseling for young couples⁶² enabling them to make more informed decisions regarding their health and family planning. The Supreme Court also recommended mandating the provision of family planning services and commodities as part of the essential services package at all tiers of government hospitals⁶³ to prevent unplanned pregnancies, and for life skills-based education to be included in all secondary and higher secondary schools⁶⁴.

Despite tall commitments, the Task Force’s Recommendation document does not refer to the need for expansion and full integration of premarital counseling in relevant population and health programs, even though a premarital counseling module based on the successful experience in Iran has been developed at the national level with financial and technical support of the United Nations Population Fund (UNFPA). There is an urgent need for both the federal and provincial governments to expand counseling services in order to prevent early and unwanted pregnancies that result from child marriages that pose a grave threat

⁵⁶ Discussions with Nazish Brohi, 19th October 2020.

⁵⁷ Available from: <http://www.saievac.org/wp-content/uploads/2014/11/FINAL-Doc-Kathmandu-Call-for-Action-endorsed-Nov-7-2014.pdf>.

⁵⁸ Available from: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/genericdocument/wcms_251026.pdf.

⁵⁹ The CCI is a Constitutional body in the Government of Pakistan. It is appointed by the President on the advice of the Prime Minister. The CCI resolves the disputes of power sharing between the federation and provinces.

⁶⁰ Except Sindh, which has already passed a law in this regard.

⁶¹ Section 4(ii).

⁶² Section 4(iii).

⁶³ Section 2(i)

⁶⁴ Section 6(ii).

to the lives of young mothers, contribute to population growth, and reduce overall human development and wellbeing in the long run.

National Legal Framework

Formally, marriage under the age of 18 (for boys) and 16 years (for girls) is illegal in Pakistan under the Federal Child Marriage Restraint Act (CMRA), 1929. The Muslim Family Laws Ordinance, 1961, raised the age of a girl child in the CMRA 1929 from 14 to 16 years, and lowered the age of (Muslim) males from 21 to 18 years. It also gave a structural framework concerning marriage registration, polygamy, dowry, inheritance and property succession, maintenance of wife and children, and divorce.⁶⁵ Subsequently, the Family Courts Ordinance (FCO) was promulgated in 1964, which paved the way for the present-day family courts. These mainly investigate disputes related to marriages and family. More recently, in 2019, Gender-based Violence Courts were set up in parts of Pakistan (27 in Sindh and 16 notified in KP so far), but these do not have any notified functions and cater mainly to cases of domestic violence and sexual assault.

The issue of forced marriages, whether standalone or in connection with inheritance (not necessarily involving children) is dealt with under a different set of federal penal laws, the Criminal Laws Amendment – Anti-women Practices Act, 2011, which passed after lengthy contestation between the legislature, executive branches of government and the judiciary over nine years.⁶⁶ After its passage in 2011, different forms of forced marriages including *wanni*, *swara*, *badl-e-sulh*, *watta-satta*, and marriage to the Holy Quran were criminalized and subject to heavy fines (PKR500,000 – US\$3,125) with or without up to seven years' imprisonment.⁶⁷ This is unlike the Federal law on Child Marriage, which levies extremely light, almost dismissive fines and penalties—the maximum punishment that can be prescribed for anyone who performs a child marriage and for male parents who permit their child to be married, is a mere one month's imprisonment or a fine of PKR1,000 (approximately present-day US\$6.25).

The Anti-women Practices Act also criminalizes the deprivation of women's right to inheritance based on the pretext of marriage,⁶⁸ and remains applicable across provinces in the absence of specific provincial legislation on “forced marriage” that is not committed on the pretext of depriving women of their right to inheritance and for any other reason. According to practicing lawyers in Balochistan and Sindh, the

⁶⁵ The Ordinance itself resulted from recommendations of the Commission of Marriage and Family Laws under General Ayub Khan.

⁶⁶ In 2002, the Chief Justice of Pakistan declared *wanni* and *swara* ‘un-Islamic’, following which in 2004, the Law and Justice Commission publicly stated that all individuals who contracted *wanni* or *swara* marriages through a *jirga* or *panchayat* would be liable to rigorous imprisonment. A 2006 verdict of the Supreme Court (dated 24 April 2006) further directed the federal government to amend Section 310 of the Penal Code or make an insertion into the Federal Family Act, 1964 to effectively dissolve all marriages conducted under *wanni*. The same verdict directed Registrars of all High Courts and the Presidents and General Secretaries of district level and Tehsil Bar Associations to establish legal aid committees for the purpose of assisting girls given in *wanni* or *swara*.

⁶⁷ In Sindh and parts of Balochistan where the practice has traditionally been more frequently reported anecdotally before research interest dried up, the practice is locally known as *haq baksish*, or relinquishing all worldly rights, particularly the right to marry, bear children and own assets, and spending life in service and servitude to Allah. The ritual does not entail using an actual copy of the Quran as is commonly believed, whereupon a solemn oath is taken by the woman never to marry. Isolated research suggests that women who relinquish the right to marry gain moral and religious claim over their male siblings to provide them with shelter and basic necessities, but this may not always be the case. The practice is anathema to communities outside Sindh and parts of Balochistan.

⁶⁸ For a primer on the set of challenges to law implementation and profiles of 23 women who reported forced marriage across Pakistan in 2013, see Zaman, S. (2014), *Forced Marriages and Inheritance Deprivation in Pakistan: A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011, in Six Select Districts of Pakistan*.

forced marriage law is rarely invoked, and such marriages constitute non-cognizable offences⁶⁹ rendering the law effectively toothless.⁷⁰ A 2016 national baseline survey on gender perceptions by the Asian Development Bank (ADB) related to inheritance also indicates that only 54 percent of women claim a share in inheritance compared to 71 percent of men across Pakistan,⁷¹ making it more of a social problem (the non-acceptance of women demanding their legitimate share) than a legal one.

In 2019, the Senate of Pakistan also managed to pass the Federal Child Marriage Restraint Bill, 2019 amid clamor and protests from religio-political parties and a mixed response from the ruling party, that is, the Pakistan Tehreek-e-Insaaf (PTI). Opposers of the bill insisted that the draft be referred to the Council of Islamic Ideology (CII)⁷² for scrutiny. Interestingly, those who objected to fixing and increasing the age of marriage under this bill also conceded that young girls die because of lack of access to hospitals and health services, and malnutrition, and not from early childbearing. While this argument cannot be denied, it does not address the question why such marriages continue to happen across Pakistan in the first place, and how child marriages may endanger the lives of both mother and child. This position also symbolizes a departure from previous resistance by religio-political groups that pinned adulthood to puberty benchmarks and denied that there is such a thing as “early childbearing”, which may be a problem to be addressed.

The Committees on CRC, CEDAW and Human Rights (UPR) have since 2013 called upon Pakistan to harmonize its definition of the age of majority across different sets of laws, check the prevalence of forced marriages related to conversions or otherwise, improve birth registration, and investigate cases where parallel systems of justice facilitate under-age marriages. Evidence on the ground suggests that most of these recommendations remain largely unimplemented due to a host of forces acting upon the state and society at large.

Over the years, by visibilizing⁷³ the role of child marriages within population debates, the issue of child marriage has gained traction within the national development discourse and has won some support at the highest level of the state.⁷⁴ Recent experience suggests that while policymakers across Pakistan may be more amenable to discussing the health and educative aspects of child marriage, and preventing its more abusive forms, resistance is witnessed in terms of fixing a specific age for marriage outside Sindh. Within Sindh, the situation is reversed: the age of marriage has been fixed at 18 for both boys and girls vide the Sindh Child Marriage Restraints Act, 2013 and some “protective” measures have been put in

⁶⁹ Where the police may not file a First Information Report without the permission of a local Magistrate of Court.

⁷⁰ Zaman, S. (2014), Forced Marriages and Inheritance Deprivation in Pakistan: A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011, in Six Select Districts of Pakistan. Aurat Information and Publication Services Foundation, Islamabad.

⁷¹ Asian Development Bank (2016) Pakistan Country Gender Assessment, Volume 1 of 2: Overall Gender Analysis, Manila, Philippines.

⁷² The CII is a constitutional advisory body that advises the legislature whether or not a certain law is repugnant to Islam, namely to the Qur'an and Sunnah. It was first established as the Advisory Council of Islamic Ideology on 1 August 1962 under Article 199 of the Constitution of the Pakistan (1962). The Advisory Council of Islamic Ideology was later renamed as Council of Islamic Ideology under Article 228 of the 1973 Constitution of Pakistan, with provisions for its composition (Article 228), procedure for reference to the Council (Article 229), its functions (Article 230), and rules of procedure (Article 231).

⁷³ Mumtaz, K. et al. (2010) Age of Marriage Position Paper. Shirkat Gah – Women's Resource Center.

⁷⁴ UNFPA (2019). Population and Family Planning: A Political Economy Analysis. Islamabad, Pakistan.

place. However, there is less clarity on concerted investments into and outcomes derived from social sector policies that have the potential to address root causes of girl child marriages, and yet fail to.

Different Forms of Girl Child Marriages and Related Political Economy

The image of child marriage does not conjure a singular picture as it takes different forms in Pakistan, with some forms more predominant than others.⁷⁵ Since marriages typically constitute a union of two or more families rather than two individuals, however, all such marriage decisions are mediated by a complex interplay of individual, relational, communal, social, and economic factors acting upon those making the decision and/or those subject to these decisions.

The practice of *swara/vani* where girls are given as compensation for crimes committed by men⁷⁶, and *vulvar*, where girls are sold in marriage for a hefty amount paid to the father/guardian by the groom, are different from *watta-satta* or exchange girl child marriages (often involving consanguinity marriages between first and second cousins) where two sisters wed two brothers from another family. A 2018 study by OXFAM Novib in the provinces of Sindh and Punjab suggests that *watta-satta* accounts for 66-78 percent of all marriages in Sindh.⁷⁷ Similar estimates are not readily available for Balochistan.

In case of *watta-satta*, a Plan International study which also involved respondents from Pakistan⁷⁸ contends that the issue of age is not a critical factor in such marriages because the arrangement is based on reciprocity and establishes mutual accountability across families. It also constitutes a strategy to mitigate spousal violence and abuse and a way to avoid high dowry payments (Yarrow et al. 2015). In the context of Pakistan, it would be interesting to study whether such arrangements contribute to lowered levels of spousal violence, undermining the strength of causal association between girl child marriage and experiencing domestic violence. Nevertheless, anecdotal evidence suggests that disturbance in one marriage can deeply unsettle the other, contrary to the social security *watta-satta* marriages purportedly aim to achieve for both the bride and groom.⁷⁹ Sharma et al. (2015), Zaman (2018) and Shaheed et al. (2018, 2019) have further drawn a connection between *watta-satta* child marriage and domestic labor in Sindh in that families “exchange girls through marriage so that neither is worse off in terms of household labor”.⁸⁰

In girl child marriages involving *vulvar*, the enrichment of the father has a critical role: meagre portions go towards wedding expenses, and a substantial part is kept by the guardian to do with it as he wills. The younger or prettier the bride, the higher the *vulvar*, making the bride more expensive for the man to

⁷⁵ Some forms of child marriages are more common to provinces (or districts thereof) and less so in others. For a more in-depth discussion, see Rehan, N., & Qayyum, K. (2017). Customary Marriages in Rural Pakistan. *The Medical journal of Malaysia*, 72(3), p. 175-178.

⁷⁶ Samar Minallah (2006) *Swara: The Human Shield. A Study on the Custom of Swara in North West Frontier Province of Pakistan*. Islamabad, Pakistan: Ethnomedia.

⁷⁷ Van Veen, S., van Moorten, R. and Durani, W. (2018) *Marriage Decision-Making: A Family Affair*. OXFAM, p. 27.

⁷⁸ Elizabeth Yarrow, Kara Apland, Kirsten Anderson and Carolyn Hamilton (2015). *Research Report- Getting the Evidence: Asia Child Marriage Initiative*. Plan International and Coram Children's Legal Center, p. 23.

⁷⁹ SPARC (2018) *The State of Pakistan's Children, 2018*. Society for the Protection of the Rights of the Child (SPARC).

⁸⁰ Jaya Sharma et al. (2015) *Early and Child Marriage in India: A Landscape Analysis* (p.25). New Delhi, India: Nirantar Trust.

“purchase”. In communities that practice dowry or put the onus on the girl’s family to bear all sorts of expenses, younger and prettier girls are cheaper for parents and expensive for grooms to marry as youthfulness and appearance provide compensation in lieu of high dowry, where youth is linked directly to both ability to do housework and fertility.⁸¹ As a dowry also connotes financial status, the girl’s family may still arrange a high dowry irrespective of the girl’s age and appearance.

Advocates against forced marriages of girls suggest that whereas *watta-satta* may still be more commonplace across Pakistan, *swara* and *ghag* are declining in parts of the country where they were more prevalent (e.g., in Khyber Pakhtunkhwa). A big part of the enabling factor has been police crackdowns backed by court orders.⁸² In terms of prevalence, a national study⁸³ claimed that approximately 36 percent of marriages in rural settings are rooted in *watta-satta*, and the practice is/was more prevalent in the Saraiki belt between parts of northern Sindh, Balochistan and southern Punjab. There is no data available on the prevalence of any particular type of girl child marriages at the provincial level and anecdotal information suggest that *watta-satta* is also common in southern districts of Sindh. In the absence of empirical data and low levels of reporting, this is difficult to establish.

In girl child marriages that take the form of *paith-likhi/sung-chitti* or betrothal prior to or during pregnancy, right after childbirth or during infancy, reciprocity may come to be defined in social terms where children are “promised” in marriage. Evidence from parts of Sindh⁸⁴ suggests that these types of marriages are the most difficult to break off as they can lead to serious disputes and violence between families and within the larger *beradri*.

Depending on the context, girl child marriage decisions can be highly individuated or based on group choices and decisions.⁸⁵ The reasons may be social, cultural, religious, economic, or political or a combination of these. Children in Pakistan may be generally married (1) customarily, as they reach a certain age and before they are “too old”^{86, 87}; (2) transactionally, for example, to save, reduce, or altogether avoid marriage expenses and dowry (or gain materially from the transaction)⁸⁸, or in exchange for settling family debts,⁸⁹ and blood feuds; or (3) to mitigate financial insecurity facing other family members⁹⁰ or simply to reduce the number of mouths to feed. Marriages may also be (4) self-arranged, where both boys and girl are under 18 but above 15/16 years. In some cases, as reported in Sindh, child

⁸¹ Discussions with youth (ages 15–21) in Balochistan (district Jaffarabad) and Sindh (district Shahdadkot). In Humsathi: Empowering Girls to Become Their Own Advocates and Boys as Allies to End Early Child and Forced Marriage. Baseline Report: Shirkat Gah-Women’s Resource Centre, 2018 (unpublished).

⁸² Dawn Newspaper (25 March 2012) ‘Superior courts focus on helping swara, vani victims’

⁸³ Hanan G. Jacoby and Ghazala Mansuri (2007) *Watta Satta: Bride Exchange and Women’s Welfare in Rural Pakistan*.

⁸⁴ Shaheed, F. et al. (2019) *Humsathi: Empowering Girls to Become Their Own Advocates and Boys as Allies to End Early Child and Forced Marriage*. Final Technical Report. Lahore, Pakistan: Shirkat Gah-Women’s Resource Centre.

⁸⁵ For a more detailed discussion on micro-level drivers in South Asia, see Plan International and Coram Children’s Legal Center (2015). *Getting the Evidence: Asia Child Marriage Initiative*. Summary Report. Bangkok, Thailand.

⁸⁶ Ibid.

⁸⁷ See <https://www.news.uct.ac.za/article/-2018-10-23-the-political-economy-of-child-marriage-in-africa>.

⁸⁸ Interview with Abdul Wadood, 18.12.2020; and Saima Javaid, 01.12.2020.

⁸⁹ Author’s finding in Shahdadkot (Sindh) and Jaffarabad (Balochistan). In Humsathi: Empowering Girls to Become Their Own Advocates and Boys as Allies to End Early Child and Forced Marriage. Baseline Report: Shirkat Gah-Women’s Resource Centre, 2018 (unpublished).

⁹⁰ Author’s finding in Swat (Khyber Pakhtunkhwa). In Humsathi: Empowering Girls to Become Their Own Advocates and Boys as Allies to End Early Child and Forced Marriage. Baseline Report: Shirkat Gah-Women’s Resource Centre, 2018 (unpublished).

marriage may be performed with the added element of (5) faith conversions involving women and minor girls of religious minorities, followed quickly by marriage.

Apart from being “arranged” by parents and elders, such marriages are also actively brokered by local powerholders (*faislo* in Sindh; *jirga* in Balochistan, KP and erstwhile FATA⁹¹ or *panchayat* in Punjab), by local elites and influentials to settle local disputes, to remove intra and inter-group conflicts, and generally, for restoring “balance”. Although banned at least in the province of Sindh by orders of the High Court (2004), and generally across Pakistan by orders of the Supreme Court, *jirgas* continue to operate in the absence of state-run systems of justice.⁹²

Discussions with a wide range of stakeholders across Sindh (and Balochistan) as part of this political economy analysis suggest that while security reasons are often cited by parents, including sexual harassment or rape of girls,⁹³ the fear of premarital love affairs, self-arranged marriages/elopement, tarnishing of family honor, and proselytization is often fused into the narratives around safety for girls, and marriage as a mitigating circumstance.

⁹¹ To avoid essentializing the local dispute resolutions mechanisms that constitute traditional means of local adjudication, Barakatullah and Imran Ahmad Sajid provide a typology of different types of such systems in FATA, PATA and KP. See *Jirga System in Pakhtun Society: An Informal Mechanism for Dispute Resolution*. Pakistan Journal of Criminology, Volume 5, No. 2, July-Dec 2013, pp. 45 – 60.

⁹² Discussions with Amar Sindhu in Hyderabad, Sindh.

⁹³ Key Drivers of Changing Prevalence of Child Marriage Across Three Countries in South Asia (UNICEF, 2018, p.6).

2. Conceptual & Analytical Framework and Research Methodology

Conceptual Framework

The drivers of child marriage in Pakistan as in the rest of South Asia are complex, divergent, and interlinked. They are influenced by both household and individualized aspects of decision-making that have close linkages with the larger social, political, and economic environment and the immediate local context. These in turn are the outcomes of social norms and belief systems that are specific to each context. Conventional assessments and standard development approaches to address the issue of child marriage in Pakistan (irrespective of sector—civil, private or public) have tended to understate the influence of political economy on reforms, in that it is not immediately clear what the blockades are when lack of political will is cited.⁹⁴ Lack of political will is also taken as a fixed phenomenon even though politics both shapes and is shaped by the larger environment and local conditions.

Political economy analyses (PEA) generally help situate development interventions within the rubric of social, political and economic processes that shape human relationships, the distribution of socioeconomic and political resources that produce contestations between different individuals and group interests.⁹⁵ Rather than focusing on technical aspects of non-development/lack of development through deliverable-based box-ticking, PEAs are helpful in observing the interplay between formal and informal institutions and practices. They examine the role of culture, ideologies, personalities, and value systems in a context under examination, and help unearth *why* things are the way they are, and the nature of underlying structures and institutions that frustrate or enable change at different scales. In doing so, they seek to understand factors that drive political behavior and how these shape policies and programs,⁹⁶ or generate systems of interests, incentives, rewards, and punishment for particular kinds of behavior amongst the various stakeholders involved. Political economy analyses are also difficult in that they require continuous iteration of the problem, based on incremental scrutiny of evidence and indicators that tend to co-evolve over time and mutually influence each other. In the context of girl child marriage,

⁹⁴ To the best of the consultant's knowledge, a dedicated political economy analysis of child marriage specific to Pakistan has not been undertaken before, even though many reports on the subject refer to political factors. Even then, discussions are either limited to age debates and resistance thereof, discuss specific cases to highlight impacts, or take a purely health or education angle, discussing the lack of enabling environment to execute related policies to prevent child marriage.

⁹⁵ McLoughlin, C. (2014). *Political Economy Analysis: Topic Guide* (2nd Ed.) Birmingham, UK: GSDRC, University of Birmingham.

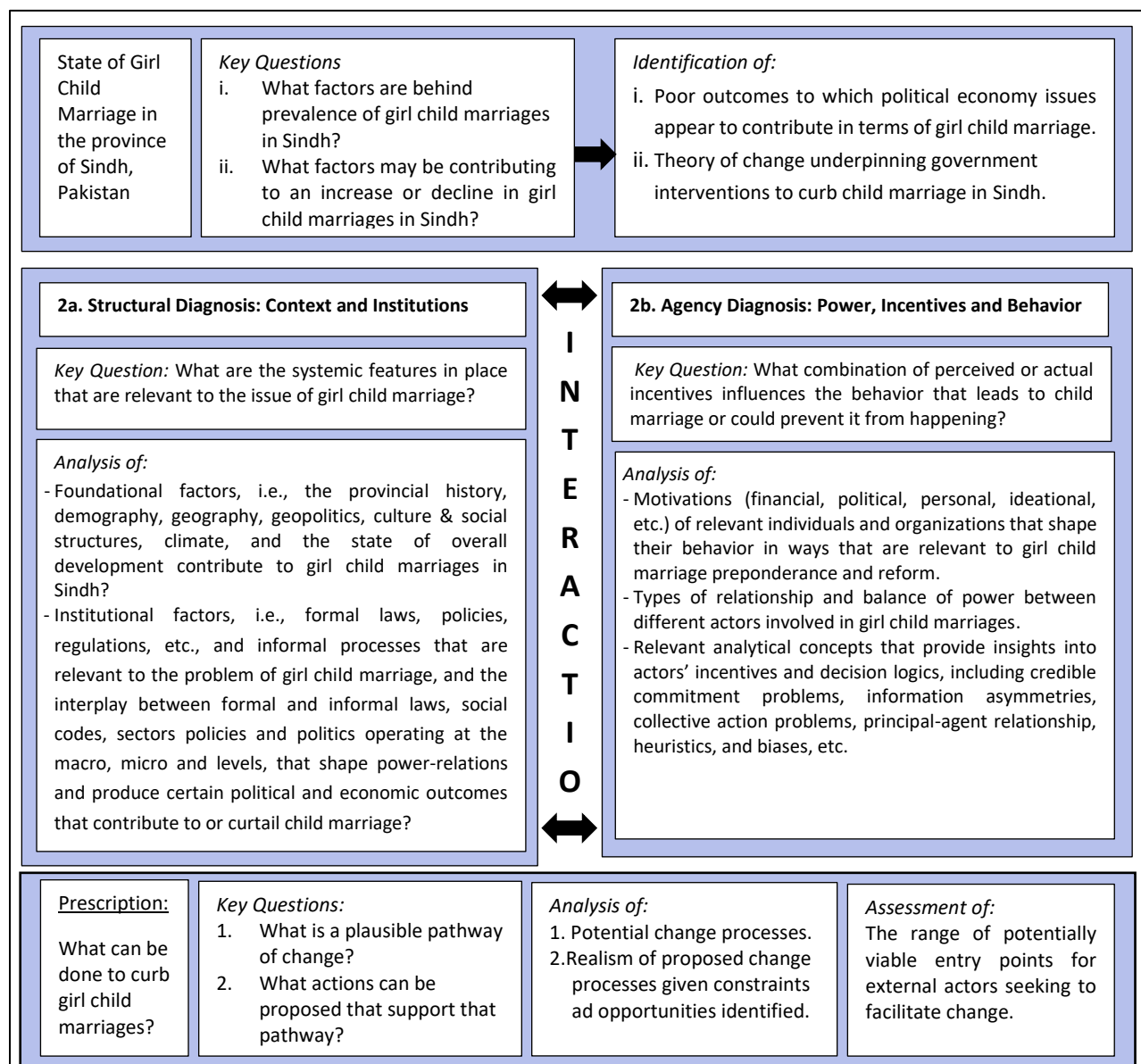
⁹⁶ DFID. (2009). *Political economy analysis how to note* (Practice Paper). London: Department for International Development (DFID).

a political economy analysis needs to consider not just what propels people to get married early, but also the history and current context of how resources are distributed and transferred in society that accrue or deny benefits to certain groups of people or keep them in power/marginalized.

Analysis Framework

This report is a result of a rapid political economy analysis (PEA) of girl child marriages in Sindh, based on the Problem-Driven Political Economy Analysis Framework developed by Daniel Harris (2013)⁹⁷ adapted to the issue of child marriage. The framework of analysis is depicted in Figure 1 below:

Figure 1: Problem driven political economy analysis. Daniel Harris (2013)



⁹⁷ Daniel Harris (2013). Applied political economy analysis: A problem-driven framework. ODI, pp 2.

Based on this analysis this report seeks to identify key opportunities, strategies and potential entry points to addressing some of pervasive obstacles to girl child marriage prevention and response, and what needs to be done to address child marriage prevalence and the mitigation of its impact in the context of Sindh.

Methodology and Sources of Data

The approach to PEA involved using a mixed method, relying on both quantitative and qualitative data. A mixed method was deliberately chosen to ensure that the analysis considered both statistical indicators related to child marriage and the story or social narratives behind numbers that help understand why the practice persists, on what scale, motivational differences, and the government's responses to it. The overall methodology involved the following steps:

Secondary Data

i) National Surveys

Statistics related to a list of indicators were gleaned from the following main national surveys:

- Sindh Multiple Indicator Cluster Survey (MICS), 2014 and 2018–19 (UNICEF, Government of Sindh);
- Pakistan Demographic and Health Survey (PDHS/NIPS), 2017–18 and 2012–13;
- Pakistan Social and Living Standards Measurement (PSLM), 2010–11 and 2014–2015;
- Labor Force Survey 2017–18 and 2014–15;
- Household Integrated Economic Survey (HIES), 2015–16 and 2013–14;
- Compendium of Gender Indicators, 2019 (compiled only once based on PDHS and PSLM data from preceding years); and
- Pakistan Maternal Mortality Survey, 2019 (NIPS).

The micro/record level data from PSLM, MICS and PDHS were used for further analysis and to calculate district-level data across a range of indicators. The data analysis used a combination of multivariate cross tabulation and descriptive statistics. The cross tabulation for girl child marriage only referred to girls' household characteristics after marriage due to difficulty in accessing data on household characteristics prior to marriage. Multidimensional poverty indices at the district level was also computed using PSLM record data.

Sample Sizes

For calculating girl child marriage prevalence, reference was made specifically to the Sindh MICS 2014 and 2018–19 due to their large sample sizes compared to the PDHS/NIPS survey of 2012–13 and 2017–18. The 2018–19 MICS child marriage data was based on interviews with 30,239 women between the ages of 15 and 49 years including 5,317 women between the ages of 20 and 24 years. For the Labor Force Survey (LFS) 2014–15, a sample of 10,356 households was included across Sindh (both urban and rural). A listing of sample sizes for the main referenced surveys is provided in Annex 4.

ii) Literature Review

An online search was carried out for literature relevant to the issue of child marriage at the national, regional, and global levels and within Sindh. Literature was organized around the following main categories:

- Theoretical and practical approaches to political economy analysis, developed and tested by different international development agencies.
- The general political economy analysis of Pakistan presented in reports by international aid, technical and financial assistance agencies and think tanks.
- The drivers and impact of child marriage, including general readings on the subject, literature generated within Pakistan⁹⁸ and multi-country studies in South Asia carrying references to data or analysis from Pakistan.
- Formal laws related to child marriage and allied themes (domestic violence, rape, marriage dissolution, guardianship, etc.).
- Demonstrable good practices to prevent child marriages and generally violence against women and girls in different settings.

Relevant material was considered under three tiers, including:

- Tier 1: Peer reviewed research reports, papers, and journal articles.
- Tier 2: Non peer reviewed research reports, journal articles, blogs and websites of UN agencies and civil society groups/ associations/ alliances.
- Tier 3: Other websites, information portals and news sources.

A full bibliography of literature referred to is provided at the end of the report.

Primary Data

i) Key Informant Interviews

Based on an extensive literature review, interview guidelines were prepared, breaking questions into the three main categories: foundational factors behind girl child marriage prevalence; institutional features and their interplay that influence the practice; and the current context including resistance, support and entry points for effectuating change. Relevant stakeholders were identified in the context of Balochistan who were then approached individually for formal interviews and comments.

A total of 39 key informant interviews were conducted for this study, with 18 respondents from Sindh, 12 from Balochistan, one in Punjab, and eight based in Islamabad Capital Territory. Interviewees comprised officers of government departments, bureaucrats, members of Assembly (former), academia, civil society

⁹⁸ This also includes the draft child marriage PEA reports recently prepared for the other two provinces (Khyber Pakhtunkhwa and Punjab) by another consultant for the Population Council & UNFPA, Pakistan.

groups, local activists, legal practitioners, and donors. Most of the interviews were conducted over telephone or zoom calls, with a few in-person meetings (the main questions asked of different respondents are provided in Annex 1 and the list of respondents in Annex 2).

Although many more actors were relevant to the issue of girl child marriage in Sindh than could be interviewed within a short span of time, respondents were selected based on experience with the subject, their involvement in actual cases and the law, their proximity to affected communities in terms of development programming and/or advocacy, and general awareness of the political economy of the province and its governance across sectors. For this, purposive sampling methods were used, coupled with snowballing technique to get to the most relevant people.

ii) Community Discussions

Although no community perception and experience data were collected for the purpose of this PEA, primary qualitative data, where relevant, were commissioned based on past field research by the consultant and other primary data in existing literature, to integrate voices and experiences of different communities on the issue of child marriage in Sindh, where relevant.

Challenges and Limitations

The Sindh political economy analysis of girl child marriage was carried out and reported on within a short period of time. Due to time constraints, the consultant relied on interviews with only select individuals in government, civil society, academia, human rights oversight mechanisms, and donor community, who are known to be working on the issue of child marriage in Sindh. The study also did not entail any direct engagement with people and communities practicing or affected by child marriage.

In most places, current data were relied upon (MICS 2018–19), with references to DHS of preceding years for changing patterns where comparable data were available. Within secondary data, it was difficult to find information related to some foundational factors—for example, the gender disaggregated migration information; the impact of (changing) of environmental ecology on girls; and the location-specific cultural reasons for getting married early, and so on—due to limited existing research. There were also data limitations related to ever-married women as recounting of under 18- and 15-year-girl marriage is based on recall and subject to erroneous reporting. Data for girls married under 18 and 15 years is largely based on recall data from women that have already moved into their marital homes and their income levels may come to be defined by the economic status of their spouse. Reported cases also run the risk of underreporting by women of age at the time of marriage because of lack of birth registration and not knowing their exact age (current and/or when first married). In the most recent MICS (2018–19) for Sindh, for example, the marriage month and year for the first marriage was missing for nearly one-fifth or 19.2 percent of all ever-married women between the ages of 15 to 49 years, and their specific age at first marriage was missing for 1.7 percent; generally, men’s recall of age at first marriage and date of marriage was better compared to women.

Another serious limitation was the lack of microdata from the 2017 Census of Pakistan⁹⁹ that could have contributed to more detailed calculations of population and demographic attributes, specifically for never-married females.

Further, with the second wave of COVID-19 gripping many parts of Pakistan (Sindh in particular) during the months of November and December,¹⁰⁰ difficulty was also experienced in engaging relevant people across the province on an even level to get a broader set of expertise that could inform the analysis presented in this report.

This report does not claim to be an exhaustive analysis of the complete and often unique circumstances in which girl child marriages occur in Sindh and remains open to any substantive correction or feedback.

⁹⁹ The 2017 census involved 32,205,111 households with 207,774,520 total number of respondents (male, female, and transgender). For the province of Balochistan, around 1,775,937 households were included, with a total 12,344,408 respondents.

¹⁰⁰ Dawn Newspaper (23 Nov 2020). 'Sindh govt in state of indecision on tough SOPs to contain second Covid-19 wave'.

3. Girl Child Marriage Prevalence in Sindh

In 2019, the NGO Sahil reported that Sindh has the highest bulk (82 percent) of reported child marriage cases across Pakistan, followed by the highest cases of child abduction.¹⁰¹ Earlier in 2016, the organization noted a 96 percent increase in reported cases between 2015 and 2016 across the province. Although it is difficult to ascertain exact numbers of reported cases, because Sahil reports rely on cases picked up by the media, reporting of cases seems to have increased in the media and, to some extent, in the police reports (discussed ahead). As such, there is no central system for compiling and collating girl child marriage data from the stakeholders concerned at the provincial level which could have helped understand the percentage of cases picked up by DHS data that are reported to law enforcement authorities. The provincial Child Protection Authority (CPA) does compile district-wise data on child rights issues including child marriage, but the number of registered cases is small, no more than five cases in any district in 2020.

The Sindh MICS 2018–19 shows an overall increase in girl child marriage across Sindh compared with the 2014 MICS, with a 1.3 percent increase in girl child marriage under 15, and a 2.2 percent increase in girl marriages under 18 years of age. District-wise increases (or decreases) in girl marriage prevalence as reported by women aged 20–24 vary significantly by district, location (urban, peri-urban and rural), girls' education, and wealth. Other indicators related to girls' labor force participation and sexual and reproductive health and rights status also vary significantly by divisions and amongst districts. District-wise reported prevalence of girl child marriage in Sindh in 2014 and 2018–19 is provided in Table 3 below, along with percentage variations over this period:

¹⁰¹ Cruel Numbers (2019). Sahil, p. 47.

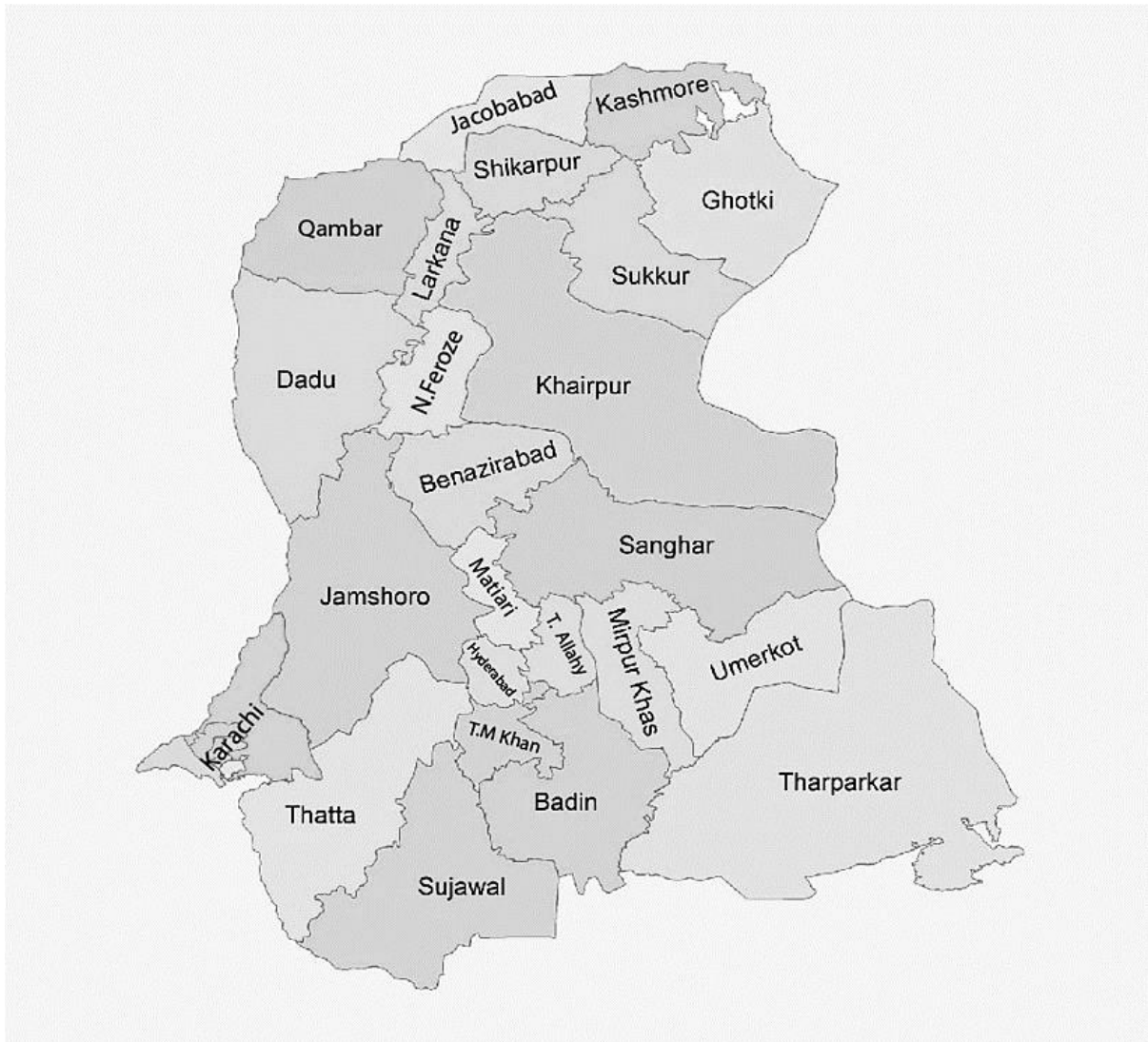
Table 3: Percentage women aged 20–24 years who reported being married before age 15 and age 18 in Sindh between 2014 and 2018–19

District	Women of age 20-24 years married before the age of				Percentage Increase/Decrease) in women of ages 20-24 years married before*	
	Sindh MICS 2014		Sindh MICS 2018-19			
	15 years	18 years	15 years	18 years	15 years	18 years
Badin	13.6	31.7	6.6	30.8	-7	-0.9
Dadu	7.3	29.3	5.8	20.9	-1.5	-8.4
Ghotki	5.7	28.1	12.3	37.4	6.6	9.3
Hyderabad	1.2	14.4	7.4	17.4	6.2	3
Jacobabad	8.6	36.8	17.4	46.3	8.8	9.5
Jamshoro	6.7	25.6	4.5	26.7	-2.2	1.1
Kambar Shahdadkot	10.3	31.3	11.1	27.2	0.8	-4.1
Karachi:						
Karachi Central	0.8	6.4	4.8	13.3	4	6.9
Karachi East	2.7	13.9	5	21.1	2.3	7.2
Karachi West	3.2	15.9	6.8	22.7	3.6	6.8
Karachi-South	2.8	12.7	3.4	13.6	0.6	0.9
Korangi**	N/A	N/A	2.3	8.9	N/A	N/A
Malir	3	20.1	5.8	13.1	2.8	-7
Kashmore	22.3	51.2	12.9	42.9	-9.4	-8.3
Khairpur	10.3	30.6	8.6	28.8	-1.7	-1.8
Larkana	5	27.2	4.2	21.2	-0.8	-6
Matiari	8.4	31.4	9.5	29.2	1.1	-2.2
Mirpur Khas	11.5	29.9	12.8	35.5	1.3	5.6
Naushahro Feroze	4.9	17.2	9.2	28.8	4.3	11.6
Sanghar	11	27.7	8.4	34.7	-2.6	7
Shaheed Benazirabad	5.9	19.4	4.2	16.8	-1.7	-2.6
Shikarpur	12.2	41.2	12.1	38.6	-0.1	-2.6
Sujawal	4	16.5	1.2	22.2	-2.8	5.7
Sukkur	9.5	29.5	10.9	32.6	1.4	3.1
Tando Allahyar	4.7	22.7	12.5	32.4	7.8	9.7
Tando Muhammad Khan	10	38.8	5.6	14.4	-4.4	-24.4
Tharparkar	12.1	36.3	12.4	36.4	0.3	0.1
Thatta	9	28.5	3.3	23.8	-5.7	-4.7
Umerkot	15.3	45.1	13.6	40.2	-1.7	-4.9
SINDH	6.2	22.5	7.5	24.7	1.3	2.2

Source: Multiple Indicator Cluster Survey (MICS) Sindh – 2014 & 2018-19.

*Negative value connotes decline, and positive value shows increase; ** District Karachi Korangi was established after 2014.

Figure 2: District Map of Sindh



Girl child marriage *under 18 years* appears to have *increased* most significantly in district Naushahro Feroze (+11.6%), followed by districts Tando Allahyar (+9.7%), Jacobabad (+9.5%) and Ghotki (+9.3%). It *declined* most dramatically in Tando Mohammad Khan (-24.4% decline), although its prevalence rates were amongst the lowest compared to other districts in 2014.

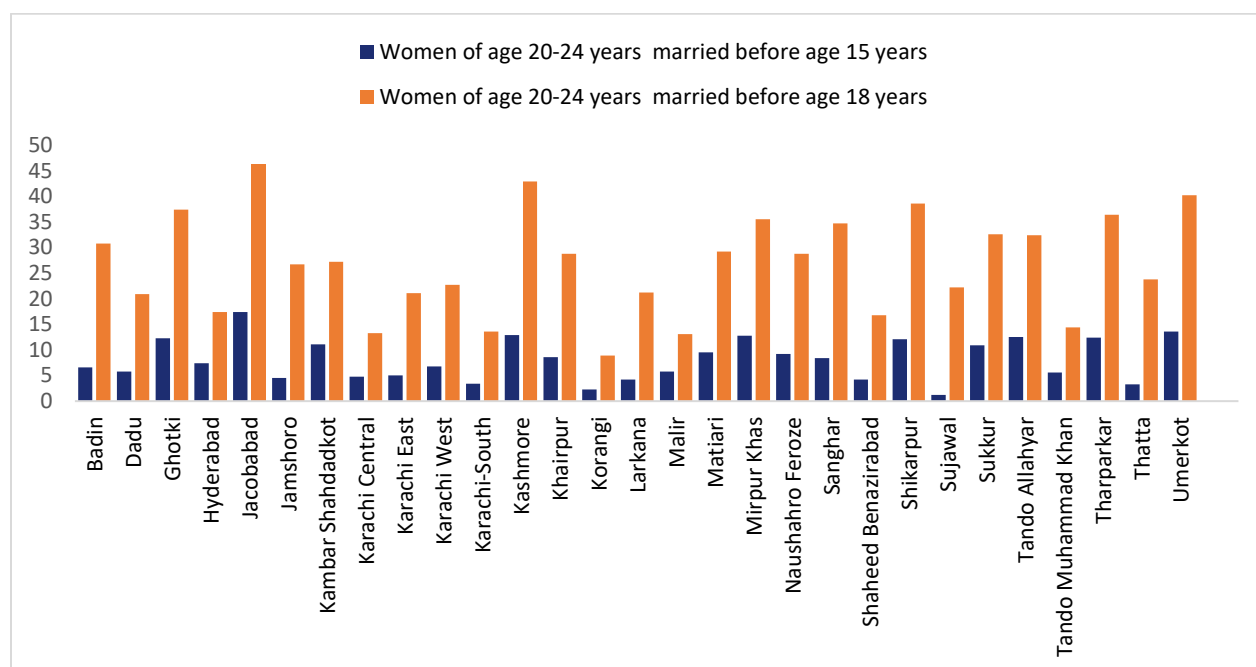
In terms of increase in girl marriage *under 15 years*, Jacobabad tops the list with an 8.8 percent increase from the MICS 2014 (bringing prevalence rates amongst girls of ages 20–24 years married before reaching 15 years to 17.4 percent, and 46.8 percent for those marrying at less than 18 years in the district). Jacobabad is followed by districts Tando Allahyar (+7.8%), Ghotki (+6.6%) and Hyderabad (+6.2%) in terms of the highest percentage increases in girl marriage under 15 years. Within the most urban district of Karachi, an increased number of girl child marriages under 18 years are reported from all zones/sub-districts except Malir (including Karachi East +7.2%; Karachi Central +6.9% and Karachi West +6.8%. District Malir itself is seeing a decline in girl marriage under 18 years, but an increase in the number of

girls married before the age of 15 years (along with Central, West, East and South zones albeit to a lesser extent).

Although district Kashmore has the second-highest percentage of girls marrying before age 18 years at 42.9 percent, it has seen a *decline* in marriage both in under 15 and under 18 years over this period. Similarly, district Umerkot also saw a *decline* in girl marriage before 15 and 18 years, but not at the same pace as Kashmore. Nevertheless, districts Jacobabad and Kashmore in the north of Sindh and district Umerkot in the sSouth can both be considered hotspots for girl child marriage in terms of the highest percentage reported cases, with 13.6 percent of girls between the ages of 20 and 24 years married before turning 15, and 40.2 percent married before reaching 18 years in Umerkot (MICS 2018–19).

While the most significant *improvement* in girl marriage under 15 is also interestingly seen in both districts Jacobabad and Kashmore despite them having the highest overall prevalence across the province, a similar *decline* is also seen in the southern coastal district of Badin (-7%).

Figure 3: Percentage women aged 20–24 years who reported being married before the age of 15 and 18 years by districts in Sindh in 2018–19



Source: Multiple Indicator Cluster Survey (MICS) Sindh, 2018-19.

Locational differences

Comparing child marriage amongst women under 15 and 18 in the younger women’s population (20–24 years) with women aged 15–49 reveals an intergenerational decline in such marriages despite an increase in the last five to seven years (see Table 4 below). In addition, there are significant differences in terms of the levels of decline across rural and urban locations over this period, in most cases the decline being higher in rural than in more urbanized locations within districts.

Table 4: Women aged between 15 and 49 years reporting being married before ages 15 and 19 and percentage of women between ages 15 and 19 years currently married in 2014 and 2018–19 in Sindh

Source of data	Women aged 15-49	Women aged 20-49		Women aged 15-19
	Percentage married before age 15	Percentage married before age 15	Percentage married before age 18	Percentage currently married
Sindh MICS 2014	9.3	10.7	31.2	16.3
Urban	6.9	8.0	24.7	11.8
Rural	12.4	14.2	39.6	21.8
Sindh MICS 2018–19	↓ 7.7	↓ 8.7	↓ 24.8	↓ 15.0
Urban	↓ 6.1	↓ 7.1	↓ 21.3	↓ 10.5
Rural	↓ 9.6	↓ 10.7	↓ 29.2	↓ 20.1

Source: Multiple Indicator Cluster Survey (MICS) Sindh, 2014 and 2018-19

Relationship with Wealth

In terms of the relationship of child marriage with wealth, available district data suggests that women between the ages of 20 and 24 years who are married before age 15 and age 18 years mostly belong to the poorest and poorer wealth quintiles and the incidence of both decreases with rising levels of household wealth.

Table 5: Percentage of women aged 20–24 who report being married before age 15 and age 18 by wealth quintile in Sindh – MICS 2018–19

Wealth Quintile	Women of ages 20-24 years married before the age of											
	15 years						18 years					
	Poorest	Poorer	Middle	Richer	Richest	Total	Poorest	Poorer	Middle	Richer	Richest	Total
Total	13.3	11.1	7.7	5.8	2.7	7.5	40.5	34.0	26.1	20.6	10.4	24.7

Source: Multiple Indicator Cluster Survey (MICS) Sindh – 2018-19

Although girls marrying before 18 years into the richest families constitute about 10.4 percent of all women getting married between the ages of 15 and 19 years, the percentage of girls marrying into the richest homes before 15 years is not too dramatically different from those marrying before 18 years. The prevalence of very early girl child marriage falls more dramatically between wealth extremes than those married before age 18 across the two wealth extremes. This suggests that better wealth status can drive under-15 years girl marriages down more significantly than for girls married before the age of 18 years. In other words, poverty graduation programs are likely to be more effective in curbing under-15-year girl child marriage than for older girls.

Such projections, however, also need to take into account the changing dynamics of multidimensional poverty, which decreased in incidence across Sindh between 2010–11 and 2014 following the superfloods of 2010–11, but increased in intensity for the multidimensional poor including those in areas reporting higher girl child marriage prevalence in 2018–19 (discussed in more detail in Section 4 – Technological Progress and Overall Development).

Relationship with Education

In terms of its relationship with education, about 12.1 percent of women aged 20-24 who reported being married before 15 years had no education, whereas only one percent of those who had attained higher education (aged 16+) were married before reaching the age of 15. This suggests some continuation of studies after girls are married at 15 years, although the percentage is very small and usually education ceases permanently. Overall, the likelihood of girl child marriage decreases significantly with higher levels of education, but the decrease is most significant when girls have completed their primary education or graduated from secondary school to higher studies; in between, the rates of decline tend to be constant but slower.

Table 6: Percentage of women aged 20–24 who report being married before age 15 and age 18 education in Sindh - MICS 2018–19

Educational Attainment	Women of ages 20–24 years married before the age of											
	15 years						18 years					
	Pre-primary or	Primary	Middle	Secondary	Higher	Total	Pre-primary or	Primary	Middle	Secondary	Higher	Total
Total	12.1	6.9	5.0	3.6	1.0	7.5	36.6	25.1	21.2	15.8	4.6	24.7

Source: Multiple Indicator Cluster Survey (MICS) Sindh – 2018-19.

Labor Force Participation

The issue of girl child marriage is frequently linked to women’s labor force participation in literature as it has a delaying effect on marriage and can incentivize higher levels of education. Comparable LFS data from 2014–15 and 2018–19 (around the same period that child marriage data are compared) shows that women’s employment has declined in Sindh for both married and unmarried girls between the ages of 20 and 24 years. While unmarried girls’ share of employment has declined, their unemployment in the formal labor force has increased. Approximately 84.8 percent of girls aged 20–24 are not in the formal labor force, and a larger share of married women are employed as opposed to unmarried girls. The data puts to rest the assumption that unmarried women are more likely to be employed for work, but also suggests that a larger proportion of women are likely to be working formally after they have entered a marital union.

Table 7: Percentage of women of ages 20–24 years that are employed, unemployed or not in labor force by marital status in Sindh

Survey (LFS)	Percentage of not-married women				Percentage of married women			
	Employed	Unemployed	Not in Labor Force	Total	Employed	Unemployed	Not in Labor Force	Total
LFS 2014-15	13.1	4.4	82.5	100	16.0	2.8	81.2	100
LFS 2017-18	10.1	5.1	84.8	100	11.8	1.7	86.5	100

Source: - Labor Force Survey (LFS) 2014-15 & 2017-18

Age-specific labor force participation (LFP) amongst women and girls over the past five to seven years (see Table 8 below) also shows that while generally women’s participation in the formal economy has shrunk, it has reduced most significantly for the 20–24 age cohort compared to others, which also report higher incidence of marriage under 18 and 15 in the past five to seven years. The 30–34 age group is the only one that has seen an expansion in the percentage of girls in the formal labor force.

Table 8: Age-specific women's labor force participation rates by age in Sindh, 2014 and 2018–19

Women’s age group	%age of women and girls in formal labor force	
	LFS 2014-15	LFS 2017-18
15-19	9.7	↓ 8.1
20-24	18.2	↓14.3
25-29	19.2	↓ 16.1
30-34	16.9	↑18.9
35-39	18.1	↓ 17.4
40-44	17.6	↔17.6
45-49	18.4	↓ 15.5
15-49	16.3	↓ 14.9

Source: Labor Force Survey (LFS) 2014-15 and 2017-18

Contrary to findings in Balochistan (see separate report) coming from the LFS, working women aged 15–19 are more likely to be married in Sindh than unmarried. In other words, married women between the ages of 20 and 24 are more likely (62.4 percent) to be working than unmarried woman (37.7 percent). About 19.9 percent of girls between the ages of 15 and 19 are married, whereas a majority of 80.1 percent are not married.

Between 2014–15 and 2017–18, the proportion of unmarried women to married women in the formal labor force amongst women aged 15–19 changed across Sindh, with a drop in the number of unmarried women and an increase in married women between 15 and 19 years. For the 20–24 years cohort, however, the percentage of unmarried women in the labor force has increased, with a decline in the ratio

of married women of the same ages. The 2017–18 LFS also shows an increase in the ratio of unmarried women to married women making up the formal labor force by marital status from previous years (2014–15 – LFS), even though Sindh’s overall female workforce participation has declined between 2014–15 and 2017–18.

In addition to their overrepresentation in informal labor, a national survey found that women in elementary occupations (unskilled work) across Pakistan earned only 52 percent of the minimum wage level across all major industries.¹⁰² The lowest average wage of unskilled female workers is found in Sindh, where women earned only 49.08 percent of the minimum wage. Employment (across the industries of agriculture, manufacturing, construction, wholesale and retail, trade, transport, storage, communication, community/social and personal services) was estimated at a total of 14.4 percent in the province with only a 1.79 percent female employment rate.¹⁰³ The effects of girl child marriage on the informal economy which drives Sindh’s economy at large and comprises mainly of women, remain understudied.

Table 9: Percentage of employed women by age and marital status in Sindh, 2014–15 and 2017–18

Age	Percentage distribution of girls/ women employed – LFS 2014-14 and 2017–18					
	2014–15			2017–18		
	Unmarried	Married	Total	Unmarried	Married	Total
10 - 14 years	99.4	0.6	100	99.3	↑ 0.7	100
15 - 19 years	82.4	17.6	100	↓ 80.1	↑ 19.9	100
20 - 24 years	37.7	62.4	100	↑ 40.9	↓ 59.1	100
25 - 29 years	16.8	83.2	100	↑ 22.5	↓ 77.5	100
30 - 34 years	5.5	94.5	100	↑ 8.5	↓ 91.5	100
35 - 39 years	2.1	97.9	100	↑ 3.3	↓ 96.7	100
40 - 44 years	0.3	99.7	100	↑ 2.1	↓ 97.9	100
45 - 49 years	0.4	99.6	100	↑ 1.5	↓ 98.5	100
50 - 54 years	0.9	99.1	100	↑ 4.8	↓ 95.2	100
55 - 59 years	2.7	97.3	100	↑ 3.0	↓ 97.0	100
60 - 64 years	2.4	97.6	100	↑ 9.9	↓ 90.1	100
65 - 69 years	0.0	100.0	100	↔ 0.0	↔ 100.0	100
70 & above years	0.0	100.0	100	↔ 0.0	↔ 100.0	100
Total	24.7	75.3	100	↓ 23.3	↑ 76.7	100

Source: Labor Force Survey (LFS) 2014-15 & 2017-18

¹⁰² Saeed, B. (2017) Women & Living Wages in Pakistan. Islamabad, Pakistan: Centre for Peace and Development Initiatives (CPDI), p. 28.

¹⁰³ Labor Force Survey Annual Report 2017-18, Pakistan Bureau of Statistics.

Changes have also occurred within both the age structure of women’s labor force participation and types of work undertaken by women in the formal labor force. Based on disaggregation by occupation and age for all working women (ages 15–49), married or unmarried women/girls remain more concentrated in the skilled agriculture, forestry and fishery work (51.7 percent) which is, however, seeing a decline over recent years alongside an increase in women’s share in other professions, in particular, elementary or untrained manual work, or a push towards lower-end jobs. Women/girls’ participation in agriculture work also tends to increase with age, whereas their employment as professionals tends to be constrained with increasing age, being the highest for girls between the ages of 20 and 24 years across the 15-49 age group.

Table 10: Percentage distribution of working women by occupation and age in Sindh, 2017–18 and 2014–15

Occupation	%age occupational distribution by ages (2017–18)							Previous Total 2014–15 (LFS)	Total 2017–18 (LFS)
	15-19	20-24	25-29	30-34	35-39	40-44	45-49		
Managers	0.0	0.0	0.1	0.3	0.3	0.2	0.1	0.3	↑0.9
Professionals	0.6	2.7	2.1	1.5	1.2	1.1	0.9	7.4	↑9.9
Technicians and associated professionals	0.0	0.4	1.3	0.4	0.5	1.1	0.1	1.7	↑3.7
Clerical support workers	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.2	↔0.2
Service and sales workers	0.2	0.6	0.2	0.5	0.5	0.4	0.3	1.4	↑2.7
Skilled agricultural, forestry and fishery workers	6.1	6.4	8.1	8.6	8.9	7.7	5.9	69.6	↓51.7
Craft and related trades workers	2.6	2.5	2.0	1.8	2.6	1.4	0.9	10.2	↑13.7
Plant and machine operators, and assemblers	0.0	0.1	0.0	0.0	0.0	0.2	0.0	0.6	↓0.4
Elementary occupations	2.5	2.0	2.0	2.8	3.2	2.2	2.1	8.7	↑16.8
Total	12.0	14.6	15.8	15.7	17.3	14.3	10.4	100	100

Source: Labor Force Survey (LFS) 2014-15 and 2017-18

Sexual and Reproductive Health Indicators

Despite extremely high levels of girl child marriage in pockets across Sindh (Sindh MICS 2018–19), about 96.7 percent of girls aged between 15 and 17 years and 94.5 percent of girls aged 18–19 are not using any form of contraception and a mere 5.1 percent of girls aged 15–19 are using some method. According to the PDHS 2017–18, Sindh’s contraception prevalence rate (CPR) is 30.9 percent and its mCPR is 24.4 percent. Traditional method usage is 6.5 percent and unmet need for contraception 17.7 percent. The PSLM 2018–19 also shows Sindh to have a 30 percent CPR. When these averages are considered for different women’s age cohorts, some key insights emerge:

The absence of any method of family contraception declines significantly for girls aged between 19 and 24 years and improves between women aged 15 to 17 and 18 to 19 years. The uptake of any form of contraception amongst women aged 15–49 is lowest in division Mirpur Khas generally (including districts Mirpur Khas, Tharparkar and Umerkot), and younger girls aged 15–19 have a higher unmet need for

spacing than for *limiting births*. In division Larkana, whereas 82.7 percent women of reproductive ages between 15 and 49 years report not using any form of contraception, a larger concentration of girl child marriage hotspots are also located within the division, including districts Jacobabad, Larkana, Kashmore, Kambar Shahdadkot and Shikarpur towards the north-west of Sindh, adjoining southern Balochistan. These districts also have higher adolescent birth rates (age-specific fertility rate for women aged 15–19) compared to other districts, being as high as 125 in district Kashmore (where 42.9 percent of women aged 15–19 report being married before 18, and 12.9 percent before 15 years), to as low as 9.4 percent in Karachi (central) (where about 6.4 percent of girls are married before 18 years, and 0.8 percent before 15 years). Districts Kashmore and Jacobabad also have a higher percentage of women aged 20–24 who had a live birth before 18 years at 26.8 percent and 22.8 percent in the two districts, respectively (MICS 2018–19).

Generally, girls of ages 15–19 years across Sindh have a larger reliance on traditional methods for contraception than any other, and a mere 4.9 percent of girls aged 15–19 are having their demand for modern methods of contraception satisfied. There are big differences between girls aged 15–17 and 18–19 years having their family planning demand satisfied with any or modern contraception: 20.2 percent of women of ages 18–19, with 19.3 percent using modern methods, and a negative (-)14.4% for girls aged 15–17 years, for both any method or a modern method.

While first pregnancy may be imminent for those married between the ages of 15 and 19, in the absence of contraception or low levels of uptake, maternal mortality ratio (MMR), which is intricately linked to girl child marriages, remains high in Sindh. About 11.6 percent of women aged 20–24 have had a live birth before age 18 (MICS 2018–19) and the Pregnancy-Related Mortality Ratio (PRMR) is 345 deaths per 100,000 live births in the province (Pakistan Maternal Mortality Survey, 2019). Sindh has the second highest PRMR after Balochistan (358/100,000 live births), which is also much higher than the national average of 251/100,000 live births. National data also show that girls aged 15–19 are nearly twice as likely to die due to pregnancy-related issues (PRMR of 249) than those in the 20–24 age bracket (PRMR of 131) overall in Pakistan, which is also true for Sindh.¹⁰⁴ Although there have been steady improvements in maternal healthcare indicators including for women aged >20 years receiving ANC from a skilled provider in Pakistan overall (increase from 26 percent in 1990–91 to 86 percent in 2017–18), and the percentage of deliveries at health facilities has also increased significantly (from 13 percent to 66 percent), about 34.1 percent of women aged <20 years had no access to skilled birth attendance in Sindh in 2017–18 despite high levels of girl child marriages.

A review of changing trends in Sindh whilst keeping the issue of girl child marriage central to the discussion reveals a mixed picture in terms of correlations; whereas some indicators have improved (e.g., improved SRHR service coverage, birth registration, reduced poverty and so on, others have deteriorated (such as reduced access to education and means of information, increased intensity of poverty). These indicators do not always coalesce with changing patterns of girl child marriage incidence, but it can be observed (to

¹⁰⁴ Pakistan Maternal Mortality Survey, 2019. Available at: <https://dhsprogram.com/pubs/pdf/PR128/PR128.pdf>, p. 22.

a certain extent) that districts where there are high levels of reported girl child marriage, generally also lag in terms of development status.

While numbers and statistical analyses are important in pinpointing and partially describing where a problem lies and its intensity/frequency, they in themselves do not explain why the problem exists/persists—which could result from a variety of different technical and social factors working in combination—or what could be done about it (refer to analysis framework). Numbers taken out of context can also mislead policies and interventions. In terms of the context, districts with the highest girl child marriage prevalence in Sindh need to be contrasted with those reporting lower incidence on multiple levels (DHS, MICS, law enforcement, courts, child protection services, and so on), to determine which factors may be more strongly associated, which may be confounding or spurious, and which may cast an influence in their interplay. For example, places such as Jacobabad, Kashmore and Umerkot where around 40 percent are married before reaching the age of 18 years, are some of the hottest cities in the world, with summer temperatures soaring as high as 52° C in Jacobabad, and have severe scarcity of rainfall along with remote access to fresh water. Whereas Jacobabad has a predominantly Sindhi-speaking population, Kashmore is more diverse, with around 45 percent Sindhi-speaking and 43 percent Balochi-speaking inhabitants (Population and Household Census 1998). District Naushahro Feroze, which has seen the most rapid increase in girl marriages under 18 years, is culturally much more diverse, with Urdu, Hindi, Punjabi and Balochi-speaking populations and an 88 percent Sindhi-speaking peoples.

While these areas are facing all the effects of climate change such as heatwaves, desertification, droughts, reduced underground water aquifers or salinity of underground water, general environmental degradation and so on—causing both men and livestock to move out seasonally or permanently—women and girls are generally also facing increased burden of work (for example for collecting water and managing the household in the absence of men) and difficult access to basic services related to health, education and livelihood support. While Sindh has an upcoming provincial Policy on Climate Change, it does not effectively integrate gender or women and girls' SRHR.

Given that all the factors discussed above make up and potentially influence or shape the larger environment in which girl child marriages occur, the following sections provide a basic overview of key foundational factors (as gleaned from literature) such as the influence of history, demographics, geopolitics, geography and climate, gender, class and minority status-based discrimination and the trajectory of overall development that are relevant to the issue of child marriage in Sindh. Collectively, they help map out the context and identify structures that influence decision-making, which may be individuated or affect specific communities more acutely. This discussion is followed by an exploration of institutional factors and the interplay between formal laws and informal processes that create certain authorizing behaviors that encourage girl child marriage or fail to discourage/curb it, despite the presence of a dedicated law and related structures and mechanisms put in place variably across Sindh.

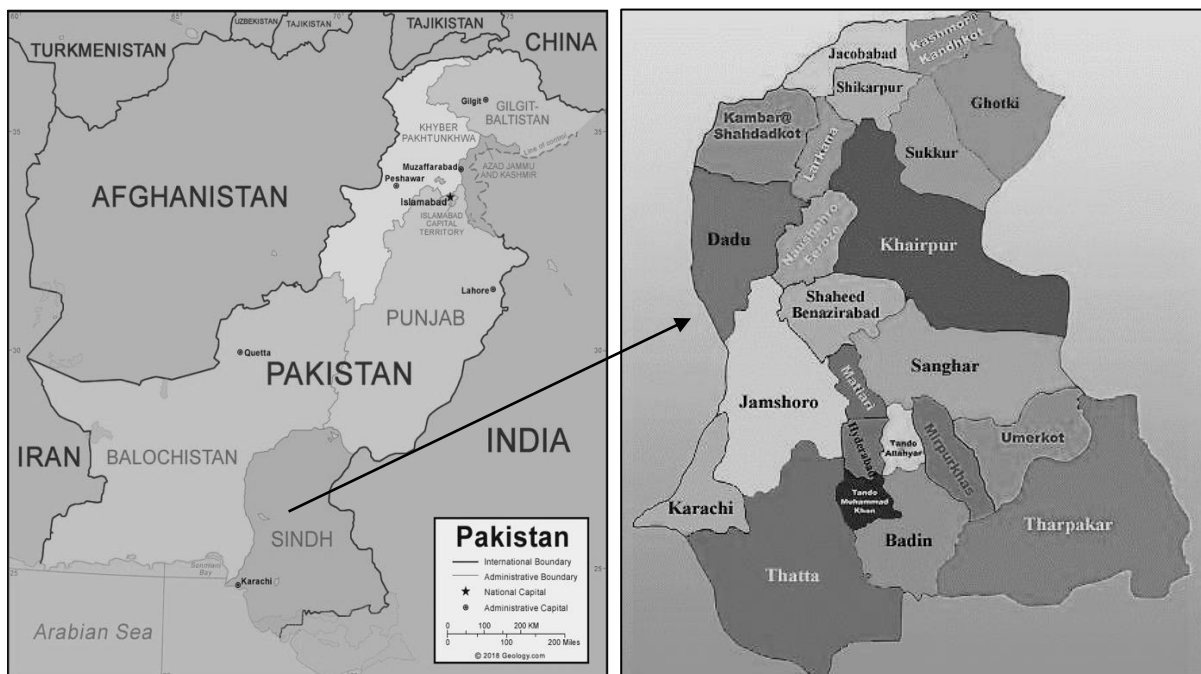
4. Foundational Factors: The Context of Sindh

Political history backdrop

Situated in the south-east of the country, Sindh is the third largest province of Pakistan by area, and the second largest province by population after Punjab. It shares a border with relatively underdeveloped districts of the Punjab province to the north and Balochistan province to the west and lies adjacent to the Indian states of Gujarat and Rajasthan to the East. To its south lies the Arabian Sea with two main commercial ports attached to the capital city of Karachi.

The largest and the capital city of Sindh is district Karachi, which is further bifurcated in six administrative zones (east, west, south, central, Korangi and Malir) due to its size and population. According to tax analysis carried out by the Federal Board of Revenue (FBR) for the tax year 2018 based on a city-wise breakup, Karachi city accounts for about half of the total FBR tax collection across the country and contributes 25 percent to the national Gross Domestic Product (GDP).

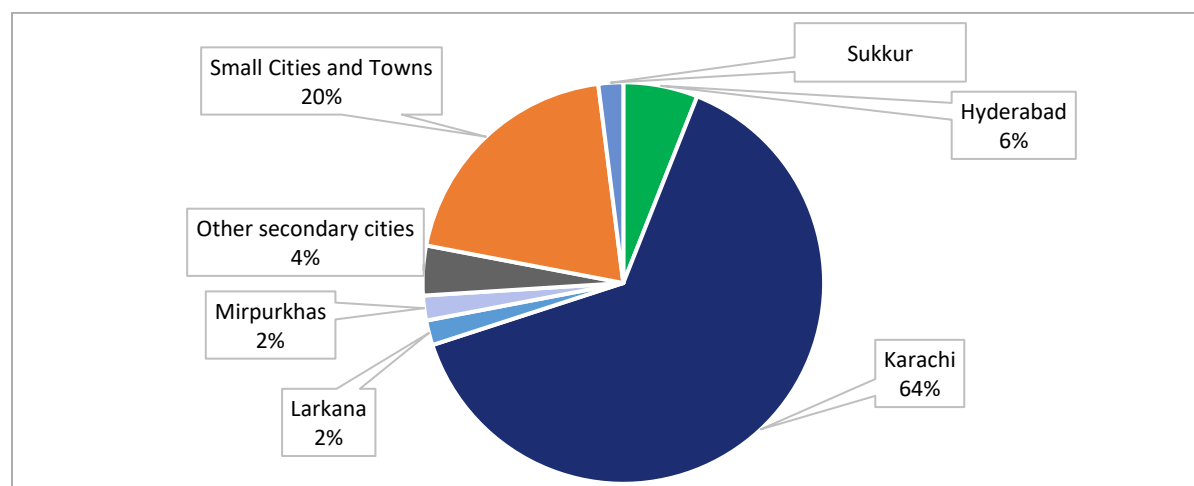
Figure 4: Map of Sindh Province



According to the Pakistan Bureau of Statistics (PBS) Population and Housing Censuses, the Sindh Province is the most urbanized province of Pakistan with a 52 percent urban population. The province has two metropolitan cities: Karachi and Hyderabad. There are also 148 secondary cities¹⁰⁵ and small towns (see Figure 1 below). Most of the secondary cities of the Sindh province lie either on the left or right bank of the Indus River. Districts Sukkur, Shikarpur, Larkana, Jacobabad, Dadu, Jamshoro and Thatta are on the right of the riverbank, while Ghotki, Khairpur, Naushahro Feroze, Shaheed Benazirabad (previously Nawabshah), Sujawal and Mirpur Khas are on the left bank. The surrounding rural areas of these secondary cities have agriculture and fisheries as their primary source of income.¹⁰⁶

While the river is the mainstay of the economy of Sindh, rural communities and small townships on both banks of the river have grown over time. Although largely tribal through most of its history, the province has seen developments in both agriculture and the emergence of strong mercantilism in the larger cities.

Figure 5: Urban Population Share of Major Cities of Sindh Province, 2017



Source: Kalwar, S. et al. (2018) "Development Framework for Agro-Based Industries in Secondary Cities of Sindh Province, Pakistan: SWOT Analysis of Ten-Year Perspective and Medium-Term Development Framework Plans", p.5¹⁰⁷

Sindh was foremost amongst all Muslim-majority provinces of pre-partition India to support the creation of Pakistan, passing a resolution to this effect in 1943. Following the Masjid Manzilgah riots of 1939 in Sukkur, there was a gradual build-up of political consensus towards Muslims and Hindus being two distinct nations as communal tensions brewed between the Hindu-dominated Congress and the Muslim-dominated Muslim League, underscoring the makeup of the Sindh's first Legislative Assembly.

¹⁰⁵ The terms 'secondary city' was popularized in the 1970s by Rondinelli (see Rondinelli, D. A. (1983) *Secondary Cities in Developing Countries: Policies for Diffusing Urbanization*, California: Sage Publishing). According to the World Bank, 'secondary cities are geographically defined urban jurisdictions or centers performing vital governance, logistical, and production functions at a sub-national or sub-metropolitan region level within a system of cities in a country. In some cases, their role and functions may expand to a geographic region or the global realm'. CIVIS (2014) *The Systems of Secondary Cities: The neglected drivers of urbanizing economies*.

¹⁰⁶ Planning and Development Department, Government of Sindh. Directorate of Urban Policy and Strategic Planning; Planning and Development Department, Government of Sindh: Karachi, Pakistan, 2017.

¹⁰⁷ Saima Kalwar & Melasutra Md Dali & Norhaslina Hassan, 2018. "Development Framework for Agro-Based Industries in Secondary Cities of Sindh Province, Pakistan: SWOT Analysis of Ten-Year Perspective and Medium-Term Development Framework Plans," *Sustainability*, MDPI, Open Access Journal, vol. 10(4), pages 1-21, April. p 5.

In their recounting of the role of provincial political leadership in shaping the current polity of Sindh, Fatima Riffat et al.¹⁰⁸ refer to two main economic strata in the Muslim majority provinces of Sindh, Punjab, Bengal, and North-West Frontier Province (NWFP) at the time of partition and the years preceding it: the upper-class consisting of landlords, and the lower class comprising mostly peasants, laborers and artisans. In the absence of a middle class and adult franchise (till 1970),¹⁰⁹ patron-client relations characterized shared power holdings between Muslim leaders belonging mostly to the landed aristocracy, moneyed urban class, influential religious *ulema* and *pirs* on one side, and laborers, artisans, and *hari* (peasants) and lower strata of the society on the other.¹¹⁰

At the time of Partition, Sindh's economy relied mainly on agriculture which further propelled the rise of the landowning class as an elite group able to "parlay control over land, tenants and customary loyalties (e.g., *beradri*) into political power".¹¹¹ Even though smaller parties have emerged over time to challenge the dominance of traditional power wielders, including by "cultivating a grassroots base and campaigning on issues of concern to both poor and rural communities",¹¹² feudal elitism reproduced on the basis of political entrepreneurship and leadership within certain key families, and their extended kinship groups, *beradris* and the like, continues to be central to the patron-client character of politics and governance within Sindh. The power imbalances are also evident in terms of land distribution and concentration within the province, that may vary not just between the few-rich and most-poor overall, but also in its characteristics among villages within Sindh.¹¹³

In parts of the province, the divergent histories and ethnic identities have also spurred nationalist and secessionist movements that, at times, have directly challenged the federal government.¹¹⁴ The province is also divided along ethnic lines with a population divided between indigenous Sindhis, Mohajirs, Baloch, Punjabis, and Pashtun populations. A large part of the landed class, however, still controls the legislature, the executive branches, and the bureaucracy and occupies important civil positions including in the judiciary.

In 2001, Sindh got its first set of governance rules in the form of the Sindh Local Government Ordinance, 2001.¹¹⁵ The Ordinance replaced the Commissionerate system that allowed the appointment of local government officers as opposed to democratic elections. The Ordinance, however, cut out the provincial government in deciding who should be given key positions in the government. In 2010, when the term of local governments had ended, the Sindh government promulgated the Sindh Local Government Act, 2013, which reinstated the Commissionerate system. The tugging between centralist and diffused systems of governance has had a lasting impact on overall development in Sindh, and the accessibility and representativeness of leadership at the local level.

¹⁰⁸ Riffat, F., Chawla, M. I. and Tariq, A. (2016) 'A History of Sindh from a Regional Perspective: Sindh and Making of Pakistan', 53(1), p. 17.

¹⁰⁹ The first general elections since independence in 1947.

¹¹⁰ Riffat, F., Chawla, M. I. and Tariq, A. (2016) 'A History of Sindh from a Regional Perspective: Sindh and Making of Pakistan', 53(1), p. 17

¹¹¹ Mezzer, M. and Aftab, S. (2009) 'Pakistan State–Society Analysis'. Democratization and Transitional Justice Cluster Country Case Study, p. 18.

¹¹² Nadvi, K. and Robinson, M. (2004) Pakistan Drivers of Change: Synthesis and Policy Implications. Institute of Development Studies, p. 77.

¹¹³ Ibid. page 58-59.

¹¹⁴ Mezzer, M. and Aftab, S. (2009) 'Pakistan State–Society Analysis'. Democratization and Transitional Justice Cluster Country Case Study, p. 18.

¹¹⁵ Sindh Local Government Ordinance, 2001. Government of Sindh.

Demographic Trends

According to the 2017 district-wise census results, Sindh is home to 47,886,051 people spread over 140,914 sq km (54,407 sq mi) and 29 districts.¹¹⁶ The sex ratio between men and women, according to the 2017 Census, was 108.58:100.

Sindhis are the main ethnic group in the province, but there is also a significant presence of other groups. Sindhis of Baloch origin make up about 30 percent of the total Sindhi population (although they speak Sindhi Saraiki as their native tongue), while Urdu-speaking Muhajirs make up over 19 percent of the total population of the province, Punjabi are 10 percent and Pashtuns represent seven percent.

According to the PDHS 2017–18, Sindh has a male to female ratio of 50.24:49.76. The adolescent age group (10–19 years) constitutes 22.62 percent of the total male and female population, with girls outnumbering boys for both 10–14 and 15–19 age cohorts.

According to the Pakistan Social and Living Measurement Survey (PSLM), 2014–15, the total adult literacy rate in Sindh is 56 percent, with 67 percent adult literacy rate amongst males and 43 percent amongst females. This indicates a one percent increase for women since 2007, and a two percent drop for males over the same period. The PSLM 2014–15 is instructive in that the overall education trends for girls show a deterioration over a range of indicators in Sindh between 2007 and 2015, while many indicators have remained stagnant (discussed in more detail under the Technological Progress and Overall Development section). The MICS 2018–19 suggests that 48.2 percent of girls compared to 61.2 percent boys of aged 15–24 are literate; the lowest literacy amongst girls is found in District Kashmore which also has the second highest prevalence rates for girl child marriage under both 15 and 18 years after district Jacobabad. District Sujawal (13.8 percent) and Umerkot also have some of the lowest literacy rates for girls between 15 and 24 years (13.8 percent and 14.3 percent respectively), but Sujawal's girl child marriage prevalence is nearly half that of Umerkot (which ranks third from the top across Sindh). Jacobabad, however, where girl child marriages are most common, also presents the third lowest literacy rate for boys (36.8 percent) following Sujawal (26.8 percent) and Badin (34.5 percent). The literary figures therefore do not coincide exactly with varying levels of girl child marriage prevalence.

Further, the overall proportion of men to women between the ages of 18 and 24 years that have Computerized National Identity Card (CNIC) registration as proof of citizenship in Sindh is 1.93:0.55 (PDHS/NIPS, 2017–18). Data compiled by the Free and Fair Election Network (FAFEN) in 2013 further show that although there was little difference between men and women in Sindh possessing CNICs (87 percent men, 84 percent women), there are significant disparities in CNIC ownership between younger and older women particularly in Sindh (and Punjab): in Sindh, only 58 percent of women aged 18–24 reported possessing a CNIC (which is usually not made until needed), compared to 85 percent amongst women in the 25–34 age group. In urban areas of Sindh, only 13 percent of women aged 18–24 reported having a CNIC the same year. The report also suggests that women in more populous cities across Pakistan

¹¹⁶ See Wayback Machine archive.org.

(including Sindh) were far less likely to possess a CNIC and the ratio of women having CNICs improved with higher levels of wealth and age but not necessarily by location.¹¹⁷

Table 11 below shows the district-wise percentage of children under the age of five that had their births registered (MICS 2014 and 2018–19). There are significant changes across districts, with District Larkana showing the greatest increase for registered birth at +39.4 percent. In 10 districts, the percentage of registered births of children under five has declined over the past five to seven years, even though overall the province has seen an increase of 4.9 percent in terms of birth registration. The greatest downside is seen in District Jamshoro (-15.1%) and Dadu (-12.6%). The provincial average of all children’s births registered before the age of five is a mere 34 percent, the low levels of which is tied to low school enrollment (due to missing documentation), and later issuance of the CNIC.

Table 11: Percentage of children under age five by whether birth is registered, by district in Sindh, 2014 and 2018–19

District	Percentage of children under the age of five		%age change
	2014	2018–19	
Badin	3	16.4	13.4
Dadu	15.3	2.7	-12.6
Ghotki	12.8	4.3	-8.5
Hyderabad	39	59.5	20.5
Jacobabad	6.4	12.7	6.3
Jamshoro	29.7	14.6	-15.1
Kambar Shahdadt	11.2	12.6	1.4
Karachi:			
Karachi Central	78.9	78	-0.9
Karachi East	57.5	76.8	19.3
Karachi Korangi*	N/A	68.8	N/A
Karachi Malir	51.9	55.4	3.5
Karachi South	73.6	71.4	-2.2
Karachi West	58.5	79.6	21.1
Kashmore	6.2	27.7	21.5
Khairpur	17.8	4.8	-13
Larkana	6.5	45.9	39.4
Matiari	11.9	11.7	-0.2
Mirpur Khas	6.1	19.9	13.8
Naushahro Feroze	6.4	30.4	24

¹¹⁷ IFES (2013) Survey Assessing Barriers to Women Obtaining Computerized National Identity Cards (CNICs). Washington, D.C.: International Foundation for Electoral Systems.

District	Percentage of children under the age of five		%age change
	2014	2018–19	
Sanghar	18.1	14.3	-3.8
Shaheed Benazirabad	17.7	16.7	-1
Shikarpur	13.1	24.3	11.2
Sujawal	3.4	5.9	2.5
Sukkur	17.8	21.5	3.7
Tando Allahyar	17.2	30.2	13
Tando Muhammad Khan	6.8	4.6	-2.2
Tharparkar	11	30.7	19.7
Thatta	5	22	17
Umerkot	2.9	36.3	33.4
Total	29.1	34	4.9

Source: Multiple Indicator Cluster Survey (MICS) Sindh – 2014 & 2018-19

Geographic and Climatic Conditions

Pakistan was placed fifth on the list of countries vulnerable to climate change by the Global Climate Risk Index for 2020. A study¹¹⁸ that considered droughts between 1951 and 2010 in Sindh shows that the frequency of mild droughts has increased in northern Sindh, while intense and severe droughts are reported in southern Sindh. Tando Muhammad Khan, Tando Allah Yar, Tharparkar, and Umerkot are highly vulnerable to drought and are among the top-ten poorest districts in the province.

Extreme weather patterns, shrinking agriculture, sea erosion (particularly along the Indus River delta islands, mainly in the Thatta, Badin and Sajawal districts of the southern Sindh province), and lingering dry spells have caused widespread migration of climate/environmental refugees within Pakistan in the past decade. Climate-induced displacement has not only been high in Sindh, but all over Pakistan. In 2010, some two million people were displaced by floods that inundated one-fifth of the country, compelling many climate refugees to move towards urban cities. Most of those displaced within Sindh were already living in abject poverty and rendered homeless as their houses and means of livelihood were inundated—many did not return and settled permanently in the peripheries of urban cities. The destruction caused by recurring floods and natural disasters over the past decade includes schools, health centers and basic infrastructure which remains unrestored in the more remote areas of the Sindh and Balochistan provinces. Climate-induced displacement and permanent migration due to intense heatwaves in parts of interior Sindh have also added further stress to urban cities, particularly the peri-urban areas and *goths* (shanty

¹¹⁸ Adnan, S., K. Ullah, and S. Gao. 2015. "Characterization of Drought and its Assessment over Sindh, Pakistan during 1951-2010." *Journal of Meteorological Research* 29(5): 837–857.

towns) occupied by many economically and socially vulnerable groups including but not limited to climate refugees.^{119, 120}

According to a 2015 study by PILER,¹²¹ approximately 76 percent of rural families in agrarian Sindh are landless, and work on lands owned by a mere 1.3 percent of large farmers in the province. The landowning class includes families of feudal and tribal chieftains. In the presence of extremely skewed landholdings, Sindh also has the highest number of debt-bondage labor, which the International Labor Organization (ILO) refers to as endemic.

While climate change has been shown to affect women and girls more than men due to gendered difficulty in accessing relief and lower adaptation and resilience, the fact that they own very few productive resources is an added point of vulnerability. It also contributes to their lower adaptation capacity and ability to resist negative coping mechanisms used by families during climate shocks which includes early marriage, amongst others. According to PDHS/NIPS, 2017–18, about 98.2 percent of women in Sindh do not own a house either in their name or jointly, and only 0.8 percent women own land in their name alone as compared to men (25 percent). Women’s house ownership is higher in urban areas compared to the rural areas of Sindh. The land ownership is worse, with only 0.3 percent of women owning land in their name alone, and 99.1 percent not having any form of ownership, jointly or alone.

Table 12: Percent distribution of ever-married women and men aged 15–49 by ownership of housing and land

	Percentage who own a house					Percentage who own land				
	Own House Alone	Own House Jointly	Own House Alone and Jointly	Do not own House	Total	Own Land Alone	Own Land Jointly	Own Land Alone and Jointly	Do not own Land	Total
Women										
Sindh	0.8	0.7	0.2	98.2	100	0.3	0.6	0.0	99.1	100
Urban	1.2	0.4	0.2	98.2	100	0.3	0.2	0.1	99.4	100
Rural	0.4	1.1	0.1	98.3	100	0.3	1.0	0.0	98.7	100
Men										
Sindh	25.0	40.6	1.4	33.0	100	3.9	10.7	0.3	85.0	100
Urban	18.1	38.8	1.7	41.4	100	2.9	3.3	0.2	93.6	100
Rural	33.8	42.9	1.1	22.2	100	5.2	20.4	0.3	73.8	100

Source: Pakistan Demographic and Health Survey (PDHS) 2017-18

¹¹⁹ In the city of Karachi alone, there are an estimated 300,000 Afghan refugees, 250,000 of whom are involved in waste collection and processing, facing high exposure to health hazards in their daily work. Many of them are not registered for social protection or civic registration.

¹²⁰ Bilal Karim Mughal and Saheer Baloch (14 September 2017). The woes of Bengalis, Burmese and Iranians of Karachi. DAWN Herald.

¹²¹ Kaiser Bengali (2015) Profiles of Land Tenure System in Pakistan (p.24-25). Karachi, Pakistan: PILER.

Culture, Social Structures and Gender Inequalities

A major source of tension in terms of cultural acceptance of girl child marriage is rooted in the unequal power relations which are highly gendered and pre-date the formation of the country. Child marriages generally have been a socially accepted norm whether they were practiced to ensure continuity of the family or clan, to gain political, social and financial favor and patronage, or to protect agnate private property. Over time the practice has also morphed to include marriages of girls as young as three as a means to settle feuds, remove debt, reduce liability, and secure the interests of other members of the household.¹²² In Pakistan, the practice has co-evolved with social constructs of honor, respectability, the intermingling of religious injunctions, into both customary and codified law, the changing state of development and the economic and social compulsions resulting from these developments.¹²³ In kinship-based societies such as Pakistan, where collaboration and cooperation are key to maintaining the political, social and economic order, the functionality of old practices and social norms such as child marriage have routinely clashed with penal laws and community systems of justice and peacekeeping, and the normatively liberal human rights agenda.

In Pakistan as in other countries in South Asia, the practice of girl child marriages is intractably linked to deeply entrenched patriarchal, social, and cultural norms that permeate both society and state policies. The pervasiveness of patriarchal values is reflected in Pakistan's Global Gender Gap Index, 2020, which places the country in the third position from the bottom (151 out of 153 countries). It is also captured in national and sub-national gender indicators that reveal women and girls' overrepresentation in informal and precarious work; low educational, vocational, and technical skill attainment; high and relatively stagnant adolescent fertility rates; creeping or stagnant contraception prevalence rates, and a reversal towards traditional methods. There is also limited participation in public and political life; restricted mobility; widespread acceptance of domestic violence and high impunity for violence against women and girls. These go with limited access to quality and timely information (whether related to health or legal rights); unequal access to health and justice services; limited ability to make independent decisions related to health or otherwise; and lack of social support, safety nets and protective services.

Social-cultural values and norms, which are often articulated in religious terms, have also been highlighted repeatedly by local researchers, activists, and academics as the key drivers of harmful practices against women and girls in Pakistan, constituting the most obstinate of all structural and institutional forces¹²⁴ that permeate both state and society, thwart human progress and stunt economic growth. Not only do these take resources and capacities away from women and girls, but recent estimates also show that about US\$19 million alone is spent on violence-related expenditure annually by Pakistani households (not

¹²² Interview with Samar Minallah. In Sarah Zaman (2013) Forced marriages and inheritance deprivation study, Aurat Foundation. Islamabad

¹²³ UNICEF and UNFPA (2018) Key Drivers of the Changing Prevalence of Child Marriage in Three Countries in South Asia: Working Paper. Kathmandu.

¹²⁴ Shaheed F. et al. (2019) Humsathi: Empowering Girls to Become Their Own Advocates and Boys as Allies to End Early Child and Forced Marriage. Final Technical Report (p.2). Lahore, Pakistan: Shirkat Gah-Women's Resource Centre, p.2.

specifically involving girl child marriage)¹²⁵ Of this figure, intimate partner violence accounts for about US\$11.7 million, of which about 90 percent is health-related.¹²⁶

Nearly half (49 percent) of women in Sindh felt that a husband was justified in hitting or beating his wife in at least one of five situations; for instance, going out without telling the husband; neglecting children; arguing with husband; refusing sex; and burning food, in 2014 (MICS 2014). In 2018–19, however, the MICS shows a decline amongst women justifying domestic violence (DV) by the husband, with the latest figures showing 32.1 percent of women aged 15–29 justifying it for any of the five reasons mentioned above. The reasons for this change are not fully known/explored and need further investigation; nevertheless, increase in girl child marriage is not coinciding with an increase in reported justifications for DV amongst women and girls.

Though overall the percentage of women justifying DV has declined, there are divisional and age differences. For instance, whereas the Sukkur and Mirpurkhas divisions noted the highest percentage of women justifying DV in 2014–15, in 2018–19 Shaheed Benazirabad (which was added as a new division in the 2019–19 survey) reported the highest justification rate (at 48.8 percent). In terms of age, the latest MICS shows that there are higher chances of older girls (between the ages of 18 and 19 years) justifying DV (28.8 percent) than girls aged between 15 and 17 years (25.8 percent). Overall, justification for DV increases as more justifications are added (MICS 2014), as wealth and educational levels drop, and as women’s ages increase (from amongst women aged 15–49). The increasing trend of justifying violence by age challenges the understanding that younger girls may be justifying and possibly accepting DV less than older women.

Technological Progress and Overall Development

At the macro level,¹²⁷ UNICEF’s South Asia report identifies various factors that may have a strong influence on child marriage, including factors such as the overall economic situation of a country and the region it is situated in; demographics; macro-economic factors (including gross domestic product and spending propensity; economic downturns and crises; and the overall state of investments in public amenities and infrastructure); state fragility;¹²⁸ labor force participation; social policies; and migration patterns in the region.¹²⁹

The UNICEF report also asserts that though evidence is clear on the negative association between girl child marriage and economic development, such development in the context of child marriage tends to be largely ignored by different interventions across Pakistan. The study also cautions that larger economic developments cannot automatically reduce the practice especially when it “fails to reach women and girls

¹²⁵ Khalida Ghaus et al. (2019) Economic and Social Costs of Violence Against Women in Pakistan: Summary Report. Galway: Social Policy and Development Centre (SPDC), NUI Galway, Ipsos Mori, and International Centre for Research on Women (ICRW), p 82.

¹²⁶ Costing studies on violence against women and girls, while arguing against lost wages and productivity, tend to steer the conversation away from the normative human rights framing of the issue.

¹²⁷ For a more detailed discussions on macro-economic drivers of child marriage, see, Parsons et al. (2015) Economic Impacts of Child Marriage: A Review of the Literature, *The Review of Faith & International Affairs*, 13:3, p. 12–22, DOI: 10.1080/15570274.2015.1075757.

¹²⁸ Pakistan ranks 14th in a list of 178 countries on OECD’s 2016 list of fragile states – OECD, *The Fragile States Index*, 2016, p. 21).

¹²⁹ UNICEF and UNFPA (2018) Key Drivers of Changing Prevalence of Child Marriage Across Three Countries in South Asia. Kathmandu, p.9.

or reaches those with lower levels of education.¹³⁰ The social acceptability and legitimacy of the practice based on socio-cultural imperatives also effectively cancel out benefits from macro-economic indicators.

At the time of the literature review, no national costing studies were available to the author to determine household expenditure in relation to child marriages; however, a provincial study by the National Commission on the Status of Women (NCSW) and UN Women in the provinces of Punjab and Khyber Pakhtunkhwa (KP) suggests that the Punjab incurs a loss of 0.275 percent of the total value of GDP value at the provincial level due to child marriage, whereas in KP this cost is 0.4 percent of the total value of the provincial GDP.¹³¹ The differences are due to the higher prevalence of child marriage in KP compared to Punjab. Overall, the study notes that while the consequences of child marriage are felt most adversely at the individual level, they can have far-reaching effects at both national and local levels in the form of lost earnings and intergenerational transmission of poverty.¹³²

Although the Sindh government has increased allocations for certain priority sectors over the past decade following devolution, much of this additional funding has gone towards increased pay, allowances, and pensions of government employees.¹³³ Government employee-related salaries and allowances constitute the largest component of recurrent expenditures, rising from 33 percent in 2012 to 46 percent in 2015. There are also issues of budget credibility due to the misuse of contingency budgetary instruments.¹³⁴ As the national budgetary system does not allow any allocation for contingency expenditures and instead allows central and line departments to change the approved budget allocations in response to “emerging situations”, changes to these may be subject to political expediencies.

In terms of education for girls Sindh’s Gross Enrollment Ratio (GER) for female students at the primary level declined to 69 percent in 2014–2015, from 71 percent in 2012–2013 (PSLM).¹³⁵ Decline was reported at mid-level education (middle school) with 48 percent in 2014–2015 as compared to 49 percent in 2012–2013, which declined further in 2018–19 (PSLM). Transition rates have stayed low between primary, middle and secondary education specifically for girls, although there was an improvement of a few points in girls’ primary school dropout over this period. The net enrollment rate for primary and middle school for girls for 2018–19 (PSLM) depicts a dismal picture, where girls’ net enrollment in middle school in rural areas of Sindh is worse than their rural counterparts in Balochistan, although higher urban enrollment for girls in Sindh tends to drive up the total net enrollment for the province. Gender disparities in school enrollment are also clear for girls and boys from the ages of 4–13 where girls are less likely to be enrolled at all levels, although the largest gender-based discrepancy is found in the 11–13 and 6–10 age cohorts.

¹³⁰ Ibid, p. xx.

¹³¹ The study uses regression analysis and simulation based on existing studies to infer the relationship between child marriage rate and GDP per capita growth. The cost on GDP has been estimated using a partial equilibrium approach which assumes that returns of different factors do not change over time. Further, the effects are estimated using direct impact on GDP and does not consider indirect benefits to GDP via reduced fertility and improved education.

¹³² National Commission on the Status of Women and UN WOMEN (2020). Costing Study on Child Marriage in Pakistan: A Report on Punjab and Khyber Pakhtunkhwa 2020. Child Brides - The Cost We Bear. Islamabad.

¹³³ World Bank Group (2017) Sindh Public Expenditure Review (p.9). World Bank, Washington, DC. DOI: 10.1596/29264.

¹³⁴ Ibid.

¹³⁵ Pakistan Standard of Living Survey, 2013-14.

Apart from school enrollment, the number of schools and learning institutes for girls has not increased, in fact has declined or stayed static over the years (see Table 13, 14 and 15 below):

Table 13: Net Enrollment Rate (Primary Schools) for Boys and Girls in Sindh

Residence	Aged (6–10)			Aged (5–9)			Aged (4–9)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Urban	73	68	71	59	56	57	70	65	67
Rural	56	38	48	45	33	39	47	33	40
Total	64	52	58	51	44	48	57	48	53

Table 14: Net Enrollment Rate (Middle Schools) for Boys and Girls in Sindh (PSLM, 2018–19)

Residence	Aged (10–12)			Aged (11–13)		
	Male	Female	Total	Male	Female	Total
Urban	22	23	23	42	40	41
Rural	13	6	9	25	11	18
Total	17	14	16	33	26	30

Source: Pakistan Social & Living Standards Measurement Survey 2018–19 and Household Integrated Economic Survey (HIES) 2018–19. Government of Pakistan. Pakistan Bureau of Statistics, Government of Pakistan, & Ministry of Planning Development & Special Initiatives. Islamabad, Pakistan.

Table 15: No. of learning institutions in Sindh, 2014–2017

No of Learning Institutions in Sindh	2014–15		2015–16		2016–17	
	Male	Female	Male	Female	Male	Female
Primary Schools	35,873	5,851	35,420	5,711	33,829	4,303
Middle Schools	1,700	616	1,736	593	1,696	545
Secondary Schools	1,408	593	1,418	562	1,473	537
Intermediate Colleges	19	20	9	10	6	9
Post Graduate Colleges	8	5	8	5	9	5
Technical Colleges and Polytechnic/ Monotechnic Institutions	63	8	64	8	65	8
Vocational Learning Institutes	39	100	39	100	39	100
Total	39,110	7,193	38,694	6,989	37,117	5,507

Source: Sindh Development Statistic, 2018. Sindh Bureau of Statistics, 2017. Note: SEMIS data, excludes private institutions

In terms of access to sources of knowledge and information, women’s exposure (between the ages of 15 and 49 years) to any form of mass media at least once a week (newspaper, television, magazine or radio) has declined between 2014–15 and 2018–19, from 70.4 percent to 55.5 percent across Sindh (MICS 2014

and 2018–19). Only 0.3 percent of all women aged 15–49 have ever used a computer in District Tharparkar (and only 8.1 percent have exposure to any form of mass media once a week followed by Kashmir at 18.1 percent), followed by 0.9 percent of women ever-users of computers in Kashmir, 1 percent in Matiari and 1.1 percent in Umerkot. Although exposure to media has increased dramatically across Pakistan in the past decade, Sindh shows a disturbing trend where women and girls have less access than they did five to seven years ago.

Plan International’s research¹³⁶ suggests that people who report not using any media source have significantly higher child marriage acceptability scores than those who reported frequently using any one source of media. The use of mobile phones amongst women (an average of 50.4 percent of women aged 15–49 having used a mobile phone at least once a week during the last three months) is also said to have had a direct influence on socio-cultural norms surrounding marriage in many parts of Pakistan. Even though Sindh is seeing a decline in women’s usage of mass media, evidence from the field¹³⁷ and interviews with experts suggests a growing sense of insecurity towards girls and boys who may find means of technology to connect with each other.¹³⁸ The increasing use of social media has also had a two-fold impact: raising awareness on a number of issues for communities that are cut off from the mainstream, and a sense of fear of videos that capture injustices going viral on social media. Indeed, whereas online spaces are not just being increasingly populated by people with no previous access to state officials (now enabled via Twitter handles and TikTok, etc.), some reports also capture increasing instances of cyber harassment of women and girls with increased usage.

In terms of poverty, a comparison of district-level multidimensional poverty index (MPI) from 2010–11 to 2014–15 (see Table 16 below) shows that the intensity of poverty increased in Sindh during this time, even though its incidence (or headcount) declined, and the overall MPI dropped. Urban areas of Sindh saw a 3.5 percent decline in the number of multidimensionally poor people, whereas the rural headcount declined slower by 2.5 percent (see Annex 6 for district MPI data). During this time, the intensity of poverty increased most significantly in District Sanghar (by 5.8 percent), followed by District Jacobabad (5.4 percent) and Kashmir (4.3 percent). Although poverty incidence also increased in both Sanghar (9.2 percent) and Kashmir (5.3 percent) along with its intensity, Jacobabad (which recorded the highest prevalence of girl child marriage in 2018–19) saw a reduction in the total number of the multidimensionally poor.

¹³⁶ Elizabeth Yarrow et al. (2017) *Getting the Evidence: Asia Child Marriage Initiative*. Research Report. Plan International, p. 110.

¹³⁷ Humsathi: Empowering Girls to Become Their Own Advocates and Boys as Allies to End Early Child and Forced Marriage. Baseline Report: Shirkat Gah-Women’s Resource Centre, 2018 (unpublished)

¹³⁸ Interview with Anees Jillani, founder SPARC, 04.12.2020.

Table 16: Multidimensional Poverty in Sindh, 2010–11 and 2014–15¹³⁹

Sindh	Poverty Scores		
	Poverty Incidence %age	Poverty Intensity %age	Multidimensional Poverty Index
Multidimensional Poverty 2010-11	48	52.6	0.252
Multidimensional Poverty 2014-15	43	53.5	0.231

Source: MPI based on Pakistan Social and Living Standards Measurement (PSLM), 2010-11 and 2014-15.

The most recent global MPI 2020¹⁴⁰ suggest that while the incidence of multidimensional poverty has been falling in Pakistan generally, its decline has been slower than reduction in monetary poverty. This signifies that though income levels may have risen over the years, other indicators concerning health, education, standard of living and so on that comprise the MPI have been slower to improve.

¹³⁹ A detailed note on how MPI is calculated is provided in Annex 4.

¹⁴⁰ United Nations Development Programme and Oxford Poverty and Human Development Initiative (2020). Global Multidimensional Poverty Index 2020, Charting pathways out of multidimensional poverty: Achieving the SDGs.

5. Institutional Rules of the Game

Girl child marriages are an outcome of several institutional factors. These concern not just formal laws, regulations, and organizations responsible for implementing them, but also informal social and political processes that establish power relations and, in effect, set “the rules of the game” between concerned parties before and after a girl child marriage is contracted. These power dynamics produce different types and forms of girl child marriages, and determine outcomes and responses unique to it. What sets institutional factors apart from foundational determinants is that rules can change, and the balance of power tilted over time.

Even though girl child marriages under the age of 18 years are criminalized in Sindh, conversations around girls’ sexuality and reproductive health remain minimal and open to public backlash.¹⁴¹ Decisions regarding marriage still lie beyond the ambit of influence of a host of government policies since decisions are brokered by family members without the state interfering in most cases. The small number of cases that do get reported result in many acquittals, and convictions are few and far between.

Marriage at an early age is not only considered socially, morally and religiously desirable and ordained, it is also part of a larger strategy to prevent irresponsible social and sexual behavior amongst both boys and girls. Yet a larger number of girls end up in child marriages than boys. Gendered norms and division of labor, with girls having the primary responsibility to do housework, run homes, bring up children and accept violent behavior of men, keeps them from seeking help. Help may also not be available for them because services for women and girls remain inadequately funded and ineffective. Although laws may define which social norms will no longer be tolerated, there is substantial bargaining away of these rights in the name of culture and tradition at every step due to pervasive gender-based discrimination that cut across segments of society.

The following section looks into the history of girl child marriage-related policy reforms in Pakistan, and more specifically in Sindh, from its first appearance on the national political discourse agenda to events that followed. The formal responses from successive governments in the country have tended to take a

¹⁴¹ Aurat March: Pakistani women face violent threats ahead of rally, BBC News, 07 March 2020.

strictly legal approach towards the issue, although it garners mention in some sector policies (discussed ahead).

Reform Legacies in Sindh

Historically, public policymaking has not been a consultative process in matters concerning social issues in Pakistan. Most often policies have tended to be drafted and deliberated on at the executive level, then enacted by ordinance or presented to parliament for approval.¹⁴² Those tasked with implementing policies and programs led by elected members of Assemblies and Parliament have remained relatively insulated from the imperatives of change due to a variety of reasons. The impetus for social policies has also tended to follow from societal actions as opposed to economic policies that remain largely government driven and imposed.¹⁴³

As the Sindh government has been dominated mainly by the Pakistan People Party (PPP) which also spearheaded progressive programs and policies on women and girls' rights during intermitted governments between the 70s and 90s and 2008–2013, the province followed a different trajectory of legal and policy reforms than the rest of Pakistan on several issues. Over the years, Sindh has passed numerous laws that address diverse aspects of child protection including but not limited to child marriage, protection from forced labor, exploitation, abuse and violence, minimum wage, health, education, employment, disability, homelessness, beggary, and so on.

Pre-Pakistan Backdrop

Prior to the Pakistan Child Marriage Restraint Act, 1929, which became the law on child marriage in Pakistan by default under the Commonwealth, the Age of Consent Act, 1892 was enacted earlier by the British in pre-partition India which laid down the age below which a marriage should not be consummated. Legislative history of the late nineteenth century in this region (present-day India, Pakistan and Bangladesh) that penalized and thereby aimed to curtail child marriages shows gradual increase in permissible age for marriage and consummation. From no known laws under pre-partition India, the ages gradually increased from 11 to 12 to eventually 14 for girls. Following partition from India in 1947, the Pakistan Child Marriage Restraint Act, 1929 was amended at the federal level in 1961 and provincial changes were introduced in 2013 in Sindh and 2015 in Punjab after provinces gained powers to make their own laws under the 18th Constitutional Amendment in 2010—63 years after Partition.¹⁴⁴

Exposure to International Discourse on Women's Rights and Empowerment

The push for reform, whether it was for child rights or women's rights, was catalyzed at least in public discourse across Pakistan in the era of the Millennium Development Goals (MDGs), 2000–2015. This was preceded by leading governments of the late 90s becoming privy to discussions around women's rights at the international level (ICPD, 1994 and the Beijing Platform for Action (BPfA), 1995 in particular), which

¹⁴² Mezzera, M. and Aftab, S. (2009) Pakistan State–Society Analysis. Democratization and Transitional Justice Cluster Country Case Study, p. 28.

¹⁴³ Interview with Shehnaz Wazir Ali, President, SZABIST, 10.12.2020.

¹⁴⁴ Interview with Anees Jilani, founder SPARC, 04.12.2020.

laid the groundwork for local advocacy by civil society groups. Emerging from a dark period for women and minority rights under President Zia-ul-Haq's government (1977–1988), which has accurately been dubbed the “lost decade”¹⁴⁵, successive governments after Zia also concerned themselves, albeit unevenly, with improving the international image of the country¹⁴⁶ from ultra-conservative to one more inclined towards moderate Islam. This involved signing off on numerous international treaties (Zia 2010)¹⁴⁷ and embracing at least in principle if not in full,¹⁴⁸ the development agenda for gender equality and women's empowerment. As international treaties and roadmaps were agreed internationally and regionally, the political systems grappled with systems of governance eroded under Zia's eleven-year dictatorship.¹⁴⁹

Although civil society groups became active in discussing girl child marriage from the 1980s, the issue did not find space in political discourse for another decade.¹⁵⁰ Around 2008, the issue of child marriage burst onto the national political discourse, with an amendment to the Federal Child Marriage Restraint Act, 1929 presented in the National Assembly in 2009. However, before the bill could be approved the Law Ministry was devolved, vesting constitutional powers to provinces to legislate on matters concerning them directly so long as they did not contravene rights guaranteed in the Constitution. The momentum which had been generated at the national level carried into Sindh after devolution, with a dedicated law emerging over the next two years.

Funding the Agenda

As the issue of “girl child marriage” became part of public discourse in the late 2000s across Pakistan, there came a demand for better tracking of girl child and very early marriages.¹⁵¹ This was followed by an influx of international donor funding under the MDGs in which at least five out of eight domains directly concerned child marriage. With a standalone target (5.3) within the goal to achieve global gender equality by 2030 in the SDGs, global leaders committed to ending girl child marriage specifically, which had been largely ignored under the Millennium Development Goals of 2000–2015. Advocates who pushed for its inclusion did so with the understanding that girl child marriages were not only harmful for the health and wellbeing of the girl child, but the target was also central to achieving the proposed goals on poverty, nutrition, economic growth and reduction of inequality. With an influx of international funding to support meeting of the target, the issue of girl child marriage was thus spotlighted further globally and within Pakistan. Several national organizations such as Aurat Foundation, Shirkat Gah, Aahung, SPARC, Bedari, Awaz Foundation Pakistan and others, as well as numerous local initiatives have been supported by international development organizations to undertake research and advocacy on the subject over the past 15–20 years. The 2010 18th Constitutional Amendment in Pakistan (hereinafter referred to as 18th

¹⁴⁵ Sathar, Z. A. and Miller, P. C. (no date) What's Population Policy Got to Do With It? Fertility Change in Pakistan (p.2).

¹⁴⁶ Interview with with Shehnaz Wazir Ali, President SZABIST, 10.12.2020.

¹⁴⁷ Zia, A.S. (2010) A Policy Framework for Women's Equal Rights Issues. Concerns and Recommendations for Gendered Policy. National Commission on the Status of Women, Islamabad.

¹⁴⁸ See Pakistan's reservation to CEDAW during accession in 1996.

¹⁴⁹ Interview with with Shehnaz Wazir Ali, President SZABIST, 10.12.2020.

¹⁵⁰ Ian Katz et al. (2018) Review of Child Protection Systems in Four Countries in South Asia (p.37). UNICEF.

¹⁵¹ Interview with with Sheena Hadi Executive Director Aahung, 16.12.2020.

Amendment or devolution) provided further impetus to policy and legislative reforms at the national and provincial levels, resulting in the passage of numerous laws as detailed in Figure 6 below.

Child Protection Laws in Sindh

Figure 6 below lists different sets of laws related to child protection issues that are applicable in Sindh.

Figure 6: Provincial laws in Sindh pertaining to different aspects of Child Protection

1.	Sindh Children Act, 1955
2.	Sindh Orphanages (Supervision & Control) Act, 1976 & (amendment) Ordinance, 1984. Sindh Child Protection Authority Act, 2011
4.	Sindh Local Government Act, 2013 (functions for local government concerning birth & marriage registration, etc.)
5.	Sindh Child Marriage Restraint Act, 2013
6.	Sindh Right of Children to Free and Compulsory Education Act, 2013
7.	Sindh Newborn Screening Act, 2013
8.	Sindh HIV and AIDS Control Treatment and Protection Act, 2013
9.	Sindh Prevention and Control of Thalassemia Act, 2013
10.	Sindh Domestic violence (Prevention & Protection) Act, 2013
11.	Sindh Protection and Promotion of Breastfeeding and Child Nutrition Act, 2013
12.	Sindh Bonded Labor System (Abolition) Act, 2015
13.	Sindh Commission on the Status of Woman Act, 2015
14.	Sindh Differently Aabled Persons (Employment, Rehabilitation and Welfare) Act, 2015
15.	Sindh Shops and Commercial Establishment Act, 2015
16.	Sindh Factories Act, 2015
17.	Sindh Minimum Wages Act, 2016
18.	Sindh Child Marriage Restraint Act Rule, 2016
18.	Sindh Prohibition of Corporal Punishment Act, 2016
20.	Sindh Prohibition of Employment of Children Act, 2017
21.	Sindh Hindu Marriage Act (Registration of Marriage) Act, 2016
22.	Sindh Maternity Benefits Act, 2018

In addition to these laws, the Sindh government is also bound to implement federal laws related to marriage, its dissolution, and procedures thereof, except where provincial amendments have an overriding effect. Specifically, for Muslims, relevant federal laws include the Dissolution of Muslim Marriages Act, 1939 which clarifies the terms under which a Muslim woman may dissolve her marriage. Solemnization and registration of marriage is dealt with under the Muslim Family Law Ordinance, 1961. When Sindh passed its own law in 2013 dealing specifically with the issue of child marriage, it added requirements for the verification of age, and reporting of such cases to local law enforcement authorities under the Sindh Child Marriage Restraint Act Rules, 2016.

For religious minorities in Sindh, the Sindh Hindu Marriage Rules, 2017; the Personal Hindu Marriage Act, 2017; the Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946; the Parsi Marriage and Divorce Act, 1936 (minimum age of marriage for men is 21 years); the Christian Marriage

Act, 1972, and the Christian Divorce Act 1869, are relevant. To date, Pakistan does not have marriage laws for the Sikh population.

Laws are separate for religious minorities based on principles laid out on the West Pakistan¹⁵² Muslim Personal Law (Shariat Act) 1962, which states that *“notwithstanding any custom or usage, in all questions regarding succession (whether testate or intestate), special property of females, betrothal, marriage, divorce, dower, adoption, guardianship, minority, legitimacy or bastardy, family relations, wills, legacies, gifts, religious usages or institutions, ... the rule of decision, subject to the provisions of any enactment for the time being in force, shall be the Muslim Personal Law (Shariat) in cases where the parties are Muslims.”*¹⁵³

Sindh’s child protection system overall brings together the Departments of Social Welfare; Education; Women Development (WDD); Population Welfare; Home, Labor; Health; Local Government, Public Health Engineering, Rural Development and Katchi Abadis. Several national bodies such as the Federal Investigation Agency (FIA), National Disaster Management Authority (NDMA), Provincial Disaster Management Authority (PDMA), National Database and Registration Authority (NADRA) and Bait-ul-Mal also play a role in child protection overall. The Department of Social Welfare has the overall mandate of providing shelter to children in need of care and protection; providing education to children with special needs and rehabilitating children who are involved in substance use. The department also plays a child protection role during emergencies. The WDD is also mandated to oversee District Child Protection Committees under the SCMRA Rules, 2016.

The main stakeholders involved in girl child marriages are listed in Figure 7 below. Within this vast ecology of actors, different stakeholders have their own unique roles, spheres of influence, prescribed responsibilities and accountability under formal laws, policies, and rules. Sometimes, the same actors operate outside the ambit of formal laws, acting as enablers, negotiators, resisters, mediators, or indifferent bystanders to decisions concerning girl child marriage. The section ahead discusses the legacy of formal legal and procedural reforms in Sindh related specifically to girl child marriage, and other key sectoral policy developments that tie in with the subject.

¹⁵² West Pakistan connotes present-day Pakistan, which separated from its East wing in 1971 which is present-day Bangladesh.

¹⁵³ West Pakistan Muslim Personal Law (Shariat Act) (1962), Section 2.

Figure 7: Stakeholders concerned/ involved with Girl Child Marriages in Sindh

<p>Adolescent Girls and Boys Unmarried Girls and Boys Married Girls and Boys</p>	<p>Local Administration Nikah Registrar NADRA Union Council</p>	<p>Provincial Women Political Caucus (WPC)</p>
<p>Family members Mothers Fathers Family Elders</p>	<p>Government Executive & Oversight Bodies <i>National:</i> Ministry of Human Rights & Provincial Directorates National Commission on Child Welfare & Development (NCCWD) National Commission on Status of Women (NCSW) National Commission on Rights of Child (NCRC) National Commission on Human Rights (NCHR)</p>	<p>Legal Actors Lawyers Medico-legal doctors Judges (Civil, Family and Criminal) Courts (Civil, Family, Criminal and GBV) Police, including women police stations Legal aid centers Federal Investigation Agency (FIA) Helplines (WDD; CPA; IG Police; etc.) District Bar Councils Non-governmental organizations providing legal services</p>
<p>Community-based Actors <i>Beradi</i> leaders, tribe elders Local landowners, political figures Official and non-official alternate dispute resolution systems Village Councilors especially women & youth</p>	<p><i>Provincial:</i> Department of Minority Affairs Department of Planning & Development Department of Women Development Department of Social Welfare Department of Special Education Department of Education Department of Health Department of Population Welfare Child Protection Authority (under Social Welfare) Provincial Commission on Status of women (PCSW) Provincial Commission on Human Rights (PCHR)</p>	<p>Civil Society & International Non-governmental Organizations: Civil Society Organizations (<i>Rahnuma</i> Family Planning Association, Shirkat Gah, Aurat Foundation, etc.), and local activists UN Agencies (UNFPA, UNICEF, WHO, UN WOMEN) Bilateral & Multilateral donors INGOs (OXFAM, Pathfinder, Bill & Malinda Gates Foundation)</p>
<p>Public and Private School Teachers</p>		
<p>Health Practitioners Lady Health Workers Lady Health Visitors Lady Health Supervisors Traditional Birth Attendants Community Midwives Gynecologists</p>		
<p>Religious Stakeholders Council of Islamic Ideology (CII) Religio-political parties Religious Leaders, Influencers (televangelists) Local <i>imam-e-masjid</i>, <i>pirs</i>, <i>moulvis</i>, <i>nikahkhwas</i></p>	<p>Political Actors National Assembly (including technical Committees) Federal Government including Cabinet Senate of Pakistan Provincial Assemblies</p>	<p>Media State owned Electronic Media TV & Radio Private Electronic Media – TV & Radio Print Media Social Media</p>
		<p>Academia/ Subject Experts</p>

Sindh Committee on the Standardization of Female Age of Marriage

Different bills related to child marriage were presented in the Sindh Assembly prior to 2009. In November 2009, the Chief Secretary, Government of Sindh issued a notification for the constitution of a Committee for Standardization of Female Age of Marriage.¹⁵⁴ The Committee under the then Secretary of Women Development Department was tasked to review existing laws on age of marriage in line with Pakistan's international obligations, identify statistical evidence of current practice and outcomes, and propose policy and legislative changes.¹⁵⁵

The Committee members¹⁵⁶ included representatives from civil society as well as the Secretary Population and Welfare Department, and a nominee of the Law Department.¹⁵⁷ In 2010, the Committee submitted a position paper on Age of Marriage¹⁵⁸ and recommended a 12-point agenda for the Sindh government, just before the province gained powers to make and adapt national laws to its context. These points are listed below (in no order of priority):

- (1) Expedite the passage of the (Federal) Child Marriage Restraint (Amendment) Bill, 2009¹⁵⁹, to legislate equal minimum age of marriage for males and females at 18 years and remove the anomalies in the law as well as the practice of forced young age marriages.*
- (2) Make appropriate amendments in the Dissolution of Muslim Marriages Act, 1939 to reflect the amendment in CMRA and to raise the age of option of puberty to 18 years and the cut-off age for exercising the option to 19 years. Add provision to make under-age marriage a valid basis for divorce and provide statutory relief to victims of swara, vani and other similar practices.*
- (3) Ensure the registration of all births and marriages as per provisions of NADRA, Ordinance 2000 through simplified procedures. These are required under the law but not occurring adequately and showing a decline in some areas due to complicated procedures.*
- (4) Implement the ban on verdicts of jirgas and panchayats.¹⁶⁰*
- (5) Enact the already admitted Bill on Anti-women practices with measures for effective implementation and prosecution on violations.*
- (6) Amend the rules under MFLO, 1961 to provide for an appropriate qualification and criteria for the issuance of licenses to nikah registrars, mandatory trainings for appointed registrars, cancellation of license of registrars who violate conditions of the license.*

¹⁵⁴ Interview with Khawar Mumtaz, ex-Chairperson, National Commission on the Status of Women (2013-2019 for two consecutive terms), Member Sindh Committee for Standardization of Female Age of Marriage, 2009. 01.12.2020.

¹⁵⁵ Irfan Khan (2011) Protection and Empowerment of Working Children in Sindh: Child Rights Situation Analysis of Dadu, Jamshoro, Tharparkar and Umerkot Districts (p.39). Thardeep Rural Development Programme.

¹⁵⁶ Notification No.SO (C-IV) SGA&CD/4-71/09, Services, General Administration and Coordination Department, Government of Sindh.

¹⁵⁷ Collective for Social Science Research (2012) Child Protection System Mapping and Assessment Sindh (p.34). Karachi, Pakistan.

¹⁵⁸ Shariq Imam and Khawar Mumtaz (no date) 'Age of Marriage: A Position Paper' (p.25-26). Shirkat Gah- Women's Resource Centre.

¹⁵⁹ The Bill lapsed in 2011, as it did not pass through the national assembly in time prior to devolution. The national Domestic Violence Bill, 2009, met with a familiar fate due to lack of consensus between and amongst political parties/assembly members till such time that legislative powers were devolved to provinces in 2010.

¹⁶⁰ Community-based systems of arbitration and dispute resolution known by different names in parts of Pakistan.

- (7) Operationalize the special Women in Distress and Detention Fund for free legal aid to women and allocate from within it funds for women forcibly married at young age or as minors. In Sindh the Fund has been converted into “women in prisons” fund and legal aid is being provided to women prisoners and can potentially be used for victims of underage marriages.
- (8) Make educational facilities accessible to girls at primary level and beyond. The PDHS reveals that secondary education enhances the capacity to exercise reproductive choices. While Pakistan has made some headway in primary school enrollment, retaining girls in schools and their going on to secondary level is still not happening.
- (9) Conduct mass awareness campaigns to highlight the negative implications of early and forced marriages.
- (10) Ensure the continued presence of women in governance structures and public life.
- (11) Youth and health policies should reflect the issue of young age marriage and Pakistan’s commitments related to it.
- (12) Identify support within existing structures to ensure that law of unified age 18 is implemented, after it is passed.

Although the recommendations of the Committee were framed prior to devolution, they did go on to influence further provincial legislation related to child marriage, but only in parts. For instance, Sindh did pass a law on child marriage in 2013 but did not raise the age of option of puberty to 18 years (which is still defined as the onset of menstruation in girls). It has still not managed to universalize birth registration or prevent *jirgas* from fixing marriages between contesting parties as a form of justice. It adopted the Federal Anti-Women Practices Act, 2011 (passed after these recommendations were made) by default but did not amend the law post devolution to make forced marriage a cognizable offence or a valid basis for marriage annulment. It raised culpability and penalties of a host of actors involved performing, conducting, directing, bringing about or in any way facilitating a child marriage but did not institutionalize mandatory trainings for marriage solemnizers (*nikahkhwans*) and registrars to ensure accountability for carrying out a marriage below age 18. It still does not have a dedicated fund to support free legal aid to victims of child marriage, has not undertaken sustained mass awareness campaigns, and done little to improve continued education and better health for adolescent girls (and boys).

First Authority for Child Protection Emerges

After a delay of nearly a year since recommendations were made by the Committee for Standardization of Female Age of Marriage in 2010,¹⁶¹ the Sindh government passed the **Sindh Child Protection Act (SCPA), 2011** under the leadership of the Social Welfare Department (whose Minister later moved to the Women

¹⁶¹ Interview with Khawar Mumtaz, ex-Chairperson, National Commission on the Status of Women (2013-2019 for two consecutive terms), Member Sindh Committee for Standardization of Female Age of Marriage, 2009, 01.12.2020.

Development Department and provided political support for the eventual Sindh Child Marriage Restraint Act, 2013).

The SCPA Act, 2011 carried the express intent to undertake special protection measures to address violence, abuse and exploitation, physical and psychological violence, and sexual abuse and exploitation amongst children; forced child labor and beggary; child trafficking within and outside Pakistan; children affected by armed conflict and HIV/AIDS, and children without primary caregivers (see Annex 3 for complete Functions of the Sindh Child Protection Authority).

The Act also required setting up of a provincial Child Protection Authority (CPA) within 60 days of the passage of the Act, which was not constituted for the next four years (2015). It further required setting up of Child Protection Institutes (CPIs) and Child Protection Units (CPUs) at the local level¹⁶² across the province. For carrying out the bulk of the work, the Social Welfare Department (SWD), as the custodian executive body in Sindh, was required to recruit Child Protection Officers (CPOs) across Sindh. The law also gave the CPA powers to form any committee it deemed necessary to support its work, without defining its roles and functions. Subsequently and recently, the SCPA set up a District Coordination Committee on Child Protection, working in different districts of Sindh under District Commissioners of Police. These are distinct from *District Monitoring Committees* on Child Marriage under the Sindh Women's Development Department (discussed ahead), and the two rarely interact. Importantly, the CPA's District Committees are more general-purpose in relation to child protection and do not solely focus on child marriages.

Child Marriage Restraint Act, 2013, Enacted, Rules Delayed

In 2013, the Sindh provincial assembly passed the Sindh Child Marriage Restraint Act (SCMRA), 2013, becoming the first province to legislate specifically on the issue of child marriage, and taking an additional three years to notify its Rules in 2016. The law and the Rules thereof were drafted by a small group of lawyers, NGOs and provincial (women) parliamentarians and did not gather inputs from other stakeholders concerned including health, education, labor, youth, social welfare, earlier elicited to some extent by the Committee for Standardization of Female Age of Marriage.¹⁶³ This had serious repercussions on the overall clarity of response in the law in terms of different scenarios and contexts that play out in connection with specific girl child marriage cases.

According to those involved in the process of developing the SCMR Act, 2013, closed communication and limited publicity was probably what allowed the law to pass without too much resistance from conservative elements within the government. The resistance to the law did not only come from the Council of Islamic Ideology (CII) right-leaning members of the Sindh Assembly; influence was also exerted by the Sarhandi shrine in the Samaro tehsil of Umerkot district (also famous for converting local Hindus

¹⁶² Including Union, Taluka, Town, District and City District, as defined under section 5 of the Sindh Local Government Ordinance, 2001

¹⁶³ Interview with Khawar Mumtaz, ex-Chairperson, National Commission on the Status of Women (2013-2019 for two consecutive terms), Member Sindh Committee for Standardization of Female Age of Marriage, 2009. 01.12.2020.

to Islam and marrying them off quickly),¹⁶⁴ who lobbied with legislators¹⁶⁵ to have the SCMR Bill, 2013 rejected.

The SCMRA also did not carry a provision that allowed for automatic annulment of such marriages, leaving a significant loophole that could be exploited by informal processes of reconciliation and arbitration between concerned parties, as can be seen in Sindh today.

Age of Adulthood: Domestic Violence and Statutory Rape

After a failed attempt in 2009 to legislate at the federal level, in 2013 the Sindh Assembly passed the Domestic Violence Act, 2013, including penalties for child (sexual) abuse within a domestic setting (current or previous residence). The Domestic Violence (DV) Act, 2013 also defined “child” as a person under 18 years of age. In terms of sexual relations established with a child married under the age of 18, the Federal Criminal Laws Amendment (Protection of Women) Act, 2006 had already set 16 years as the minimum age for giving consent to sex, below which sexual relations would be considered rape, with or without the girl’s consent. Technically, if a girl child is married between the ages of 16 and 18, she may file a case of child marriage and rape but, after crossing the benchmark of 16 years, her consent to sexual relations would be relevant (though can be refuted) in a court of law, and the laws on statutory rape may only be invoked for girls under 16 years of age beyond which her consent can be contested by the defense. The Sindh law on child marriage is silent on the matter of rape and other forms of sexual and gender-based violence that may be committed upon the girl, including but not limited to unwanted pregnancy, marital rape and other forms of domestic violence. The law also does not speak to the Sindh Domestic Violence Act under which there has only been one known conviction in over seven years.¹⁶⁶

Other Enabling Legislation

In 2013, the same year as child marriage legislation, Sindh also passed the Sindh Right to Free and Compulsory Education Act, 2013,¹⁶⁷ committing to provide free and compulsory education to children between the ages of five and 16 years. This was followed by a lag of three years in notifying its Rules¹⁶⁸ to facilitate implementation. These Rules fixed responsibility on the local government to identify and register all children till the age of 16 years across the province, mapping out schooling facilities and their limitations.¹⁶⁹ There is no evidence to suggest this policy is in any way meant to assist with identifying children, especially girls, who may have dropped out before 16 years of age due to marriage, without having completed compulsory education.

The Sindh Commission on the Status of Women (SCSW) was also notified vide an Act of the Sindh Assembly in May 2015.¹⁷⁰ The Commission is an independent statutory body, which was established and made functional in 2017 after a two-year delay. Under an active leadership, the Commission is closely linked to

¹⁶⁴ Pakistani Hindus Complain of Forced Conversion of Teenage Girls, Voice of America - English (voanews.com).

¹⁶⁵ Naziha Syed Ali (17 August 2017) The truth about forced conversions in Thar – Newspaper – DAWN.COM.

¹⁶⁶ Discussions with Advocate of the High Court, Sara Malkani, who represented the victim in court.

¹⁶⁷ Act available from: sindheducation.gov.pk/Contents/Menu/Sindh_Bill_RTFE.pdf.

¹⁶⁸ Available from: (G-III)E&L-F&CER-3-669-16 NOTIFICATIONS.pdf (sindheducation.gov.pk).

¹⁶⁹ Section 5, Rules of Business (notified 2016), Sindh Right to Free and Compulsory Education Act, 2013.

¹⁷⁰ Sindh Commission on the Status of Women Act, 2015.

the Legal Aid Society, an NGO which alerts both the Commission and the Women Development Department (WDD) if a case of violence against a woman or girl child is reported to their helpline, including child marriage cases.

Other Sector Policies in Sindh

Health Policies and Response to Girl Child Marriage

The Sindh Health Sector Strategy, 2012–20 itself makes no explicit reference to child marriage.¹⁷¹ This issue has been flagged in a previous UNICEF study as a focus “... primarily on procedures for rescue and removal of children and bringing them before the court for a protection order, without clear guidance on assessment and care planning.”¹⁷² The sector policy only refers to increasing age of marriage in urban areas of Sindh to be the driving force behind a decline in fertility as opposed to increased CPR across the province.

Similarly, the Sindh Reproductive Healthcare Rights Act, 2019¹⁷³ specifically mentions the need to increase access to both antenatal and postnatal care and skilled birth attendance but does not explicitly draw any connection to the issue of child marriage. Continuing structural barriers to accessing institutional births can be expected to add to the number of girls not having birth certificates going forward, making the implementation of law and tracking of underage marriages difficult.

In terms of the health-based response to girl child marriages, practicing gynecologists and public health experts suggest that there is significant mutual disconnect between discussions at the policy level concerning girl child marriages and clinicians who deal with such cases in Sindh. There are no onward referrals towards law enforcement agencies in cases that may be detected by doctors as a) they do not know about the child marriage law; and/or b) are not interested in getting involved in legal proceedings. In many cases, doctors do not know where to refer a child in the presence of a parent or in-law who usually accompanies them, or may simply ignore the problem and only treat it medically.¹⁷⁴ Similar patterns are seen in onward referrals of domestic violence or child sexual abuse cases that approach public and private sector gynecologists and pediatricians across Pakistan.¹⁷⁵ Shelter homes, on the other hand, report cases where girl victims of child marriage are forced to tolerate whatever facilities are available if they have conceived. In one such case, a 17-year-old girl had to stay the length of her pregnancy at a shelter in Karachi as the court ordered that a medical x-ray could not be conducted to determine her age due to her condition.¹⁷⁶ In such cases, or otherwise, the department of Health is seen largely missing from the picture due to lack of priority and the shifting of the care burden towards women’s shelters in the absence of clarity under the provincial health policy.

¹⁷¹ Sindh Health Sector Strategy 2012-2020. Karachi, Pakistan: Health System Reform Unit (HSRU) and Department of Health, Sindh.

¹⁷² UNICEF (2020) The Legal Framework for Child Protection in South Asia (p.3). Kathmandu.

¹⁷³ Sindh Act No. XV of 2019, available at: <http://www.pas.gov.pk/uploads/acts/Sindh Act No.XV of 2019.pdf>.

¹⁷⁴ Interview with Dr Sadiyah Ahsan Pal, Consulting Gynecologist and Obstetrician, 09.12.2020.

¹⁷⁵ Sarah Zaman (2014) Forced Marriages and Inheritance Deprivation in Pakistan: A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011, in Six Select Districts of Pakistan. Karachi, Pakistan: Aurat Foundation.

¹⁷⁶ Interview with Uzma Noorani, Co-Chairperson HRCP, 15.12.2020.

Education Policy and Child Marriage

In 2013, the Sindh Education Sector Plan 2013-16 was approved province-wide, which included a dedicated activity to develop life skills-based curricula for improving the quality of secondary and higher secondary education in the province by 2016 (Strategic Objective 3).¹⁷⁷ The Education Department also approved life skills-based education for class 6 to 9 in 2018. After a gap of about two years, the Sindh School Education Sector Plan and Roadmap, 2019-24¹⁷⁸ was launched which specifically talks about addressing the issue of girls' school enrollment because it is curtailed by a host of factors including "long distances to school, childcare and housework, unavailability of female teachers, and inadequate sanitation facilities", amongst others. Factors contributing to high dropout and low levels of transition mentioned in the Roadmap include "low economic status of parents, perceived low returns of education, and engagement in market activities and in household chores."¹⁷⁹ The shortage of middle and secondary schools needed to accommodate students graduating from primary schools was further said to decrease girls' enrolment at higher levels.

The current education sector Roadmap, 2019–24 does not make a reference to child marriage as a plausible reason for low rates of transition to higher classes as dropout amongst girls remains high at lower levels of education (primary and secondary). Neither is there any reference to child marriage in the Sindh Non-formal Education Policy, 2017. The former also only refers to skills in the sense of technical and vocational capacities, and not life skills-based education (LSBE). Further, there is resistance towards the LSBE curriculum which, though approved for roll-out¹⁸⁰ (and has an age-appropriate module on marriage), has still not resulted in printed copies that could be taught in schools after a lapse of two years, and many teacher trainings to roll-out the curriculum.¹⁸¹

Despite its salience especially in the issue of girl child marriage, experts suggest that the education sector is in a state of complete dysfunction in Sindh. The result of neglect spanning decades and pro-private sector policies can be seen in a shift in enrollment from government-run to private schools across the province, and a decline in the number of government schools, as discussed earlier in this report. While model schools have been erected with international donor funding and through public-private partnerships in the past 10–15 years and contractual teachers have been able to increase enrollment, system-wide reforms have not happened. While the 18th Amendment opened up the possibility of unilateral interventions in the education sector that have been pitched at a certain level of attention within the government, continued support from the government still remains off the table as special projects do not translate into recurrent budgets, and small "model" projects are not replicated to scale.¹⁸² There is also a notable decline in the effectiveness of education expenditure despite manifold increase over the years.¹⁸³ Mismanagement, selective interests of powerful bureaucrats, and political interests of

¹⁷⁷ 'Sindh Education Sector Plan 2013 –2016' (2013). Government of Sindh.

¹⁷⁸ School Education Sector Plan and Road Map for Sindh (2019-2024) (2020). School Education and Literacy Department Government of Sindh. Available at: <https://www.globalpartnership.org/sites/default/files/document/file/2020-19-Pakistan-Sindh-ESP.pdf>.

¹⁷⁹ School Education Sector Plan and Road Map for Sindh (2019-2024). School Education and Literacy Department Government of Sindh, p.3.

¹⁸⁰ Includes a section on marriage and went through numerous negotiations and rounds of approvals by different authorities.

¹⁸¹ Interview with Sheena Hadi, Executive Director, Aahung, 16.12.2020.

¹⁸² Interview with Shahnaz Wazir Ali, President, SZABIST, 16.12.2020.

¹⁸³ World Bank Group (2017) Sindh Public Expenditure Review (p.11). World Bank, Washington, DC. DOI: 10.1596/29264.

the rural elite have further made concerted efforts extremely difficult. Even though decentralizing education has had a lot of lip-service post-devolution in Sindh, it implies displacing powerful stakeholders who control thousands of jobs in the sector, which is unlikely to change over the short-term.¹⁸⁴

Related to special schemes aimed at encouraging parents to send their children to school, the Sindh Education Sector Plan and Roadmap, 2019–2024 notes that in the last seven years where about PKR 9.4 billion had been allocated for girls’ stipends, only 53 percent had been spent.¹⁸⁵ The issue of unspent budgets in Sindh appears to cut across sectors.^{186, 187} Related specifically to child protection services, similar stories are shared by civil society representatives in District Sukkur, noting that an estimated 20–30 lakh rupees which were supposed to be spent on strengthening Child Protection Units (CPUs) in 2019 lapsed after they remained unspent for a year.

Youth Policies and Girl Child Marriage

While heavy on reproductive health and life skills-based education for youth as a pressing priority to improve youth indicators, the revised Sindh Youth Policy, 2018,¹⁸⁸ makes a fleeting mention of “early marriages and various forms of physical and customary violence against women” as an issue to be eradicated through strict implementing of laws and mobilizing youth on the issue. There is no clarity on the exact strategy used and results-based monitoring of youth-led initiatives in this regard. More importantly, one of the strategies of the department, involves “Ensure(ing) implementation of pro-youth adolescent related legislations related to *age of marriage*, violence against women, child protection and child labor etc., create(ing) public awareness through youth engagement, relevant department, law enforcement agencies, religious scholars, electronic and print media” (emphasis by author).¹⁸⁹ It remains unclear *how* the department expects to “ensure implementation” of these laws, which lie far beyond its remit, and without any systematic coordination with relevant departments and provincial/district level child marriage committees.

The development of an Implementation Strategy for the Sindh Youth Policy, however, has been under discussion over the past two years. However, with the post of the Department Secretary lying vacant for quite some time, followed by changes in the leadership, there is no momentum to take the policy forward, particularly as it relates to different sectors including Social Welfare, Women Development, and the Sindh Commission on the Status of Women who are otherwise taking a lead on the issue.

Population Welfare and Child Marriage

The Sindh Population Policy, 2016¹⁹⁰ talks about child marriage and the need to encourage relevant institutions to take the initiative towards promoting delayed marriages and childbearing and equipping young people with knowledge about healthy marital life and responsible parenthood. Under this policy,

¹⁸⁴ Interview with Shahnaz Wazir Ali, President, SZABIST, 16.12.2020.

¹⁸⁵ Ibid p.44.

¹⁸⁶ Lapse of over 60pc education, health budget a question mark over Sindh govt’s competence, says governor - Newspaper - DAWN.COM

¹⁸⁷ Rs.67 million from Sindh AIDS control budget lapses – Newspaper – The News

¹⁸⁸ See Sindh Youth Policy 2018 here, page 19

¹⁸⁹ Sindh Youth Policy 2018, Strategic Objective 2.2(h), p.40

¹⁹⁰ See Sindh Population Policy 2016 here.

the Population Welfare Department committed to providing information, education and counseling on population issues and make services available for birth spacing amongst young married couples to minimize high-risk fertility behaviors. Towards this end, it also committed to set up Adolescent Counseling and Support Centers and develop pre-marriage counseling modules for voluntary (not mandatory) counseling of young couples.

Sindh was also the first province to introduce a Costed Implementation Plan (CIP) on Family Planning 2015–2020,¹⁹¹ following Pakistan’s participation in the London Summit on Family Planning, 2012. An adapted CIP was subsequently notified by the government of Khyber Pakhtunkhwa in 2017. The Sindh CIP makes an explicit reference to the issue of child marriage multiple times by acknowledging the link between child marriage, early childbearing, and adolescent fertility, and proposes to introduce a monitoring and evaluation indicator on tracking the implementation of the Sindh Child Marriage Law.¹⁹² It mentions child marriage in the context of youth sexual and reproductive health, focusing on life skills education, pre-marriage counseling, delaying first birth, ensuring adequate birth spacing and timed pregnancies and avoidance of unsafe abortions, unplanned pregnancies and ultimately maternal mortality and morbidity. The Plan is further supported by the Manual of Standards for Family Planning Services, 2017, which provides more details on family planning counseling to young couples. While the Plan talks about numerous issues that result from child marriage, it is not clear if it aspires to contribute to a reduction in practice as the focus remains on driving up the provincial CPR.

Labor Laws, Policies and Child Marriage

At the national level, the Employment Act of Children, 1991 prohibits the employment of children in certain occupations, and disallows overtime work and work after 7 pm and before 8 am. This law defines a child as a person under 14 years of age. In Sindh, the Sindh Labor Policy 2018 talks about equalizing remuneration for women and non-discrimination in pay between women and men. It also commits to registering home-based workers and to providing childcare facilities for working women in formal employment, but in terms of marriage, it talks about giving marriage grants to workers getting married and enforcing child labor laws for those employed under the age of 14 years. In relation to expecting mothers, it commits to protecting pregnant women from hazardous work.

Efficacy of Protection Measures for Women and Girls Challenged in Court

In 2018, the Sindh Social Welfare department was nominated in a constitutional petition to the Sindh High Court (SHC) seeking an explanation for slow progress of the Child Protection Authority (CPA). This prompted the Judge to order submission of previous records to show what concrete steps have been taken to implement the CPA law in letter and spirit.¹⁹³ Responding to another petition filed against the same Authority in 2020, the Director General (DG) of the SCPA submitted to Court that only three CPIs

¹⁹¹ See Sindh Costed Implementation Plan for Family Planning 2015-20 here.

¹⁹² Output 6.20 under Strategic Area 6: ‘Strengthening the health and population systems by streamlining policy planning, governance and stewardship mechanisms, and performance monitoring and accountability’.

¹⁹³ Constitutional Petition No. S-2116/2018.

had been made functional across Sindh till 2020 (Karachi, Hyderabad and Sukkur),¹⁹⁴ whereas a fourth CPI is under construction in Korangi (also District Karachi), to be completed in 2021.¹⁹⁵

While the CPA was required to set up Child Protection Units and Child Protection Institutes in every district of Sindh, CPUs are physically limited to two-room setups within the regional and district offices of the Social Welfare Department without any provisions for providing accommodation or even temporary custody, and there is a total of three CPIs across Sindh (Karachi, Hyderabad and Sukkur) that provide lodging for children involved in a wide range of cases. The CPUs act as virtual post offices, referring cases onward to relevant authorities and through them to other shelters and protection centers, depending on the case. For non-child marriage cases, these may include *Dar-ul-Atfal* (orphanages for girls and boys, a handful across Sindh) and *Dar-ul-Binaat* (orphanage for girls, only one in Karachi), whereas child marriage cases may be referred to *Dar-ul-Aman* (women's shelter homes, only four across Sindh), particularly girls over 16 years of age, or to CPIs if they are under sixteen.

Formally, the CPA is supposed to be both an oversight body and an executing body under the 2011 Child Protection Act. Executive duties seriously limit its ability to carry out its monitoring functions fully and impartially. While it is supposed to monitor child protection responses, it is also held responsible for implementing such mechanisms (in a manner monitoring itself), while being beholden to the Social Welfare Department whose Secretary acts as the principal accounting officer for the Authority, and not the Director General of the Authority itself.¹⁹⁶ The same issue has been repeatedly highlighted between the Sindh Commission on the Status of Women and the Sindh Women Development Department.

These problems create a significant clash of interest which also stems from the Sindh government's own Rules of Business, 1986 (amended up to 11 November 2019)¹⁹⁷, that provide a confused reading in terms of the mandates of different government departments, and sectoral policies that often do not feed into these Rules until after a significant time delay. It also remains unclear who bears the cost of supporting child brides once they have been rescued as there is no inter-agency budget dedicated to child protection issues or child marriage within it.

Women's Development Department Claims the Mandate for Girl Child Marriage

While the petitions were being heard against the Social Welfare Department and the Child Protection Authority under it in 2017, the Sindh Women Development Department (SWDD), as the lead agency responsible for monitoring compliance under the Sindh Child Marriage Restraint Act's Rules, 2016,¹⁹⁸ re-notified its thus-far defunct Provincial Monitoring Committee on Child Marriage. The Provincial Committee is chaired by the Sindh Minister for Women Development and comprises Additional Secretaries of the Women Development, Social Welfare, Law, Finance, Home, Health, and Education

¹⁹⁴ Law enacted nine years ago to protect children never truly implemented by Sindh govt, SHC regrets - Newspaper - DAWN.COM.

¹⁹⁵ Discussions with Fozia Masoom, Director Operations, Child Protection Authority, Government of Sindh, 12.12.2020.

¹⁹⁶ Interview with Iqbal Ahmed Detho, Member National Commission on Child Rights, 23.12.2020.

¹⁹⁷ The Sindh Government Rules of Business 1986 (sstsindh.gov.pk)

¹⁹⁸ As nominated under Section 24 of Sindh Child Marriage Restraint Act (Rules of Business), 2016.

departments as well as chairpersons of provincial oversight mechanisms including the Sindh Commission of Human Rights (SCHR), the Sindh Commission on the Status of Women (SCSW), Child Protection Authority (CPA), and members of select civil society organizations, lawyers, and journalists (two each).¹⁹⁹ The Committee concerns itself with:

- *periodically reviewing implementation of the existing provisions of the Sindh Child Marriage Restraint Act, 2013;*
- *investigating specific incidents of child marriage with powers to take suo moto notice;*
- *mobilizing funds to support its work; and*
- *overseeing the functioning of “District Watch Committees” (functioning as called District Monitoring Committees²⁰⁰ – inconsistent language within RoBs) on Child Marriage.*

District Monitoring Committees²⁰¹ (DMCs) first constituted by the Women’s Development Department in 2019 after a lapse of three years, are also mandated under the SCMR Rules of Business and involve officers of the Education, Health and Social Welfare departments (not below BPS-17), District Sub-inspectors of Police (DSP) or above, in-charge of CPA, lawyers, civil society organizations, media, minority representative, domestic violence protection committee (district) protection officers, and other members of the WDD.²⁰² The DMCs are required to meet every quarter by law.

Conversations with the Women Development Department and human rights groups in Sindh suggest DMCs have remained dormant till 2020, when they were notified in November 2019 under the SCMR Rule, for each district. According to officials, districts Umerkot and Mirpur Khas, where a “larger number of girl child marriages are reported”,²⁰³ also have local engagement groups, working on raising awareness of the law and helping register cases with the police. In the remaining districts, the DMCs remain dormant, partly also due to SWDD’s limited presence beyond 11 to 12 districts out of 29, lack of human resources, and lack of resources to support meeting expenses.²⁰⁴ Further, while local protection officers are supposed to be present for all DMC meetings, only four such officers have been appointed across Sindh with an additional 21 posts yet to be created.

Notwithstanding these issues, in May 2021 the law governing the Sindh Child Protection Authority was modified, with formal recognition of child marriage as a form of (child) abuse. The Amendments now also provide that pediatricians and child psychologists be taken on board as members of the Authority to guide its work. In addition, the mandate for protecting underage children against marriage has shifted onto the Social Welfare Department, which also manages CPUs, CPIs, orphanages and so on, across Sindh. While

¹⁹⁹ Section 24(5) of Rules of Business (2016) of the SCMR Act, 2013.

²⁰⁰ Section 35 of Rules of Business (2016) of the SCMR Act, 2013.

²⁰¹ Their role includes: tipping off Courts or local police regarding an imminent child marriage; engaging with the child to apprise her/him on legal rights under the law, assisting the child in accessing medical treatment, relocating the child to a safe space according to her/his best interests; assisting the child legally through filing of applications, complaints, petitions, and applying for divorce, *khula*, dissolution of marriage, with informed voluntary consent of the child or her/his parent or guardian; maintaining lists of child protection institutions, shelter homes and medical facilities in the area, and maintaining official records of all such marriages whether on the basis of information received or suo moto inquiries.

²⁰² Ibid.

²⁰³ Interview with Alia Shahid, Secretary Women’s Development Department, Government of Sindh, 07.12.2020.

²⁰⁴ Interview with Iqbal Ahmed Detho, Member National Commission on Child Rights, Sindh, 23.12.2020.

this integration may be useful, its effectiveness remains to be seen, particularly as the content of the Amendments do not improve significantly on *how* child marriage cases may be handled in coordination departments that remain disconnected (health, education, youth, labor, industry and commerce, local government, and so on).

Interplay between Formal and Informal Laws and Social Codes

To understand the interplay between the formal and informal processes behind girl child marriage cases in Sindh, one needs to investigate who is using the law, how, and to what effect; how social factors may confound the application of law and provision of services; and the gaps that remain in formal laws that allow informal processes to gain a stronger foothold.

Social Acceptance and Impunity

There is agreement that most cases of girl child marriage are simply not reported to authorities across Sindh due to widespread social and cultural acceptance. Experts suggest that though the number of registered cases may be higher in Sindh and rising with each passing year, this may be a sign of the law being invoked and not necessarily increased incidence.²⁰⁵ The MICS 2018–19, however, established that girls are getting married earlier across Sindh. Legal advocates suggest that whereas more cases may be registered with the police now due to enabling legislation and pressure from civil society organizations and local activists, the number of convictions are small even if arrests are made. As most girl child marriage cases are formally litigated at trial courts (Court of the Judicial Magistrate of First Class) the judgments of which are not reported in the form of case law, few and only specific types of cases are highlighted in the media (particularly those involving forced conversions or abduction) that subsequently generate public interest and debate.²⁰⁶

According to Sindh Child Protection Authority (CPA) data from January till November 2020²⁰⁷, most cases (5) of child marriage were reported to the police from District Khairpur, followed by Karachi (four cases). The remaining districts had no more than two to three cases during this time, with many reporting none. The CPA noted only two child marriage cases from Shikarpur over the past 11 months. Gender disaggregated data are not available.

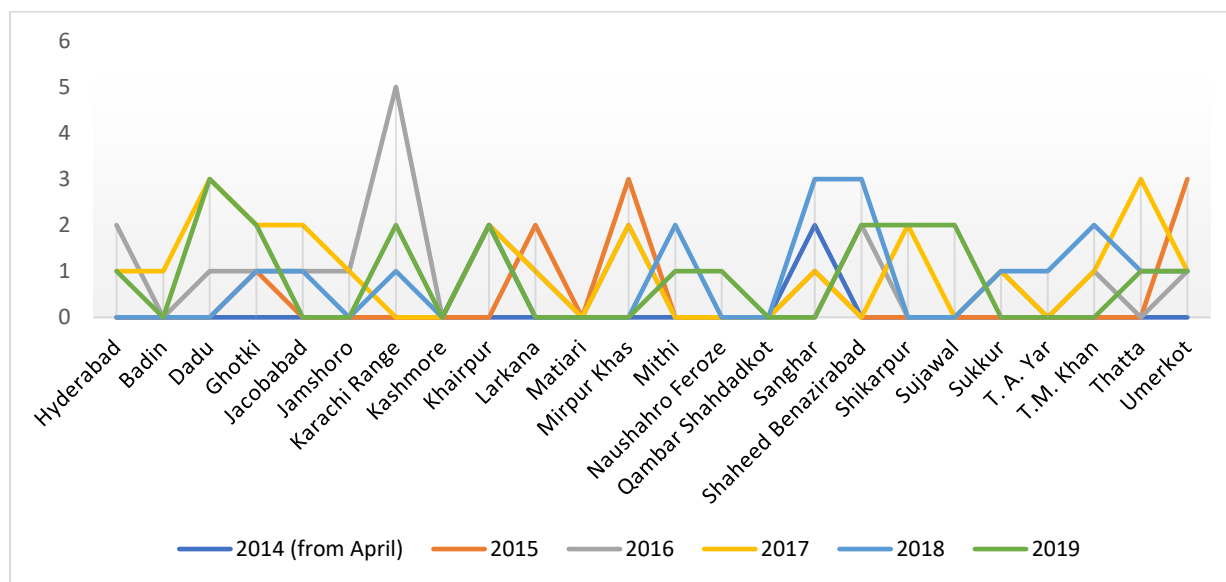
Police data acquired from the Sindh police for 2014–2019 shows different patterns regarding district-wise reporting of child marriage cases. These are depicted below:

²⁰⁵ See Sara Malkani et al. (2018). Ending Impunity for Child Marriage in Pakistan: Normative and Implementation Gaps. Center for Reproductive Health. Center for Reproductive Rights.

²⁰⁶ Interview with Anees Jilani, founder SPARC, 04.12.2020.

²⁰⁷ Acquired by the author during interview with CPA officials, 14 December 2020.

Figure 8: Cases of child marriage reported to the police in Sindh, 2014–2019



Source: SINDH Police, courtesy of Iqbal Detho, Member National Commission on Child Rights, Sindh. December 2020.

Based on comparison with survey data, the reported number of girl child cases are clearly far less than reported prevalence in DHS and MICS data. This indicates that though a large percentage of girls are marrying before the ages of 18 and 15 across Sindh, a negligible number of cases are being brought to the notice of law enforcement authorities for criminal prosecution. Further, while 96 cases were reported to the police during 2014–19, only eight convictions could be secured. It is not clear from police data if any of these convictions were later appealed, although lawyers in Sindh suggest the acquittals are usually not challenged by complaints in appellant courts (the rate of acquittal was significantly higher than the number of convictions). Two cases are reported as “comprised” or settled out-of-court, with one achieved through the orders of the court.

Police Attitudes and Community Involvement in “Tip-offs” and “Hushing Up”

Girl child marriage cases that do get reported and taken to court are largely driven by the police. Intervention can be before a *nikah* is conducted based on a tip-off, or after, depending on the circumstances. While there has been a perennial problem of low priority awarded to such cases on the part of the police, there is a sense amongst many stakeholders that the general attitude of police officers towards girl child marriage cases may be shifting. However, anecdotal evidence also suggests that the police are still less familiar with the Rules of the Sindh Child Marriage Restraint Act and are often not well-positioned to provide protection services that are absent,²⁰⁸ distant²⁰⁹ or woefully inadequate.

Lawyers dealing with cases suggest that it is more difficult for the police to do anything where parents may be pushing for a girl child to be married,²¹⁰ where the community is reluctant to intervene, or where

²⁰⁸ Law enacted nine years ago to protect children never truly implemented by Sindh govt, SHC regrets - Newspaper - DAWN.COM

²⁰⁹ SHC seeks monthly reports on functioning of safe houses for women - Newspaper - DAWN.COM

²¹⁰ Interview with Advocate Sara Malkani, Asia Advisor for Centre for Reproductive Rights, 20.11.2020.

powerful political actors are involved. In extreme cases where the girl child may be wedded to a person who is much older or has a disability, for example, local people within villages may become informers who usually alert local NGO and community-based organization representatives and/or the media to try to stop marriages propelled by an “aggravated sense of injustice”.²¹¹ This may not be common in more “run-of-the-mill” cases where there is no conflict, and the family decides.²¹² By and large, until a police case is filed, girl child marriages are not seen as an act of violence particularly if the parents are willing and/or compelled due to one or a host of reasons, and the girl seemingly consents. In such cases, the chance of them being reported falls dramatically. Socially, it is also not a viable solution for girls to report themselves as it involves incriminating parents. Besides, their access to justice mechanisms is often more constricted than for older and married women. Field experience suggests that, socially, girl’s access to reproductive health services only gets easier once they are placed in a marital union.²¹³

Heuristics of Rescue, Lodging and Rehabilitation

The current child marriage law in Sindh allows underage girls to be placed in their parents’ custody, so long as they are not involved in arranging/facilitating the girl’s marriage, and if the groom-to-be is not of a different faith than the girl. If the girl belongs to a minority faith, she is to be taken into police custody with immediate effect.²¹⁴ In the case of both the former or the latter, the police is required to rescue and produce the child in front of a magistrate who can then decide where to place the child, whether at a child protection facility (public or private), or with temporary guardians, who may then look after her needs till she can take a legal decision upon reaching the age of 18 (acquiring *sui juris* status under law).

The logic behind disallowing girls of a minority faith from being taken into custody stems from the contentious history of forced conversion marriages in Sindh, which are mainly reported from the southern districts of Sindh where Hindus live in sizable numbers compared to any other part of Pakistan. Such marriages can be extremely well-oiled operations²¹⁵ as was witnessed in the Ghotki district case of two Hindu sisters who were abducted, transported across provincial borders between Sindh and Punjab, and married to Muslim men.²¹⁶ The politics of such marriages are discussed in more detail ahead.

While forced conversion marriages affect minority communities more acutely, what complicates things is when girls have chosen, for any number of reasons (love, escape from oppressive caste-based discrimination, evading forced marriage to someone not of their choosing, and so on) to get married while

²¹¹ Interview with Amar Sindhu, activist, 01.12.2020.

²¹² Ibid.

²¹³ Zaman, S. and Shaheed, F. (2018) Health System Governance Strengthening for Reproductive and Sexual Rights in Pakistan. Final Technical Report. International Center for Research and Development (IDRC), Canada.

²¹⁴ Sindh Child Marriage Restraint Act Rules, 2016.

²¹⁵ Interview with Khawar Mumtaz, ex-Chairperson, National Commission on the Status of Women (2013-2019 for two consecutive terms), Member Sindh Committee for Standardization of Female Age of Marriage, 2009, 01.12.2020.

²¹⁶ According to Khawar Mumtaz, former Chairperson of the National Commission on the Status of Women who closely followed the case, the girls were taken to a Ghotki *pir* (spiritual leader) who immediately carried out rites to convert the girls to Islam after a car which was already waiting brought them to the Punjab. From there, they were taken to a dedicated mosque (near Rahim Yar Khan) where they were received by a welcoming party with garlands. Thereafter, they were married at the mosque, and from there they went to Lahore where arrangements had been made for them to stay with a local doctor. By the time they got to Islamabad, the Islamabad bar council’s Vice President who had his own chamber, prepared a case for them in case the parents filed a case for retrieval of the girls. At the first hearing, the *pir* and several lawyers were present to argue the case in favor of the Muslim grooms.

still underage, whether to a Muslim or someone of another faith. These cases are significantly more complex to handle because if the girl is returned to her parents, she might be married off to someone else against her wishes or be harmed or killed for choosing for herself. In such cases, judges also find themselves in a quandary because they know that no one can guarantee that the girl will be safe if she is sent home. What complicates the matter even further is that judges who may be sympathetic and issue injunctions, “know it will not make a difference because the people who kill the girls in the name of honor are not afraid of going to court or jail”.²¹⁷ Apart from the lack of services committed under different laws and policies, there appears to be no clarity in the law as to how such cases are to be handled since the laws pay little attention to cases where a child may be “groomed”²¹⁸ into consenting to marriage, or may be evading marriage to someone else. It does not consider that underage girls also run the risk of being accused of *zina* (fornication) for underage sex (below 16 years) and for them early marriage may become the only viable option, particularly if sexual relations have already been initiated and/or pregnancy has resulted. As federal abortion laws²¹⁹ are restrictive, vague, and punitive towards both service providers and the woman/girl unless it is done to save the mother’s life and to provide “necessary treatment”, safe abortion services are largely inaccessible to young women, particularly unwed girls. If a girl/woman conceives out of wedlock, which is likely due to extremely limited access to contraception or family counseling, she is also at an increased risk of being killed “for honor” or of facing further restrictions by her family for exercising agency, irrespective of age.

There is wide consensus amongst all stakeholders in Sindh that designated systems of housing do not provide optimal solutions for a child-conducive environment (particularly in *Dar-ul-Amans* for older women); or cater to the many complex (mental and emotional) health needs of girls who often need constant supervision; or provide them with necessary education and skills to leave the shelter without having to eventually choose between contending parties.²²⁰ In some cases, girls have “waited it out” at these shelters till they were 18 and eventually left with their “husbands”.²²¹

Experts suggest that the only way a girl is likely to be able to support herself upon leaving the shelter is if she has the necessary skill sets to support herself financially, but there seems to be no concerted effort to integrate such services in existing rescue and temporary lodging systems in Sindh. In some cases, the CPA sends cases to the SOS Village for Children (Karachi) where girls get long-term accommodation and can acquire some basic skills and education, but there is no evidence of age-appropriate systems gaining any kind of permanence across shelters homes. In the absence of such systems, some experts in Sindh believe that the law has in fact made the situation more dangerous for girls as legal cases may be filed but no one has any idea on how to respond to a range of problems that ensue, or how to equip girls to make

²¹⁷ Interview with Advocate Maliha Zia Lari, Associate Director Legal Aid Society, 14.12.2020.

²¹⁸ According to medical dictionaries, child grooming constitutes a variety of psychological manipulations and actions taken by a predatory adult, meant to reduce a child’s fears and inhibitions, as a prelude to sexual abuse or exploitation by the predator or his/her associates.

²¹⁹ Section 338 of the Pakistan Penal Code, 1860 (amended 1989, and applicable 1997 onward) deals specifically with abortion, under what conditions it may/not be carried out and punishments thereof.

²²⁰ Interview with Uzma Noorani, Member Human Rights Commission of Pakistan; Managing Trustee, Panah Shelter Home, Karachi, 15.12.2020.

²²¹ Ibid.

independent decisions. Even when they do, the pace of setting up support structures has been extremely slow and suffers from political indifference.²²²

Legal Response to “Consenting” Girl Brides

Lawyers of the Sindh High Court (SHC) indicate that a large number of cases landing in courts (SHC) often involve young couples looking to quash the First Information Report with the police (against the boy if he is over 18 years) for abduction and/or child marriage. In most cases, the couple have eloped to avoid being married to other people by their families, or have simply fallen in love, irrespective of being underage.²²³ This is supported by the *Dar-ul-Aman* in Karachi where senior management suggests that though they used to get cases of girl child marriage before the law was passed, where girls were not consenting parties, an increasing number of cases now involve younger girls (between the ages of 15 and 17) escaping their homes to marry of their own choice rather than of their parents’ choosing.²²⁴ Similar observations are made in Hyderabad district, where girls as old as 15/16 years have refused to be placed in their parents’ custody as per court instructions because their parents had earlier tried to marry them off to someone against their will and going back to them meant being put in a dangerous situation.²²⁵

Additionally, where both the law and its rules on implementation are silent on different forms of child marriages and how they may be proceeded with, practicing lawyers suggest part confusion, part lack of awareness and part “laziness” amongst prosecutors to use the law and its rules of implementation effectively. Further, while the Rules are detailed, they remain largely unknown to judges and lawyers. According to Iqbal Detho,²²⁶ the Rules, while helpful in detailing procedures for police and other institutions to carry out their basic work, are essentially “subordinate legislation that can also be easily amended and challenged in a court of law”.

Mixed Messages in Case Law

As there are no reported judgments against the Sindh CMRA,²²⁷ there are few precedents in case law on how different situations are to be tackled based on a variety of cases that come before the court. Further, Malkani et al. (2018) document a series of contradictory case law regarding the voidability of child marriages across Pakistan’s courts, tried under the Federal Child Marriage Restraint Act, 1929,²²⁸ that give unequal weightage to factors such as puberty and mental maturity and Shariah-based interpretations before adjudicating. As there is no such provision under the Sindh law that would automatically void such marriages, a lot depends on the discretion of judges who weigh options based on what would be socially, religiously, morally, politically or economically acceptable while also being in the best interests of the child. The two may not be always mutually inclusive.

²²² Ibid.

²²³ Interviews with advocates Sara Malkani, and Maliha Zia Lari.

²²⁴ Interview with Uzma Noorani, Member Human Rights Commission of Pakistan; Managing Trustee, Panah Shelter Home, Karachi, 15.12.2020.

²²⁵ Interview with Amar Sindhu, activist, 01.12.2020.

²²⁶ Review and Analysis of Sindh Child Marriage Restraint Act 2013, Iqbal Ahmed Detho (2017) Sindh Community Foundation (SCF). Copy with author.

²²⁷ Interview with Advocate Maliha Zia Lari, Associate Director Legal Aid Society, 14.12.2020.

²²⁸ Sara Malkani, Sonali Regmi, and Payal Shah (2018) Ending Impunity for Child Marriage in Pakistan: Normative and Implementation Gaps. Policy Brief. Centre for Reproductive Rights.

Part of the confusion around the minimum acceptable age of marriage stems from two connected points: duality in the systems of formal laws where *Shariah*²²⁹ and penal laws clash, whether substantially or interpretively; and differences between ages of majority as defined by different sets of laws—including the Guardianship and Wards Act, 1980, which allows for the appointment of a legal guardian for children under 18 years of age, and the Majority Act of 1875, which fixes the age of majority at 18 years. Most recently, the Federal Anti-Rape Act, 2016 and the Sindh Domestic Violence Act, 2014 have provided for different ages for when a woman/girl can consent to sexual intercourse (16 years), and when she may be considered an adult who can press charges for domestic violence (18 years). The 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), 1898.

Multiple Violations

Lawyers in the province suggest that apart from problems concerning lack of implementation and low reporting of cases, the child marriage law itself runs into technical problems when read in conjunction with other laws pertaining to violence against women/girls. In an unprecedented move and perhaps in response to public sentiment, the Sindh High Court has recently ordered that the main culprit in the 14-year-old Arzoo's case²³⁰ also be tried under PPC section 376 (punishment for rape), which criminalizes sex with a woman aged less than 16 years, with or without her consent. There appears to be uncertainty amongst human rights lawyers on how the invocation of additional sections of the Penal Code (including rape or domestic violence) would be managed realistically because of jurisdictional differences, including which judge or courts can try such cases when offences are clubbed.

Jurisdictional Issues

There is presently no clarity in the Sindh law on how to handle cases where women/girls are moved to another jurisdiction outside Sindh that allows marriages under 18 and above 16 years for girls. There is anecdotal evidence from both Sindh and Balochistan that people move into adjoining Punjab and in between Sindh and Balochistan,²³¹ to avoid detection. Such cases are not only hard to detect, but also deter police action due to lack of financial resources and lack of clarity on how to proceed, particularly as the responsibility of checking internal trafficking of children lies with the Federal Investigation Agency (FIA). In a few cases that the CPA has been able to detect and respond to, myriad challenges are noted in terms of tracing, lodging and reunification with family members particularly cases involving stateless children.²³²

Jurisdictional issues also go beyond geographic confines, manifest in particular in the tussle between civil and criminal proceedings under different sets of related laws and courts systems. While human rights

²²⁹ Büchler, Andrea & Schlatter, Christina (2013) have documented the differences of opinion within different schools of Islamic jurisprudence e.g., Hanafi, Shafi'i, Hanbali, Maliki, and Jafari (Shia), etc.) on the minimum age for marriage (15 or 17 years). In Pakistan, as the Hanafi interpretation of law takes precedence, the inclination is towards accepting nine years for girls and 12 years for boys as puberty bench-markers as well signaling a readiness to be married as well as physical and mental maturity.

²³⁰ Underage marriage: Court orders Arzoo's purported husband be tried for rape - Pakistan - DAWN.COM, 9 December 2020.

²³¹ Discussion on Balochistan for a separate report.

²³² Interview with Fozia Masoom, Director Operations, Child Protection Authority, Government of Sindh, 12.12.2020.

advocates have recently pushed for grooms' culpability under the rape laws (e.g., in Arzoo's case), marriage dissolution and child maintenance issues provide a pull towards civil proceedings where negotiation can be more easily struck between opposing parties. Nevertheless, these remain technically disallowed under non-compoundable offences such as rape, child marriage, and domestic violence within Sindh's territory.

Political, Religious, and Social Forces and the Basis for Political Contestation

In explaining the role of religious actors and cultural beliefs around girl child marriage, a Shirkat Gah research notes: *"Religious clerics... use Friday sermons to extol the virtue of marrying girls at the earliest (and children more generally) to fulfil a religious obligation. In some areas, missionaries and local clerics reportedly conduct door-to-door visits to both ascertain which families had unmarried post-menarche daughters and tell men that it is wrong to keep their daughters at home. Frequently, when men gather in and around their mosques, those with unmarried daughters are singled out and asked why their daughters are still at home.... Cultural beliefs purporting to be religious dictates holding sway in the communities are crucial drivers of child and early age marriage."*²³³

The study notes various socially transmitted and maintained pseudo-religious myths that are touted to justify girl child marriages at the individual level by community elders, including parents. Most often, these beliefs cannot be attributed to any religious text or tradition. Some examples noted in the study include: if a girl attains menarche, it is *haram* (religiously forbidden) to eat any food she cooks; parents cannot perform religious pilgrimage without first marrying off their daughters; on Judgment Day, every menstrual cycle a post-menarche girl spends in her natal home would be counted as a murder by her parents, or that parents will have to drink their daughters menstrual blood as punishment, and so on. The study notes that while '...there was no evidence linking these beliefs to any religious instruction or actors in any of the project sites, yet they are widely held by community members to be religious gospel.'

Nexus between Local Clergy and Landowners, and Promotion of Exclusionary Islam

Evidence suggests that there is a nexus between local clergy, predominantly Muslim, and male landholders that promotes early and girl child marriages. Such a nexus is more pronounced in the south-eastern and northernmost parts of Sindh where religious seminaries have substantial landholdings after local landlords. In the southern districts of Umerkot, Tharparkar and Sanghar, for instance, there is not just the issue of desertification and underdevelopment that could be attributed to high girl child marriage prevalence, but large swathes of arable land are tilled almost exclusively by Hindu *haris* (farmers) on lands owned by local Muslim *waderas* and religious seminaries.

²³³ Shaheed, F. et al. (2019) Humsathi: Empowering Girls to Become Their Own Advocates and Boys as Allies to End Early Child and Forced Marriage. Final Technical Report (p.11). Lahore, Pakistan: Shirkat Gah-Women's Resource Center.

By one account, forced conversions and girl child marriages are more common to the greenbelt of Umerkot districts,²³⁴ where most *haris* are Hindu. The situation is similar in the northern districts of Sindh where local *maulvis* (Muslim clerics) reportedly give *khutbas* (sermons) to encourage people to marry their girls as soon as they show signs of puberty, as also noted by Shirkat Gah in its national study on child marriage. The sermons are more commonly reported in Jamaat-e-Ulema-e-Islam (JUI) dominated districts to the north, whereas the Pir Pagaro²³⁵ (around Khairpur) now politically supports girls' education and employment and has spoken against girl child marriage;²³⁶ unofficially, activists maintain, 14 years is still considered old enough for girls to marry in this part of Sindh. According to Anis Haroon, when it comes to the rights of women and girls, whether in Sindh or the rest of Pakistan, religion is used as a tool to beat both women and progressive politics into submission.²³⁷

Although Sindh has had a history of relative religious harmony compared to other provinces of Pakistan, many studies and accounts on the ground signal a mushrooming of religious seminaries over recent years²³⁸ that promote an exclusionary form of Islam and religious intolerance. By some accounts, it is also adding to growing insecurity amongst religious minorities vis-à-vis their lives and livelihood, and the safety of their girls. This insecurity is further reinforced by a resurgence in blasphemy accusations²³⁹ that often target religious minority groups, and certain Muslim minority sects. Insecurity and social fragility of this nature creates a serious disincentive for parents to let their girls stay unmarried and, by extension, unprotected. Since educational and economic opportunities in marginalized poor and minority communities located in the upper and lower regions of Sindh suffer from political apathy, marriage makes the most sense to poor families socially, economically, religiously and morally.

Apart from socio-cultural and pseudo-religious arguments in favor of girl child marriage, there is also strong evidence to suggest a powerful role of the local *waderas* that concern themselves with who marries whom, on what terms, and the larger biopolitics.²⁴⁰ The power and influence of the *wadera* also extends to the application of law for local disputes and crime; some even maintained their own jails.²⁴¹ This influence can determine whether a criminal case can be brought against the presumed guilty party. Discussions with young married and unmarried people in Shahdadtown suggest that the police may hand over an unaccompanied woman who moves to file a police complaint to the local *wadera* for his decision, and blatant rent-seeking behavior by law enforcement officials when marginalized sections of society move against more powerful people in the community.²⁴²

²³⁴ Naziha Syed Ali (2017) 'The truth about forced conversions in Thar', DAWN.COM, 17 July 2017.

²³⁵ Spiritual leader of Hurs and president of political party Pakistan Muslim League (F). 'Pir' (Persian) means elder or saint, and pagaro comes from paraga (Sindhi), meaning a chieftain's turban.

²³⁶ Pagara's advice against child marriages - Newspaper - DAWN.COM, 06 February 2012.

²³⁷ Interview with Anis Haroon, ex-Member, National Commission on Human Rights, 05.12.2020.

²³⁸ Javed, U. and Nabi, I. (2018) 'Heterogeneous fragility: The case of Pakistan', p. 43.

²³⁹ Zaman, S. (2020). The Blasphemy Regime in Pakistan. Arrow for Change, The Right to Freedom of Speech and Expression, Vol. 26, No. 1 of 2020, p. 24.

²⁴⁰ Khattak, S. G. (2013) 'What Hampers Population Policy in Pakistan? The Crossroads of Women's Empowerment and Development Agendas', Population Council Book Series, 1(1), pp. 81–89. DOI: <https://doi.org/10.1002/j.2326-4624.2013.tb00010.x>.

²⁴¹ Lancaster, J. (08 April 2003) Pakistan's Modern Feudal Lords - The Washington Post.

²⁴² Zaman, S. Humsathi: Empowering Girls to Become Their Own Advocates and Boys as Allies to End Early Child and Forced Marriage. Baseline Report: Shirkat Gah-Women's Resource Centre (unpublished).

Problems of Age Verification and Minority Identity Status

Sindh has a large number of children who do not possess proof of identity, the responsibility for which lies with several actors including provincial local government, NADRA, the National Ministry on Planning, Development and Reforms (MoPDR) and its provincial departments, and provincial Health Departments. Based on a rapid and comprehensive assessment of the civic registration and vital statistics (CRVS) across Pakistan in 2014–15, MoPDR has committed to universalizing CRVS across Pakistan by 2025 (including birth and death registration) in cooperation with provincial departments, as well as harmonizing laws in relation to these. Regionally and nationally, this initiative is linked to developments under the auspices of UNESCAP, WHO, and UNICEF and in pursuit of SDG Goal 16 (Promote Peaceful and Inclusive Societies) and Target 16.9 (Provide legal identity for all, including birth registration, by 2030).

Social injunctions also create other problems where a girl’s age may not be verified by the *nikahkhwan* because her consent is implicit in the father’s or brother’s consent if, as her legal custodians, they have decided to give her in marriage. While formally there is a stepped process for verifying ages of prospective brides and grooms under the law, the issue of lack of birth registration (which is a three-step process till marriage including registration, certification and verification requiring repeat visits to NADRA) makes the law difficult and subject to waiver, especially if the girl looks “old enough” to marry. Many stakeholders note that it is not only that *nikahkhwans* are unaware of the law; there is a lax system of accountability in terms of their license renewal should they not follow the necessary steps of age verification.

A Thardeep report²⁴³ notes that birth registration may face social resistance not just generally but also based on religious identities in Sindh. Young adults interviewed during Thardeep’s research expressed an aversion towards getting birth registered as it requires disclosure of the child’s religion and caste as mandatory entries which serves to “officialize” their scheduled caste status. The systematic and institutional discrimination faced by religious minorities prompted the Supreme Court²⁴⁴ in 2014 to order provinces to enhance the right to freedom of religion including through measures such as amendments to curricula, active promotion of religious and social tolerance, and a five percent job quota. These remain largely unimplemented.

Attempts to legislate on the issue of forced marriage have also suffered many setbacks with the Criminal Law (Protection of Minorities) Bill, 2019 rejected by the Sindh Assembly in October 2019. Earlier in 2016, the Sindh Assembly had passed the Forced Conversions Bill under which no person under 18 years could convert to Islam even of their own will. This drew considerable backlash from religio-political party leadership within the province. While the Sindh government managed to pass the child marriage law in 2013, it cowered to pressure from religious lobbies (and in some part, the Council of Islamic Ideology (CII)) in its failure to pass the Criminal Law (Protection of Minorities) Bill, 2019.

Nevertheless, District Committees in Umerkot, Tharparkar and Mirpurkhas are working in coordination with the Local Government Department (Planning, Monitoring and Evaluation Cell) and, at some level,

²⁴³ Irfan Khan (2011) Protection and Empowerment of Working Children in Sindh: Child Rights Situation Analysis of Dadu, Jamshoro, Tharparkar and Umerkot Districts (p.40). Thardeep Rural Development Programme.

²⁴⁴ Peter Jacob (2019). A Long Wait for Justice: A compliance analysis of the Supreme Court’s verdict on 19 June 2014.

trying to raise the issue of non-implementation of the Sindh Hindu Marriage Act (Registration of Marriage) Act, 2016,²⁴⁵ the Sindh Hindu Marriage Rules, 2017, and the SCMR Act, 2013, in a bid to stop marriages of Hindu children under 18 years. As a result of networking with legislators in Sindh, District Committees (comprising local administration, lawyers, child rights advocates and civil society organizations) had the Secretary Local Government issue letters to Directors and Deputy Directors of Local Government Departments to ensure registration of Hindu marriages and the issuance of marriage certificates within 45 days (as per section 6 & 7 of the Sindh Hindu Marriage Act, 2016) in their respective Union Councils and Municipal Committees.

Even though local government is a vital part of birth and marriage registration, not only is the Local Government Department not included in any provincial or district committee looking into child marriage cases but, according to experts, they are also less inclined politically to go beyond municipality related tasks of road fixing, garbage collection, drainage cleaning, and the like.²⁴⁶

Structural Barriers to Institutional Deliveries and Birth Registration

The issue of birth registration is further tied to the issue of institutional deliveries, which generally result in hospital-issued birth certificates. Over the years, Sindh has been able to raise the percentage of institutional deliveries, which is higher than the national average (66 percent at the national level and 72 percent in Sindh – PDHS 2017–18). The PDHS 2017–18 shows that delivery at health facilities in rural districts of Sindh increased by 16.5 percent (from 47 percent to 64 percent) in rural areas, while the same increased by 11 percent in urban areas (from 78 percent to 89 percent) from the previous survey in 2012–13. MICS 2018–29, however, shows that urban women are still far less likely to deliver at a health facility in rural areas (59.1 percent) compared to urban women (83.9 percent), and divisions Larkana and Mirpur Khas have some of the highest rates of girl child marriage and the least number of children born at health facilities (57 percent and 52 percent respectively), making age verification via documents extremely difficult. The overall access to institutional deliveries remains low, however, with significant urban-rural disparities. Women and girls in districts to the north, north-west (adjoining Balochistan province) and south-eastern Sindh have a far less likelihood of women accessing hospital birthing services. A small study in the southern coastal and sea-ravaged district of Thatta suggests that pregnant women are reluctant to receive skilled and institutional birthing care due to apprehensions about operative delivery, poor attitude of skilled healthcare providers, and poor quality of care. High cost of care, distance to facility, lack of transport and need for an escort from the family or village to visit a health facility are noted as additional important factors for not seeking care in available research.²⁴⁷

²⁴⁵ Led mainly by the Department of Religions Affairs, Auqaf, Zakat and Ushr, Government of Sindh.

²⁴⁶ Interview with Iqbal Ahmed Detho, Member National Commission on Child Rights (who has recently designed a Training Manual for Local Government officials on child marriage law and other allied laws that concern Union Council officers).

²⁴⁷ Mcnojia SZ, Saleem S, Feroz A, Khan KS, Naqvi F, Tikmani SS, McClure EM, Siddiqi S, Goldenberg RL. Exploring women and traditional birth attendants' perceptions and experiences of stillbirths in district Thatta, Sindh, Pakistan: A qualitative study. *Reprod Health*. 2020 Jan 13;17(1):3. DOI: 10.1186/s12978-020-0852-0. PMID: 31931824; PMCID: PMC6958748.

Informal Justice Systems and Lack of Access to Formal Justice Systems

The tribal justice system or *faislo* in Sindh, undertakes mediation, arbitration and reconciliation across a range of issues including those pertaining to agriculture and resource, community disputes, theft, *karo-kari* (honor-killing), injury, murder, and kidnapping.²⁴⁸ Frequently, tribal leaders and powerful politicians are also closely linked and there is an overlap between tribal heads and spiritual leadership which sustains the informal justice system to the detriment of formal ones.²⁴⁹ While *jirgas* still take place in Sindh, anecdotal evidence suggests that the *waderas/sardars* that used to hold them do not hold any sway in matters concerning marriages. But, when it comes to village elders and influentials advising who should marry whom, or in villages where *beradri* and the caste system is stronger, marriages still happen with elders being involved in the decision.^{250, 251}

Distribution of Power Between and Within Institutions and Stakeholders

Girl child marriage involves a host of actors and institutions that have unequal powers of decision-making. Some of these power asymmetries are discussed below:

Decision-making Related to Marriage

Small community-based research in 2018²⁵² on child marriage and teenage pregnancy in Sindh (districts Sanghat and Umerkot) found that community members including parents and young people were by and large aware of the negative consequences of child marriage, and also aware of the child marriage law in Sindh; nonetheless it did not prevent them from marrying off their girl children. The study noted that despite some awareness of the law in the research sites, (child) marriage still functioned as a protective mechanism to guard young people against “pre-marital sexual relationships, sexual harassment and to relieve the family’s economic burden”. Evidence of increasing awareness of the law also lies with the production of fake birth certificates by families that are produced “fairly quickly” when a legal case is made/threatened.²⁵³ There is little information at the moment on the political economy of fabricated birth certificates and the people and institutions involved in their requisition and production at the local level. The research concluded that the key drivers of (girl) child marriage include unequal gender norms, lack of communication between elders and young people along with the poor state of educational and economic opportunities.

Data from different reports related to child marriage suggest that in Sindh, decision-making concerning marriage remains largely in the hands of elders, and the inter-generational gap limits young people from participating in decision-making about their lives in general and regarding marriage in particular. The

²⁴⁸ Collective for Social Science Research (2012) Child Protection System Mapping and Assessment Sindh. Karachi, Pakistan: Collective for Social Science Research. Karachi, p.45.

²⁴⁹ Ibid.

²⁵⁰ Interview with Amar Sindhu, 01.12.2020.

²⁵¹ 24 News ‘Woman challenges jirga which gave her daughter as wani’, 17 December 2020.

²⁵² Maryam Jawad, Tasneem Kakal, and Dr. Maryse C. Kok (2018) The situation of child marriage and teenage pregnancy in Sindh, (p.7). Midline Report. KIT Royal Tropical Institute.

²⁵³ Interview with Anwar Mahar, Executive Director Nari Foundation, Sukkur, 14.12.2020.

intergenerational gaps concern not just children's and parents' inability to communicate concerns to each other based on socially constructed notions of propriety and openness about matters related to sexuality and reproductive choices, but also from a certain "ownership"²⁵⁴ which parents exercise over their children and which values unquestioning obedience. The inability of children to question their parents' decision is also reflected in the Sindh MICS 2018–19 which shows that about 79.6 percent of children aged 1-14 years reported violent disciplining at home during the last one month, being the highest in Umerkot (93.5 percent) followed by Jacobabad (highest percentage of girls reporting child marriage). However, District Kashmore has the second-highest instance of reported girl child marriage, but has a lower percentage of children interviewed reporting violent disciplining (75.5 percent), making a definite link between girl marriage and violence at home difficult to draw.

Some studies note resistance by younger people (both girls and boys) to child marriage in pursuit of education and better health. Where there is knowledge, young people are using the health- and education-based arguments to successfully delay their own marriages, of other family members, or their peers.²⁵⁵ In some cases, where knowledge of the law exists, threats to file a legal case have also worked.²⁵⁶

Patronage Systems, Turf Issues and Political Point-scoring

In their assessment of the political economy of nutrition in Sindh, Zaidi et al. (2013)²⁵⁷ note that the system of civil service appointment and management in Sindh underpins the distribution of power within and between those designing and implementing the programs and those receiving its benefits. They note a pervasive culture of political appointments across the public sector in Sindh with a "work culture of patronage and favors instigated by elected representatives", which improve chances of re-election. They find that within the nutrition sector, multisectoral projects are resisted by government due to "turf" issues over funding control. There is also "reluctance to take the blame for non-performance or for the lack of clear direction from political leadership."²⁵⁸

As measures directed at eradicating girl child marriage are unlikely to produce dramatic results within a five-year government that could be showcased effectively, legislators have been more malleable to civil society pressures to pass laws rather than pursuing a broader reform agenda based on political consensus, particularly when it comes to overturning the culturally sanctioned subordinate position of women and girls in every aspect of their lives.²⁵⁹

²⁵⁴ See Aitzaz Ahsan (May 06, 2019) Child Marriages (Restraint) Amendment Bill, 2019, DAWN.COM.

²⁵⁵ Iram Kamran et al. (2019). Situation Analysis of Reproductive Health of Adolescents and Youth in Pakistan. Population Council, UNFPA, Islamabad.

²⁵⁶ Zaman, S. Humsathi: Empowering Girls to Become Their Own Advocates and Boys as Allies to End Early Child and Forced Marriage. Baseline Report: Shirkat Gah-Women's Resource Centre (unpublished).

²⁵⁷ Shehla Zaidi et al. (2013) Political Economy of Undernutrition National Report: Pakistan (p.27). Division of Women and Child Health, Aga Khan University, and Institute of Development Studies (IDS), p. 87.

²⁵⁸ Ibid.

²⁵⁹ Various interview respondents in Sindh and Balochistan.

Lack of Clear Mandate and Financial Inefficiency

Apart from the culture of political appointments and mismanagement, there are other sector-specific issues that create imbalances within the government machinery in addressing issues concerning women and girls. For instance, while the Women Development Department (WDD) has been taking the lead on addressing girl child marriages through different committees notified at the provincial and district levels, the WDD's own budget was a meagre 0.08 percent of the total provincial budget of the Sindh Government for the financial year 2018-19, which was slightly increased in 2021. With the average national South Asian allocation at less than 1-2 percent, the WDD lies well below this average range, at less than 0.1 percent. Experiences of working closely with the Department²⁶⁰ suggest that not only is the WDD in a weak position to influence the rest of government departments in terms of gender mainstreaming due to technical capacity issues, human resource constraints and systemic discrimination, it also suffers from lack of fiscal prioritization within the provincial government. A closer look at the Departmental Annual Development Plans suggests weak propensity to spend what is allocated, with many previous infrastructural schemes languishing under increased costs. Issues like these create serious legitimacy problems between government departments and between the government and the private sector and civil society based on which partnerships can be forged, alliances built, and credibility and legitimacy enhanced. While financial allocation and management is a long-standing issue, the technical capacity of the Department itself to program, design, and advocate within government line departments and with other stakeholders, and contribute to strategic discussions at both policy and program level, is considerably limited. Heavy reliance on external consultants extended by various development partners and donors over the years has not allowed the Department to build its own capacity.

Cultural Shifts?

Anecdotal evidence from numerous stakeholders suggests that there has been a shift in cultural practices related to child marriage in Sindh. Previously parents would not report cases of abduction or rape out of fear of shame and stigma. An increasing number of cases registered with the police also suggests that the law is being used, although there is less information on who is using it: children, or parents, to stop self-arranged/own-choice marriages. That a larger number of such cases are being reported in the media now is also verified by both NGO reports (Sahil) and the Sindh Child Protection Authority data. This signals an increasing engagement with the law despite low levels of convictions and high levels of impunity.

On the other hand, the MICS 2018–19 data clearly indicate that girl child marriages have risen across Sindh over the past years, and that long-term positive cultural shifts and other factors are being reversed or offset by other factors that raise vulnerability to early marriage for girls.

²⁶⁰ The author of this report worked with the WDD from 2018–2019 to devise the provincial Gender Equality and Women's Empowerment Policy 2020–30, through a consultative process, which though approved by the Chief Minister in February 2019 is yet to be officially launched despite a lapse of nearly a year.

6. Pathways to Change

An increasing number of social science theories have grappled with the process of policy change as governments, development practitioners and human rights advocates have come to rely on policies and laws to address both lingering and emerging social problems.²⁶¹ Different studies suggest different modes for influencing public policies, particularly when it comes to addressing issues that may be a source of dispute between policy participants, are generally problematic, suffer from lack of clarity, or a source of disagreement related to the why, how, when and what of policy reforms.

The Advocacy Coalition Framework (ACF) proposed by Paul Sabatier and Hank Jenkins-Smith deals with problems of policy change over time that involve “substantial goal conflicts, important technical disputes and multiple actors from several levels of government”.²⁶² It considers the behavior of policy participants with regard to two exogenous factors, one fairly stable and involving basic attributes of the problem (such as the distribution of natural resources, fundamental socio-cultural values, social structures, and formal rules); and the other more dynamic (such as changing socioeconomic conditions, changes in public opinion and governing coalitions, outputs from other subsystems or policy decisions, disasters, and so on). When it comes to norms influencing the behavior of policy participants, the ACF makes a distinction between *core belief systems* and *policy core beliefs* that cumulatively impact policy and define resistance/ support towards it.²⁶³ The ACF suggests that because policy core beliefs are subsystem, wide in scope and deal with policy choices, they are also very difficult to change, compared to *secondary beliefs* that are relatively narrow in scope and concern minute details such as rules and budgetary applications within a specific program, the seriousness and causes of problems in a specific locale, public participation guidelines within a specific statute, and so on. Because secondary beliefs are narrower in scope than policy core beliefs and core belief systems, changing them also requires less evidence and fewer agreements among actors.

²⁶¹ For a useful primer on these, see Sarah Stachowiak (2013). *Pathways for Change: 10 Theories to Inform Advocacy and Policy Change Efforts*. Organizational Research Services Washington, DC.

²⁶² Sabatier, P. A. and Weible, Christopher M. (2007). *The Advocacy Coalition Framework: Innovations and Clarifications*. Westview Press. 2007, p.189.

²⁶³ *Core Belief Systems* concern normative and ontological assumptions about human nature, relative priority of fundamental values such as equality and the welfare of different groups, the role of government and the process of inclusive decision-making related to policy. *Policy Core Beliefs* on the other hand concern how policy systems ought to be and provide the vision that guide an advocacy coalition’s strategic behavior that helps unite allies and divide opposition.

While the Sindh government has passed a law on child marriage and technically declared marriage of both boys and girls under 18 years illegal and a punishable offence, the social definition of consent remains a sticky issue as it comes to be circumscribed by cultural influences that dictate gendered roles for women and girls in society. Therefore, while the goal of said legislation was to create a deterrent towards child marriage, its subjective application creates a significant goal conflict where the best interests of the girl child is closely tied to the social acceptability of solutions offered to her, particularly if the marriage has been consummated or pregnancy has resulted. Further, cases that may be reported to law enforcement authorities usually come with a range of problems that involve multiple stakeholders from within the household and that carry over to systems of civil and criminal justice, rescue, recovery, and rehabilitation. These systems are currently not only inappropriate (as in the case of lodging girls in older women's shelters), but they are also insufficient to deal with all accompanying issues.

Overall, progress in Sindh as far as legislation and sector policies are concerned shows that major hurdles have been overcome both in core beliefs systems as well as policy core beliefs, at least amongst policy makers and, to some extent, within communities as the practice continues its general downward trajectory. Within this context, the scope for challenging and changing secondary beliefs through procedural changes related to laws and policies is substantial and can be pursued effectively with small pockets of resistance that already exist.

The two most critical pathways to changing beliefs and attaining policy change according to ACF²⁶⁴ involve policy-oriented learning, that is, slower but relatively enduring alternations of thought and behavioral intentions that result from experience and/or new information concerned with the attainment or revision of policy objectives; and external perturbations, or shocks, in the more dynamic exogenous environment. Policy-oriented learning results when the efficacy of policy is continually studied to develop new iterations of the problem that need focused attention going forward. The Policy Window or agenda-setting theory forwarded by John Kingdon,²⁶⁵ further delves into policy prioritization by suggesting that two to three streams in the larger environment need to converge at critical moments in order to catalyze policy prioritization amongst commitments which may have been initiated independently.²⁶⁶ These include (re)defining or (re)iteration of the problem including its attributes, impact, and magnitude; the generation of ideas and suitable policy options to address the problem; and capitalizing the politics or prevailing policy "mood" which may favor desired change. Kingdon suggests that when two or three of these conditions converge, a policy window opens which can be effectively identified if advocates have the right knowledge, networking, and goodwill/legitimacy within policy circles. The following section discusses pathways to change in Sindh with respect to these theories and in relation to the issue of girl child marriage.

²⁶⁴ Sabatier, P.A., and H. Jenkins-Smith (1993). *Policy Change and Learning: An Advocacy Coalition Approach*. Boulder, CO: Westview Press.

²⁶⁵ Kingdon, John W. (1995). *Agendas, alternatives, and public policies* (2nd ed.). New York: Harper Collins College. In Sarah Stachowiak (2013). *Pathways for Change: 10 Theories to Inform Advocacy and Policy Change Efforts*. Organizational Research Services Washington, DC.

²⁶⁶ Policy windows can be both predictable (for example with changes in political coalitions, elections, budget making processes, and so on) or unpredictable (disasters, conflict, etc.), and deeply context dependent.

Problem (Re)Iteration and Issue Framing

Practically, commitments made under different laws, sector roadmaps, taskforce recommendations and policies in Sindh and nationally concern a vast range of stakeholders with their unique locational politics, power, motivations, belief systems and understanding related to the issue of child marriage. Discussions with different stakeholders in Sindh suggests that many advocates and those in influential positions are not aware, have not given enough thought, or hold little evidence on the role of history, geography, climate, macroeconomic development, geopolitics, and so forth, on child marriage occurrence, and tend to attribute it mainly to cultural, traditional, and religious practices and belief systems that discriminate against women and girls. While these do cast a significant influence on child marriage preponderance and can partially explain counter-intuitive findings in relation to education and wealth status in particular, the issue needs to be understood more holistically and framed realistically. In particular, divergent data that push the boundaries of conventional wisdom and understanding of the subject need to be presented to policy participants more clearly and effectively to avoid unimaginative solutions in determining the right mix of incentives and investments to eradicate the practice.

Child marriage is not monolith and results from different, intersecting factors

A growing body of evidence identifies the adverse effects of child marriage on several development outcomes. Based on evidence presented in this report, it is clear that girl child marriage is pervasive across Sindh (although not equally so across districts), and is closely tied to lower levels of educational attainment, rural status, extreme poverty, lack of civic registration, deleterious health consequences (PRMMR of 345 per 100,000 live births), lowered labor force participation following early marriage, susceptibility to violence, and overall low human development amongst girls that carries over into future generations. As the practice is not consistent across districts, different combinations of intersecting factors lead to child marriage and create different results. Although there are tremendous benefits to be derived from educating girls and eradicating poverty in curtailing girl child marriage, this report shows that dividends are not automatic by enrolling girls into schools or reducing income-based poverty but rather incremental. The discussion on child marriage also needs to be broadened, to account for intersections with less understood issues of climate change, migration patterns, changing land use and changing nature of work and time-use amongst women and girls. The relationship between poverty and child marriage is not straightforward as the poorest communities may also delay marriages out of economic compulsions, but the combination of economic and social reasons are not always self-evident. Further, as the spread of public services thins out towards provincial borders, arid/barren territories, and within urban peripheries, the indicators worsen not just in terms of child marriage prevalence but also in associated factors including health, education, civic registration, economic development, and access to technology and formal justice systems. These should be the focus of future in-depth studies and research.

Child marriage practices are not consistent across Sindh

Although socio-cultural influences are strong and apparently untenable because no district of Sindh is completely free of girl child marriages, the varying levels of prevalence suggest that socio-cultural influences are further modulated by other factors including national and provincial macroeconomic indicators, climate change, the overall state of personal security especially for girls, intersecting marginalization based on class, caste, religious and gender identities, and overall development indicators within specific districts. The issue of rising girl child marriage within different areas of Karachi, the most urbanized megacity of the province in recent years, also demands further inquiry that looks deeper into the issue of rural-urban migration, changing demographics, informalization of women's urban economic participation and spread of basic education, population welfare and health services. For the issue to be addressed, policymakers and advocates need a nuanced and shared understanding of factors leading to girl child marriage by working closely with and studying in more detail the communities most affected by them to devise the most suitable solutions.

Law as one instrument of change

A systematic review of global literature on child marriage interventions indicates that reforms in laws and policies are a necessary but insufficient part of the solution to address girl child marriages (Malhotra et al. 2011; ²⁶⁷ Collin et al. 2017²⁶⁸). A testament to the limited role of law lies in the fact that child marriages have seen a downward trajectory across Pakistan over many decades, and the process of change has been initiated well before laws coming into play. There may be a connection with increased funding and dedicated programs since 2000, however, but this is not easily verifiable in the absence of disaggregated data. Further, Sindh is seeing an overall upward trend in girl child marriages since 2014, after a specific law was passed in connection to it in 2014.

There appears to be consensus amongst stakeholders in Sindh that having a law that restricts age of marriage for girls and boys is necessary since it allows cases to be more systematically tracked and enables platforms that respond to them.²⁶⁹ While setting up comprehensive and integrated response mechanisms is contingent on an enabling law and is much needed, the law in itself is unlikely to drive social change unless people, especially young people, are aware of their rights, and unless the applicability of these laws and policies extends to cover a wide range of underlying issues and types of cases, including self-arranged or own-choice child marriages, those driven purely by cultural values, those involving other deprivations and violations (for example, child labor, inheritance deprivation, rape, and so on) and those resulting from external shocks to livelihoods and/or displacement. There is also a dire need for laws and policies to be applied consistently and without prejudice to gender, age, class, religion, caste and other social identities. Alongside taking a multisectoral, integrated and non-discriminatory approach to the issue under the law, there is a need to raise awareness of its Rules that further expound procedural requirements.

²⁶⁷ Malhotra, A. et al. (2011). Solutions to End Child Marriage: What the Evidence Shows. Washington, DC: International Center for Research on Women.

²⁶⁸ Collin, M. and Talbot, T. (2017) 'Do Age-of-Marriage Laws Work? Evidence from a Large Sample of Developing Countries'. Center for Global Development SSRN Electronic Journal. DOI: 10.2139/ssrn.3013388.

²⁶⁹ Interview with Alia Shahid, Secretary Women's Development, 07.12.2020.

Concurrently, monitoring of reported cases must improve to better identify associated child rights violations and arrange concomitant support as part of the larger child protection agenda.

In addition to these, the ambiguities, lacunae and contradictions in law also need to be removed on certain key issues related to consent, exceptions thereof, and marriage annulment. One of the main recommendations made by the Sindh Committee on the Standardization of Female Age of Marriage was for the federal government to “Make appropriate amendments in the Dissolution of Muslim Marriages Act, 1939 to reflect the amendment in Child Marriage Restraint Bill, 2009, raise the age of option of puberty to 18 years and the cut-off age for exercising the option to 19 years, and to add a provision to make under-age marriage a valid basis for divorce.” Amendments to the Muslim Marriages Act, 1939, that allow automatic annulment have still not been addressed by the Sindh child marriage law and its Rules. There is some support, however, to help girls gain a legal separation (*khula*) or to divorce the husband under the Rules, but this involves separate court visits and filing of papers and adds additional burden on, and a strong disincentive for, child brides to seek legal recourse. Even though there is no provision in law that says that a girl child marriage must continue if the marriage has been consummated, the silence of the law on this matter is used to push girls into staying married unless the age difference is considerable, the girl is too young, or the matter involves interfaith marriage with an attached allegation of forced conversion.

Discussions with legal experts also suggest that defining consent on the mere basis of age, though helpful in drawing lines between when consent may or may not be relevant, does not always make sense as girls older than 18 years are also routinely forced to marry and not all girls above age 18 may have the mental and emotional maturity to undertake the responsibility of marriage. In this sense, the forced marriage of girls and women irrespective of age needs to be framed as part of a larger spectrum of violence that begins in the natal home and carries over into marital life. Without opening up dialogue on the social meaning of consent to marriage, how it may be elicited and its validity under different circumstances, policies and stakeholders are unlikely to respond to a vast majority of cases that remain unreported or involve self-arranged/own-choice girl child marriages, or marriages that sometimes constitute a coping mechanism to external shocks such as climate change-induced disasters, cli-migration, catastrophic health expenses, and so on, that directly threaten livelihood, generate social insecurity, and shrink disposable incomes.

With this evidence, the child marriage law needs to be amended to provide more clarity on the issue of consent and annulment of both forced and self-arranged girl child marriages, along with guarantees that ensure that girls have the right to maintenance should the marriage be annulled, and any child(ren) born within such a marriage has/have legal recognition and protection. The issue of annulment also needs to be assessed on a case-by-case basis, considering both the age gap between the couple and whether the man can support the girl or not. If cases proceed in court, mechanisms must be put in place that protect victims during trial, which are currently not in place.

For those whose marriages are not annulled, there is a strong case for setting up mechanisms or services that help young couples, including special schooling programs for young brides and family planning counseling to delay first pregnancy, instead of having girls stay at shelters until they are 18 and eventually

leave with their husbands. Ideally, the Sindh government should take full responsibility to provide for the girl and facilitate a combination of opportunities for self-development to improve her chances of surviving without staying in the marriage, and/or if she cannot return home.

Alongside this, there is a need to review and amend laws related to women's rights within marriage including the right to divorce and maintenance under the Muslim Family Law Ordinance, 1961, and reconcile the federal law on forced marriage (Anti-Women Practices Act, 2011); the Sindh Domestic Violence (Prevention and Protection) Act, 2013; and the Federal Anti-Rape Act, 2016.

In addition, evidence also demands the resolution of jurisdictional issues in cases where people move to other provinces to contract child marriages and in cases where multiple offences are committed, including but not limited to rape, domestic violence and trafficking of girls under the garb of marriage. There is at present extraordinarily little information on girl children who are being trafficked in Sindh under the façade of marriage although child rights activists in both Sindh and Balochistan²⁷⁰ pinpoint specific areas where this is happening. Future research should delve into these issues in more detail along with issues faced by orphaned girls and those living with disabilities.

Refining the discourse on Islamic injunctions related to puberty

Perhaps the biggest political resistance to child marriage institutional reforms in Sindh comes from cultural forces with a religious framing. With an unsuccessful move to pass national legislation on child marriage as recently as 2019, political parties in support of the law have also relied on examples from other Muslim-majority countries that have increased the age of marriage to 18 years, to garner local support and build legitimacy for legal reforms despite strong opposition within the Senate. The local clergy and people in general are largely unaware of international developments in redefining consent to marriage and continue propagating puberty as the right age to marry. As the Muslim-ness of some friendly countries (Turkey, Saudi Arabia, Indonesia, the UAE, Egypt, Bangladesh, and so on) tends to get traction locally, it is important to propagate these developments to counter arguments that privilege a narrow reading of religious tradition or essentialize Muslim values to justify girl child marriages within Pakistan, and in Sindh. The 2017 *fatwa* (religious edict) issued by the well-respected Cairo-based Jamia Al-Azhar, which has declared marriage without the girl's consent as an offence punishable with death and where a critical element for consent is reaching the age of 18 years, can also be cited to gain and rally allies; however, self-arranged marriages under 18 years still need a solution in law and in public policy. When it comes to the question of consent and how it may be inferred based on religious interpretations, a 2012 judgment of the Federal Shariat Court makes advocates' work a little easy when faced with resistance regarding what defines valid consent to marriage²⁷¹ but again, such judgments need to be popularized in common discourse and not remain confined to legal books and academic journals.

²⁷⁰ See separate report on Balochistan by author.

²⁷¹ 2012 P Cr. LJ 11, Federal Shariat Court, Criminal Appeal No. 112/I of 2009. The Judgement states: "...free consent, for marriage, does not mean just acceding to or saying 'yes' to the circumstantial or situational dictate. While analyzing quality, value or worth and features of such a free consent, the following need to be considered: ability of exercising free choice; capacity (legal capacity: not only sane, but mature mind, i.e.,

Combining other Policy Streams and Promoting Coherence

The sheer scale of prevalence of girl marriages under 15 and 18 years compared with the number of cases reported to law enforcement, child protection authorities, or flagged by the education, health and local government sectors, provides a starting point to expanding dialogue with a number of stakeholders that have so far remained either peripheral to the issue or are working in silos, whether due to lack of clarity on their role, limited capacity to understand intersecting issues, or lack of intersectoral networking.

The child marriage legislation in Sindh, along with sector-specific policies related to population, health, education, labor, local government and youth, and local data and research considered in this report also collectively present a policy window to lobby stakeholders to end child marriage in the province. These are further supported by national level commitments under the National Vision 2025²⁷², formulated to domesticate international obligations under the SDGs and other international and regional commitments that prioritize gender equality and women's empowerment.

It is critical as this juncture to review sector policies, VAW/G laws, and related mechanisms to detect incoherence (for example, between child protection and child marriage). While pushing for the implementation of the law on child marriage is clearly needed, a more durable solution to the problem lies with bringing together multiple policy streams that commit to eliminating adolescent pregnancies, promoting family planning, enhancing access to contraception and safe abortion services, universalizing civic registration, enforcing laws related to domestic and sexual violence (including enhancing legal literacy and women and girls' recourse to strong and non-discriminatory justice systems) and enabling girls (and boys) to make more informed life choices and decisions about their lives and bodies. Advocates should pool these commitments and push for intersectional approaches at every opportunity. Where opportunities do not exist, they should be created, funded, and studied for impact.

Strengthening Organizational Capacity

The Action Coalition Framework (ACF) suggests that the best way to deal with multiplicity of actors in a policy subsystem where substantial negotiations happen between different interest groups and governments, is to aggregate them in advocacy coalitions, and detect coordination patterns between clusters that share certain beliefs, to influence them more effectively and to avoid policy watersheds between participants. The higher the degree of consensus required, the more advocacy coalitions must be inclusive (rather than limited to specialists only), to seek compromise, share information with

not only puberty, mere majority but age of responsive and conscious consent); capability to use that capacity; depending upon capacity, impediments to or assistance available for application of mind e.g., availability of assistance of *wali* and *wakil* (guardian-counsel and supporter-protector); in one's own interests or benefit; extent of free availability of possible options to choose from; and environ of freedom."

²⁷² Amongst its seven priority areas or pillars, the first pertains to social and human development with a dedicated section on gender equality and women's empowerment. Although the Vision 2025 document does not mention the issue of early and child marriage as an issue deserving specific attention, it does focus on issues affecting the youth of Pakistan and ancillary issues related to child marriage such as lack of education, poor health, low standards of living, unemployment, lack of skills and access to finance, gender-based discrimination and lack of free choice for women. However, a closer look at the Vision suggests that gender equality is functionalized to ultimately drive economic growth through better access to legal rights for women, and not necessarily framed as a fundamental human rights issue.

opponents and avoid the “devil shift” where a potential partner is perceived as less trustworthy and unsuitable in the process of change.

Multiple actors are working across Sindh to address the issue of child marriage directly or indirectly, but not necessarily in concert, or without ample opportunity to share their experiences and learnings with each other. There is a distinct gap between those taking a strictly rights-based approach and those approaching the issue from a health and wellbeing angle. Such gaps do not bode well either for organizing around the issue of child marriage or for the purpose of policy-oriented learning. For example, while both the health and justice sectors are actively facing child marriage cases, they are not necessarily discussing them in the same space or within an intersectional framework with those working on the issue of, say, pre-term births amongst teenage mothers. Although such levels of organizing are not strictly undesirable as different organizations bring their own sets of skills and focus to the subject, it does limit benefits being derived from participatory and inclusive learning processes across a range of sectors who weigh in with their own set of expertise. This also has serious implications for policy framing, application, and policymakers’ attention span as they get diverted to different tangents around the same issue.

Discussions with different stakeholders in Sindh also indicate an urgent need to bolster stakeholder capacity to address the issue more holistically ranging from immediate assistance to girls facing the prospects of early, child or forced marriage, to long-term support and the management of different interconnected socioeconomic impacts and a range of health issues. Apart from a basic working knowledge of the law and know-how of the general policy landscape that support eradication of child marriage based on different sets of evidence, there is a need to improve the sharing of knowledge, successful practices, and pooling of multiple policy streams across sectors. In addition, relationships need to be expanded between different government departments and frontline responders to close the policy-intervention gap and ground policies in the lived experiences of affected parties that do not frequently interface with government support systems until there is a crisis. Traditionally, poorer, and marginalized communities tend to have a higher dependency on state response during crises compared to those with greater access to alternate means or who possess higher negotiating power. While there is a need for better policy coherence in terms of content (especially where roles and responsibilities appear fudged, or policies and stakeholders do not speak to each other), concerted effort must be put into improving the mechanics of dialogue and cooperation between both direct and indirect stakeholders, affected parties and policymakers.

In addition, stakeholders and policymakers need to be supported by both disaggregated evidence and communication material that blend convincing facts and evocative social narratives to foster a will to enforce what has already been committed to by the government on paper, or to fill policy gaps. In this regard, disaggregated communication strategies are important as policymakers and stakeholders often draw not only on research, but also on many other types of evidence to change their point of view or to be convinced to try different approaches; sometimes a single event can catalyze political will which has otherwise had lukewarm support for decades. Interactions between researchers and users (both at the government and local levels) also increases the prospects for research uptake and raises the salience of

using a mix of messages to appeal to differently positioned stakeholders. This also eliminates the risk of non-translation between research and policy and bridges the gap between knowing and doing. In the context of child marriage such disaggregated strategies are even more important since, although there is consensus and proof of its harmful effects, such marriages continue to happen, are not effectively prevented or responded to, or little understood beyond the poverty and education lens.

There are two main active players in the provincial government responding to the issue of child marriage, the Social Welfare and Women Development Departments. Both have their own set of challenges in understanding and responding to the issue. If the Health Department is taken on board, Lady Health Workers (over 23,000 in Sindh), as well as government gynecologists and pediatricians, can also play a greater role in case detection and appropriate referrals to the authorities concerned, provided they have working knowledge of the law, relevant Rules and have access to support systems that can intervene/support at the local level. Similarly, the Labor, Special Education, and Sports and Youth Affairs departments can also be close allies in streamlining options for non-formal education and employment for young people which can otherwise provide a “push” towards early marriage. There is also a host of helplines working across Sindh, including those placed within the Child Protection Unit and the Women Development Department and several others under public-private partnerships offering referrals and legal counseling support. These need to be streamlined, publicized, and reporting encouraged through public awareness campaigns.

Further, the social barriers that impede women and girls’ access to justice, services such as health and education, and livelihood, must be addressed both through improving implementation of existing policies and building a strong public narrative on gender equality and women’s empowerment. Within this narrative, it is critical to emphasize a whole-of-government approach to achieve improved gender indicators and discourage a strictly punitive and/or siloed approach to gender and child rights’ law making and programming across sectors. The misconception that women’s empowerment is the “mandate” of women’s machineries only (including the Women Development Department and the Provincial Commission on the Status of Women) must be allayed by those at the highest level of government. Capacity issues therewith must be addressed through long-term and wide-ranging engagement by development partners, with support provided to the departments to create their own plans and strategies rather than having external consultants do the job. While this process may be drawn-out and difficult at times, it can lead to longer-term capacity improvements. Additionally, champions in the sectors concerned must be identified at all tiers and mobilized to overcome resistance from a few but key individuals in each sector.

Influencing the Political Climate

Historically, it has always been contentious to talk about women's rights in marriage in Pakistan due to the backlash from conservative political parties and individuals with otherwise relatively progressive politics. However, with the cases of Zainab²⁷³ and Marwa,²⁷⁴ two minor girls who were sexually assaulted and murdered in different parts of the country in quick succession, the opportunity to talk about child abuse and consent has risen and catalyzed legislation related to child kidnapping and rape (the Zainab Alert, Response and Recovery Act, 2019). The policy window remained open as more cases were reported within a short span of two to three years, generating popular demand for improved child protection systems in the country and a mood for policy reform, which perseveres to this day.

The developments that led to the federal Zainab Alert, Response and Recovery Act did not happen in isolation and did not end at legislative reforms only. In 2018, organizations working on youth SRHR also recognized the opportunity to press for life skills-based education to be introduced in schools across Sindh and other parts of Pakistan (including Balochistan) where policymakers were open to dialogue and reeling from the shock of an increasing number of child abuse and rape cases. NGOs such as Aahung, for example, were able to leverage the policy window effectively based on extensive expertise and credibility within policy spaces related to LSBE, an eye for dialogue opportunities, a pre-existing working relationship with education departments and the ability to couple policy streams. To get more out of existing policies and at times vague laws, it is critical to expand constituencies by developing capacity amongst both civil society actors and policymakers to recognize policy windows and take advantage when the time is right. Revolving door politics, where activists become members, strategists or consultants for formal human rights bodies or ministers move to different key positions within government, is also something to take into consideration to maintain and increase pressure for reform.

Coalition-building and expanding constituencies

The current political mood within Sindh appears inclined towards changing practices, particularly in relation to sector-specific policies that can contribute to child marriage prevention. In Sindh, the mood is possibly as high as it was in 2014 when the child marriage law was passed.²⁷⁵ This mood is also influenced by noise created outside the medical and scientific community of child marriage, where cultural contexts, restrictive social and gender norms and legalese shape knowledge production, and in public spaces as women and girls take to the streets in urban parts of Sindh against all forms of violence and discrimination (Al Jazeera 2020).²⁷⁶

Issues such as bodily autonomy and consent to marriage for girls are unlikely to find space within conservative political debates automatically unless something catalyzes them. Social change is a long process and takes its own course. As youth groups become increasingly active in different parts of Sindh

²⁷³ Justice for Zainab: Timeline of the Kasur rape, murder case that gripped the nation - Pakistan – Newspaper DAWN.COM, 17 October 2018.

²⁷⁴ Suspected rape, murder of 5-year-old girl enrages people after police find torched body in Karachi. - Pakistan – Newspaper DAWN.COM, 06 September 2020.

²⁷⁵ Author was a close observer and participant in discussions and drafting of subsequent rules.

²⁷⁶ Al Jazeera (08 March 2020). Pakistan's Women's March: Shaking patriarchy 'to its core'.

for different reasons, there is an opportunity to involve those directly affected, while also demanding that different enabling legislation and policies be observed rigorously, transparently, and effectively, particularly related to improved schooling, economic opportunities for young people, their SRHR, and better protection of youth belonging to minority communities. The process of engagement on policy matters also needs a throughput approach to consensus-building rather than simple gathering of inputs²⁷⁷ which helps enhance legitimacy of policy engagement and outcomes as it emphasizes transparency and accountability beyond representativeness, and inclusive participation of those most affected by policies and laws. For such approaches to be meaningful, it is essential to involve girls and young people, and learn from them, and feed into other forms of political struggles for gender equality that are gaining momentum across the country.

Other Pathways

Fiscal Realism

Annual development plans are mechanical exercises. Often development projects related to health, education, and so on are rejected upon submission on account of poor quality of proposals but may still be backed by ministers and politicians. Government departments typically must show how much of the previous budget was used, and in what manner. If there is underspending for any reason, further budget allocations may be cut, shelving the possibility of new projects being initiated. Anecdotal evidence suggests that often the obstacles to utilizing those budgets comes from within the government itself, and from the bureaucracy. In oversight mechanisms, these blockades create dependencies on external donors rather than the government taking ownership. Red tape and bureaucratic hurdles ultimately decrease efficiency, and in some cases increase it due to pre-existing backlogs. These anomalies need to be fixed as they create friction between government departments, oversight bodies and external actors seeking to facilitate positive change with respect to child protection infrastructure and services.

Social Justice Approach to Child Marriage

Since 1929, the only significant change that has been introduced in formal laws concerning child marriage is raising the legal age of consent and increasing punishments and culpability across a range of stakeholders, taking a strictly retributive approach to justice. To address the issue more holistically, emphasis needs to shift towards transformative approaches to justice. An earlier example of such approaches in Sindh and indeed across Pakistan includes the Benazir Income Support Program (BISP) which provided cash transfers to poor women resulting in expanded civil registration despite strong social resistance. This approach incentivized a particular behavior in society which had further knock-on effects including women's entry into the formal labor force, opening of bank accounts, access to credit, voter registration and standing for public office, amongst others. Since the law on child marriage is still rarely invoked, it is more essential to ensure that births, nationality, and marriages are registered through the

²⁷⁷ Carole-Anne Senit, Frank Biermann and Agni Kalfagianni (2017). The Representativeness of Global Deliberation: A Critical Assessment of Civil Society Consultations for Sustainable Development. *Global Policy*, Vol. 8, No. 1: p.62-72.

right incentives, and special grants can be given to schools who maintain zero dropout amongst girls for a number of years.

Emerging Role of Judiciary

Court petitions to address societal imbalances and to examine/question the affairs of executing bodies are an increasing trend in Sindh as in the rest of Pakistan. Such actions create sanctions against government slack in the provision of public services that are mandated under the law or suffer lack of clarity. Recent examples include petitions seeking improvements in child protection systems in Sindh, improved performance and streamlining of shelter homes and safe houses for women and girls, better health response to the issue of fistula,²⁷⁸ and removal of the two-finger test in rape and sexual assault cases in Punjab (successful) and Sindh.²⁷⁹ While solutions emerging from such actions may not always be ideal, they provide a good entry point towards demanding greater accountability against political commitments made in general and towards specific constituencies in particular, and help push the boundaries of statutory interpretation of rights awarded in the Constitution and under different laws and policies. Class action petitions and lawsuits can come together organically (for instance through collective actions of the citizens concerned or activists) or can be pursued as a structured strategy which requires capacity-building, political prowess, and the banding together of supportive parties.

²⁷⁸ The Center for Reproductive Rights (CRR), for instance, has been using the law to advance reproductive rights as fundamental human rights in Pakistan, including the issue of fistula.

²⁷⁹ The Author of this report was a co-petitioner in the Lahore High Court Constitutional appeal. See: LHC does away with archaic two-finger test for sexual assault survivors, terms them 'illegal' - Pakistan , DAWN.COM, 04 January , 2021.

7. Operational Recommendations

Strategies to end girl child marriage in Sindh should address the political economy drivers of such marriages. Increasing female education, skill sets and social capital, and reducing poverty are likely to have a more lasting effect in ensuring that girls' voices and agency are actively encouraged, than relying on the law to delegitimize a widely accepted social practice.

While these are long-term efforts, incremental change can be achieved by pulling levers available in law, policies, and institutional arrangements, and using advocacy spaces effectively. Some recommended actions for Sindh for different stakeholders are listed below:

Institutional Recommendations:

- Conduct mass trainings and sensitization of *nikah* registrars, *nikahkhwans* and UC Secretaries on the Sindh Child Marriage Restraint Act, 2013 and its Rules across all districts, starting with districts with high to moderate prevalence rates.
- Amend *nikahnama* forms to include a section for noting the CNIC number of the girl.
- Take action to cancel the licenses of *nikahkhwans* if they are not taking the right measures to verify girls' ages. As licenses are issued and renewed by the UC Chairperson, a system needs to be devised for lodging complaints with his/her office, issuance of warnings, taking corrective action, and communicating results to complainants.
- Ensure accountability for UC Secretaries who oversee *nikah* registrars to ascertain that marriages are registered, and certificates issued within the stipulated time.
- Strengthen the role of the Local Government in monitoring and preventing child marriage by requiring that UC Secretaries provide monthly reports of all marriages to NADRA, District Social Welfare Officers and District Child Marriage Monitoring Committees.
- Track school dropout and follow up on students who drop out post marriage and encourage students and family counseling on the importance of pursuing education. An effective way to ascertain dropout is to record how many students fail to appear for examinations. Such efforts must be matched with local opportunities that allow young people to derive material benefit from education in the formal labor force, and addressing child labor.

- Provide voluntary family planning services and commodities as part of mainstream health services to prevent early pregnancies among married adolescent girls.
- Create, fund, capacitate and track performance of separate facilities for lodging rescued girls, and for older women. Facilities for both need to also make provisions for schooling and/or vocational training, so that girls are empowered to make more informed choices when they reach the age of majority. Funds and necessary expertise need to be allocated for this. Revamp Child Protection Units to be more than post offices.
- Ensure universal birth and marriage registration through appropriate incentives and reduce barriers to prevent future problems of age verification in child marriage cases. Reduce the number of steps involved in age verification (from birth registration, to certification, to verification) at the time of marriage.

Policy-related Recommendations:

- The Sindh Youth Policy emphasizes SRH and LSBE for schoolchildren. The government needs to make dedicated efforts to meet those commitments and ensure the delivery of a quality LSBE curriculum across all schools in all districts, with trained and qualified teachers. This should also include investments in monitoring schools for delivery of LSBE to ensure teachers are not skipping portions because of their personal bias. Ultimately these efforts must be linked to both learning outcomes for children and performance of teachers and the school administration and be further linked to protection systems for timely alerts and interventions.
- Train teachers to use parent-teacher meetings to advocate for girls' education, health, and against child marriage.
- Invest in the rights of religious minorities to pursue education and engage in peacebuilding processes as per the Sindh Youth Policy.
- Strengthen the monitoring functions of CPA and SCSW and resolve issues of financial autonomy. CPA needs to be financially separate from Social Welfare as it is a watchdog body for social welfare services and SCSW needs to be able to function without political interference from the WDD.
- Earmark funds for the WDD and notify necessary human resources needed to run District Child Marriage Monitoring Committees more effectively. These committees need to be linked to myriad others running under the aegis of other departments, particularly the Law and Social Welfare Departments at the district level, for an integrated response to child marriage cases.
- Stock-take and audit various affirmative actions (subsidies, voucher schemes, free books, transport, and so on) that have been put in place to improve girls' access to school-based education; upscale efforts that show positive results for enrollment, retention, and transition to higher education through supplemental grants.
- Schools should have authority to run their affairs under the guidance and supervision of district education authorities, rather than decisions being made at the provincial level. Powers of the Education Department under the 18th Amendment need to be devolved further to the district level

for quicker and more appropriate actions to check quality of education, missing facilities, problems of access and dropouts.

- Establish a provincial Social Protection Authority along similar lines as the Punjab Social Protection Authority, empowered to review, evaluate, harmonize, and suggest improvements in provincial welfare and social protection related legislation, policies, and interventions by the government departments concerned.

Law-related Recommendations

- Provide an explanation in law on how to deal with self-arranged child marriages; define consent and exceptions to it.
- Recognize the legitimate status of children born from child marriage, even if the marriage is annulled.
- Remove jurisdictional issues between criminal and civil proceedings in child marriage cases and devise a system to detect cases that move to another jurisdiction to contract underage marriages, in coordination with relevant agencies.
- Ensure trainings for judges and lawyers via the Sindh Judicial Academy, and the police via Police Training Schools, on both SCMRA and its Rules and share positive case law or statutory interpretations (both within Pakistan and from other Muslim-majority countries) in this regard.

Advocacy and Mass Awareness

- Devise segmented communications strategy (print, electronic and social media as well as through informal mechanisms of communication within communities). Impart messages that clarify why child marriages are harmful particularly for girls both in terms of their health impacts and losses to families, society and economies at large, and in terms of high costs-related violence. The Sindh Child Protection Authority can take this forward along with other stakeholders, as part of its revised mandate under the Sindh Child Protection Authority (Amendment) Act, 2021.
- Engage religious scholars and *nikahkhwans* and popularize the fact that many Muslim countries around the world have increased the minimum age of marriage by connecting adulthood to mental, emotional, and physical maturity as opposed to puberty.
- Demand Cabinet-level discussions related to child marriage in Sindh by using evidence of widespread prevalence in Sindh as well as district-specific indicators. Tailor the same evidence to approach standing committees on human rights, the provincial SDG taskforce, individual Cabinet members and other relevant authorities, to push for an integrated multisectoral system of prevention and response.
- Work with local youth and women's groups to engage them on the subject and learn from their insights on what works to prevent girl child marriages at the local level, and to identify cases requiring direct intervention, both by formal justice systems and informal support systems (NGOs, CBOs, social workers, and so on).

- Bring together a host of healthcare providers (gynecologists, pediatricians, medico-legal doctors, community-based health workers, and the like) that come in direct contact with girl child marriage cases, yet do not or cannot refer them onward to competent authorities for timely intervention.

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Annexures

Annex 1: Guidelines for Conducting Key Informant Interviews

Combination of questions to be selected based on respondents' expertise, position and familiarity with specific aspects of girl child marriage and the larger political economy of the province concerned.

Foundational Drivers of Child Marriage:

1. What is the (political) history of child marriages in Sindh/ Balochistan/Pakistan? Has the practice changed in any way in response to specific political or economic developments in the province? What are these developments and why are they significant?
2. What socio-cultural and ideational logics continue driving the practice within Sindh/ Balochistan? Are these changing in any tangible way? At what level?
3. Which macro factors explain inter-provincial and intra-provincial differences in terms of child marriage prevalence:
 - a. What is the demography of child marriage prevalence in Sindh/Balochistan? How do demographic features of Sindh/Balochistan contribute to child marriage prevalence/reduction? (*Demographic features could include: population density & distribution; local sex ratios; young-aged dependency ratio; ethnic, religious, caste & sect-based diversity; migration & displacement; urbanization; major sources of income / employment/ livelihood; literacy ratio; civil registration*)
 - b. What is the relevance of geographic features/physical environment within and between provinces in relation to the practice? What evidence suggests that geographic conditions or environmental challenges may be contributing to the practice in Sindh/Balochistan?
 - c. Is climate relevant in any way in contributing to child marriage? What evidence is there to support that climatic conditions may increase or reduce prevalence?
 - d. In what way is geo-politics relevant to the issue in Sindh/Balochistan? (*Geopolitics in this sense means the interplay between national politics, economics, geography, and foreign relations/ policy*)
 - e. What is the relevance of technological progress (*whether for communication, learning, livelihood, information, health services, law implementation, or governance, and so on*) relevant to the practice? What keeps this development from happening evenly across and within provinces?

Institutional Factors:

4. What formal laws and administrative policies are in place/not in place (provincially or federally) to respond to child marriage in Sindh/Balochistan?
5. Are laws and administrative policies even for religious, ethnic and gender minority populations? If not, what prevents them from being put into place/being implemented in Sindh/Balochistan?

6. What have been the key policy debates and political decisions (by national/provincial government, political parties and social interest groups) related to curbing child marriage, or mitigating its impact in Sindh/Balochistan over the past 10/20 years?
 - a. Do these policy debates and political decisions account for the full range of issues associated with child marriage (from prevention to long-term rehabilitation)? If not, why not? Which issues get more attention and political support, where from and why?
 - b. Are there any issues that are overlooked in public policy or garner less political support? Why are they important and why are they under-addressed/missing?
 - c. Is there any particular angle of the issue that needs to be more front and center within debates and political decisions related to child marriage in Sindh/Balochistan? What is this angle? Why does it matter? What would help centralize it? Why hasn't it happened already?
7. What kind of informal processes are at play during formal proceedings in child marriage cases across a range of public services—health, education, social, and legal protection (probe for each)? What is the economy of these informal processes? Who benefits, who loses from them?
8. Where does local government, NADRA and other civic registration feature on the issue?
 - a. What are the political and economic challenges within local government and NADRA systems/structures when it comes to fulfilling their role (including *birth registration, marriage registration, CNIC, divorce, other civil registration*) in Sindh/Balochistan?
 - b. Why is it difficult (politically, economically, and socially) to ensure universal registration within Sindh/Balochistan?
9. There has been a push to harmonize laws related to age of majority in Pakistan by human rights review committees as well as civil society. What is the difficulty in harmonizing them? Is it realistically possible to do so? How would it help/not help with curbing girl child marriages?
10. Is fixing the minimum age under law enough to curb girl child marriages? Is it desirable to fix it at 18 years when most marriages happen between 16 and 17 years (self-arranged or otherwise), and marriages under 15 years amongst girls is on the decline?
11. *For those involved in actual cases (may not be relevant to Balochistan that doesn't have a specific provincial law on Child Marriage, but cases may have been reported under the Federal Child Marriage Restraint Act, 1929):*
 - a. What ratio of cases actually gets reported? Any changes after the passage of Sindh CMRA, 2013?
 - b. Who initiates legal cases/who is the most frequent complainant? Who is usually nominated in the complaint as the accused in Sindh/Balochistan?
 - c. What other laws get attracted to the offence of child marriage? Are other charges also brought often? What are the difficulties in managing/proving different charges?
 - d. What happens to rescued girls? Who decides for them, if they cannot go back to their parents? Where is response lacking and why?
 - e. Are there sufficient resources allocated to manage the full extent of impacts (permanent shelters, employment, health, social protection, education, and so on)? Who bears the cost of responding to a child marriage case? Do these in any way deter reporting in child marriage cases? How?

- f. What factors do courts give weightage to when deciding whether or not to void girl child marriages, if it is established that she is less than 16/18 years of age? Have court decisions been consistent in this regard? If not, what is the basis of these inconsistencies and why do they persist?
- g. How often are flawed court decisions challenged? Who challenges and to what effect?

Current context: Resistance, Support and Entry Points for Effectuating Change

12. Who are the key political players/organizations (current or upcoming) resisting/advocating against child marriages at different levels? How well are they politically aligned, networked and coordinated? How vast is their sphere of political influence compared to those who support the practice? How well resourced are they?
13. What kind of political support exists or is building up/down, to eliminate girl child marriage in all parts of the province? What is this support based on? How socially grounded, and politically sustainable is this support?
14. What kind of political resistance continues to frustrate change within provinces? Where is this resistance situated? What are the main points of contention? Where is there agreement/consensus?
15. If there continues to be resistance to fixing a minimum age (in Balochistan) or applying 18 years as the minimum threshold (in Sindh), how can the issue of child marriage be approached, framed or broken down to reduce its social legitimacy and empower a local process change?
16. What is the role of donors? What roles have specific donors traditionally played in addressing the issue at the national or provincial levels? Have donor-supported interventions been helpful in addressing the root causes of girl child marriage over time? Which issues are more untenable and why? How can donor assistance be made more meaningful, efficient, and accountable?
17. What is the role of NGOs/CBOs in addressing the issue of child marriage? How successful or unsuccessful have their interventions on the ground, in policy and in legislation been? Which gaps exist and why?
18. Final comments: What can be done broadly to address the key drivers behind child marriages in the context of Sindh/Balochistan? What are the pathways to change? What are the risks associated with these?

Annex 2: Persons²⁸⁰ Interviewed/ Response in Writing/Group Discussion

S. No.	Name of Respondent(s)	Basic Profile	Organization	Location	Date of Interview/ Response	Interviewer
Civil Society Organizations/Activists						
1	Anees Jillani	Founding Member; Advocate of the Supreme Court	Society for the Protection of the Rights of the Child (SPARC)	Sindh	04.12.2020	Sarah Zaman
2	Anwar Mahar	Executive Director	Nari Foundation, Sukkur	Sindh	14.12.2020	Sarah Zaman
3	Dr. Sadiah Ahsan Pal	Consulting Gynecologist and Obstetrician	Concept Fertility Clinic; President, Society of Gynecologists & Obstetricians	Sindh	09.12.2020	Sarah Zaman
4	Sheena Hadi	Executive Director	Aahung	Sindh	16.12.2020	Sarah Zaman
5	Uzma Noorani	Co-Chairperson	Human Rights Commission Pakistan/ Managing Trustee, Panah Shelter Home, Karachi	Sindh	15.12.2020	Sarah Zaman
6	Fareeda Tahir	Public Relations Officer	Sindh Human Rights Commission	Sindh	28.11.2020	Sarah Zaman
Provincial Government/ Legislators and Oversight Mechanisms						
7	Alia Shahid	Secretary	Women's Development Department, Sindh	Sindh	07.12.2020	Sarah Zaman
8	Anis Haroon	Former Member; Former Caretaker Minister, Women Development Department, Sindh	National Commission on Human Rights	Sindh	05.12.2020	Sarah Zaman
9	Fozia Masoom	Director Operations	Sindh Child Protection Authority, Government of Sindh	Sindh	12.12.2020	Sarah Zaman
10	Nuzhat Shirin	Chairperson	Sindh Commission on the Status of Women	Sindh	30.11.2020	Sarah Zaman
Academia						

²⁸⁰ Most of the respondents for this study were females (29 out of 39).

S. No.	Name of Respondent(s)	Basic Profile	Organization	Location	Date of Interview/ Response	Interviewer
11	Afiya Shehribano Zia	Author, Activist/Gender and Social Development Researcher	Habib University, Karachi	Sindh	28.10.2020	Sarah Zaman
12	Amar Sindhu	Author, Poet, Activist, Professor of Philosophy	University of Sindh, Jamshoro	Sindh	01.12.2020	Sarah Zaman
13	Kausar S. Khan	Associate Professor and Head of Division of Behavioral and Social Sciences	Aga Khan University, Karachi	Sindh	23.10.2020	Sarah Zaman
14	Nazish Brohi	Author, Researcher	-	Sindh	12.10.2020	Sarah Zaman
15	Qaiser Bengali	Economist; Dean of Management Sciences	Shaheed Zulfikar Ali Bhutto Institute of Science & Technology	Sindh	Earlier discussion in July 2020	Sarah Zaman
16	Shahnaz Wazir Ali	President	Shaheed Zulfikar Ali Bhutto Institute of Science & Technology	Sindh	10.12.2020	Sarah Zaman
Lawyers						
17	Advocate Maliha Zia Lari	Associate Director	Legal Aid Society	Sindh	14.12.2020	Sarah Zaman
18	Advocate Sara Malkani	Advocacy Advisor, Asia	Center for Reproductive Rights	Sindh	20.11.2020	Sarah Zaman

Annex 3: Functions of the Sindh Child Protection Authority under the Sindh Child Protection Authority Act, 2011

Section 10. (1):

For the purposes of this Act, the Authority shall have powers:

- (a) to coordinate and monitor the child protection related issues at the provincial and district level;
- (b) to ensure the rights of the children in need of special protection measures;
- (c) to support and establish institutional mechanisms for the child protection issues;
- (d) to make necessary efforts to enhance and strengthen the existing services of different children welfare institutions;
- (e) to set minimum standards for social, rehabilitative, reintegrative and reformatory institution and services and ensure their implementation;
- (f) to supervise in the light of minimum standards, the functions of all such institutions established by government or private sector for the special protection measures of the children;
- (g) to set minimum standards for all other institutions relating to the children (like educational institutions, orphanages, shelter homes, remand homes, certified school, youthful offender workplaces, child parks and hospitals etc) and ensure their implementation;
- (h) to review laws, propose amendments in the relevant law, wherever necessary, so as to bring those in conformity with the relevant international instruments ratified by Pakistan and to propose new laws;
- (i) to recommend development of a Policy and Plan of Action for the children;
- (j) to monitor and report on the violation of the national and provincial laws and international instruments and take suitable remedial measures for the protection of the child;
- (k) to set up child protection management information system and prepare annual reports;
- (l) to mobilize financial resources for programmes relating to special protection of children through provincial, national and international agencies;
- (m) to promote and undertake systematic investigation and research on child protection issues;
- (n) to initiate through relevant authorities, prosecution of the offenders when children are victim of the offence;
- (o) to establish and manage the Fund;
- (p) to do such acts as are ancillary and incidental to the above functions;
- (q) to investigate or cause investigation, on its own or upon a complaint, into any matter having bearing on the interest of the children; and
- (r) any other functions, which may be assigned to it by Government.

Annex 4: Sample Sizes of Different Surveys

Interviews with ever-married women aged 15–49 years – Pakistan DHS 2017–18

Province	Urban	Rural	Total
Punjab	1,355	2,045	3,400
Sindh	1,570	1,169	2,739
KP	1,225	1,153	2,378
Balochistan	886	838	1,724
FATA	265	747	1,012
ICT	797	314	1,111
GB	310	674	984
AJK	846	874	1,720
Pakistan	6,098	6,266	12,364

Interviews with currently married women aged 20–24 years – Pakistan DHS 2017–18

Province	Urban	Rural	Total
Punjab	197	407	604
Sindh	295	261	556
KP	244	291	535
Balochistan	168	196	364
ICT	113	48	161
FATA	57	213	270
GB	65	123	188
AJK	98	136	234
Pakistan	1,074	1,416	2,490

Survey	No. of Households - Pakistan	No. of Households - Sindh
LFS (2014-15)	42,108	10,356
MICS 2014	-	19,360
MICS 2018-19	-	20,030

Women between 15–49 and 20–24 years Interviewed – MICS, Sindh 2018–19

Sindh	Urban	Rural	Total
Women 15–49 interviewed	15,523	14,716	30,239
Women 20–24 interviewed			5,317

Registration with NADRA

Percentage of de jure household population registered with NADRA:

Sindh	Male	Female	Total
Urban	76.2	43.4	60.1
Rural	55.3	28.7	41.8
Total	67.2	36.8	52.0

Source: Pakistan Demographic and Health Survey (PDHS) 2017-18

**PROVINCE-WISE POPULATION BY SEX AND RURAL/URBAN
CENSUS – 2017 PAKISTAN**

ADMINISTRATIVE UNITS	HOUSEHOLDS	POPULATION - 2017			
		MALE	FEMALE	TRANSGENDER	ALL SEXES
1	2	3	4	5	6
PAKISTAN	32,205,111	106,449,322	101,314,780	10418	207,774,520
URBAN	12,192,314	39,149,151	36,428,187	7,651	75,584,989
RURAL	20,012,797	67,300,171	64,886,593	2,767	132,189,531
PUNJAB	17,103,835	55,958,974	54,046,759	6709	110,012,442
URBAN	6,389,733	20,760,984	19,621,729	4,585	40,387,298
RURAL	10,714,102	35,197,990	34,425,030	2,124	69,625,144
SINDH	8,585,610	24,927,046	22,956,478	2527	47,886,051
URBAN	4,399,782	13,007,937	11,900,295	2,226	24,910,458
RURAL	4,185,828	11,919,109	11,056,183	301	22,975,593
KP	3,845,168	15,467,645	15,054,813	913	30,523,371
URBAN	741,014	2,972,367	2,756,577	690	5,729,634
RURAL	3,104,154	12,495,278	12,298,236	223	24,793,737
BALUCHISTAN	1,775,937	6,483,653	5,860,646	109	12,344,408
URBAN	474,725	1,793,554	1,607,253	69	3,400,876
RURAL	1,301,212	4,690,099	4,253,393	40	8,943,532
ISLAMABAD	336,182	1,055,712	950,727	133	2,006,572
URBAN	170,936	539,857	474,887	81	1,014,825
RURAL	165,246	515,855	475,840	52	991,747
FATA	558,379	2,556,292	2,445,357	27	5,001,676
URBAN	16,124	74,452	67,446	0	141,898
RURAL	542,255	2,481,840	2,377,911	27	4,859,778

Population and Housing Census 2017 by Pakistan Bureau of Statistics – Government of Pakistan

Annex 5: Note on Multidimensional Poverty Methodology

The Multidimensional Poverty Index (MPI) is the sum deprivation scores of 10 indicators of three dimensions, that is, education, health and living standard. There are two indicators in each of the dimensions, that is, education and health, while living standard contains six indicators.

The maximum deprivation score is to be 100. Therefore, each dimension has the weight of 33 percent or 0.33 as unit and more accurately 1/3.

A cut-off of 1/3 is used to distinguish between poor and non-poor people. If the deprivation score is 1/3 or higher, that household (and everyone in it) is considered multidimensionally poor. Each person in a household carries the deprivation score according to his or her household's deprivations in each of the 10 indicators. The maximum deprivation score may be up to 100, which is equally distributed to each dimension. A person with the deprivation score of 0.33 or above is said to be multidimensional poor.

Each dimension has a number of indicators, therefore the weight of 0.33 or 1/3 is equally distributed among these indicators within each dimension. As there are two indicators in each of two dimensions, that is, education and health, each indicator in these dimensions has the score of 1/6. The third dimension, that is, living standard, consists of six indicators, therefore each indicator carries the weight of 1/18.

The proportion of multidimensionally poor people H is attained, dividing the total number of dimensionally poor with total population. Symbolically:

$$H = \frac{\sum q_i}{n}$$

Where q_i is multidimensionally poor person and $\sum q_i$ is the sum of all multidimensionally poor people. While n is the total population.

The average proportion of the sum of deprivation scores of multidimensionally poor people with the total number of multidimensionally poor population, is usually said to be A, which shows the intensity of poverty. Symbolically:

$$A = \frac{\sum d_i}{\sum q_i}$$

Where $\sum d_i$ is the sum of deprivation scores and $\sum q_i$ is the total of multidimensionally poor population.

Finally, the product of above two measures, that is, H and A is the Multidimensional Poverty Index (MPI).

$$MPI = H \times A$$

Following the methodology, the variables, years of schooling and school attendance have been used for the dimension of education, while nutrition and child mortality have been used for the health dimension. Whereas six variables, that is, electricity, sanitation, drinking water, housing, cooking fuel and assets, are considered for the dimension of living standard.

Annex 6: Multidimensional Poverty in Sindh 2010–11 and 2014–15

Region	2010–11			2014–15			Percentage change - Incidence	Percentage change- Intensity
	MPI Index	Incidence (%)	Intensity (%)	MP Index	Incidence (%)	Intensity (%)		
Sindh	0.252	48	52.6	0.231	43.1	53.5	-4.9	0.9
Rural	0.422	78	54.1	0.415	75.5	54.9	-2.5	0.8
Urban	0.06	14	42.8	0.046	10.6	43.4	-3.4	0.6
District								
Badin	0.46	80.6	57.1	0.433	74.8	57.9	-5.8	0.8
Dadu	0.283	58.4	48.5	0.247	51.4	48	-7	-0.5
Ghotki	0.329	65.1	50.5	0.356	67.3	52.9	2.2	2.4
Hyderabad	0.11	21.3	51.5	0.129	25.7	50.2	4.4	-1.3
Jacobabad	0.366	74	49.4	0.391	71.3	54.8	-2.7	5.4
Jamshoro	0.394	70.7	55.7	0.297	55.6	53.3	-15.1	-2.4
Kambar Shahdadkot	0.321	63.6	50.5	0.383	72	53.2	8.4	2.7
Karachi	0.043	9.9	43.2	0.019	4.5	42.4	-5.4	-0.8
Kashmore	0.371	69.6	53.3	0.431	74.9	57.6	5.3	4.3
Khairpur	0.306	60.3	50.7	0.261	51.6	50.7	-8.7	0
Larkana	0.244	51.1	47.7	0.194	42	46.3	-9.1	-1.4
Matiari	0.31	58.2	53.3	0.324	62.1	52.2	3.9	-1.1
Mirpur Khas	0.324	61	53.2	0.401	68.9	58.2	7.9	5
Naushahro Feroze	0.297	57.5	51.6	0.214	45	47.5	-12.5	-4.1
Shaheed Benazirabad	0.339	63.5	53.5	0.314	59.3	53	-4.2	-0.5
Sanghar	0.299	57.6	51.9	0.386	66.8	57.7	9.2	5.8
Shikarpur	0.324	60.9	53.2	0.324	60.1	54	-0.8	0.8
Sujawal	Na	na	na	0.447	82	54.5	N/A	N/A
Sukkur	0.243	47.7	51	0.197	39.5	50	-8.2	-1
Tando Allahyar	0.345	64.5	53.5	0.366	67.3	54.4	2.8	0.9
Tando Muhammad Khan	0.447	75.9	58.9	0.455	78.4	58.1	2.5	-0.8
Tharparkar	0.549	91.6	59.9	0.481	87	55.2	-4.6	-4.7
Thatta	0.43	76.7	56.1	0.437	78.5	55.6	1.8	-0.5
Umerkot	0.406	75.9	53.5	0.504	84.7	59.5	8.8	6

Source: MPI based on PSLMS 2010-11 & 2014-15