

# Child Marriage in Balochistan: A Political Economy Analysis



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# Child Marriage in Balochistan

## 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	Contraception Prevalence Rate
CPI	Child Protection Institute
CPO	Child Protection Officers
CPU	Child Protection Unit
CNIC	Computerised National Identity Card
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CPEC	China Pakistan Economic Corridor
CPC	Child Protection Commission
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
HDI	Human Development Index
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
PRMMR	Pregnancy – related Maternal Mortality Rate
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
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 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 consent<sup>1</sup>, 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’<sup>2</sup> 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.<sup>3</sup> 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’ well-being and locate these consequences in the gender norms associated with being a girl. The report focuses on girl child marriage as here described.

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<sup>1</sup> 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.

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

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

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# Executive Summary

In 2017-18, about 12.5% women aged 20-24 years reported being married before 15 years in Balochistan, and 45.3% were married before reaching the age of 18. Balochistan does not have a provincial law on Child Marriage, and the Federal Child Marriage Restraint Act, 1929 criminalizes marriage under 16 years for girls and 18 years for boys. Different reports and experts in the province suggest that the Federal law is not invoked to prosecute child marriage cases, and support systems are inadequate in responding fully to the scale and range of problems that are presented, depending on the circumstances under which child marriages are contracted.

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 (SDG).

This study provides empirical evidence related to intersecting and temporal effects of micro-level and macro-level factors on girl child marriage in Balochistan. It seeks to investigate trends that are common to cases where women report marrying before the ages of 15 and 18 years, 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 Balochistan. It aims to identify the incentives and constraints affecting the behavior of different individuals and institutional actors that are involved in child marriage decisions 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 summaries 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 Balochistan 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 Balochistan (including its political, economic, and cultural history) and provides an account of key macro-level factors that are relevant to the subject of girl child marriage based on correlational indicators identified in existing literature. Section 5 looks into 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, whereas Section 7 offers some programmatic or operational recommendations that could help prevent girl child marriage occurrence and/or substantively improve government response to it.

## Key Findings

According to the 2010 Balochistan Multiple Indicator Cluster Survey (MICS), about 4.7% women aged 20-24 years reported being married before 15 years across Balochistan, and 17.6% were married before reaching 18 years. The Pakistan Demographic and Health Survey (PDHS) 2017-18 suggests that about 6.1% women of the same age cohort were married before the age of 15 years, whereas 21.6% were married before 18 years.<sup>4</sup>

Beyond provincial aggregated, the PDHS 2017-18 offers few insights into the situation of girl child marriage at the district level due to small sample sizes of women interviewed. For this reason, the following findings are extrapolated from the MICS 2010 about the prevalence and key features of girl child marriage in Balochistan:<sup>5</sup>

### Girl Child Marriage Indicators:

- At the divisional level, Makran has the highest prevalence of under-18-years girl marriage (23%), followed closely by the Nasirabad (22.4%) and Sibi division (22%). Overall, the Quetta division has the least reported percentages of both under-15 and under-18 years girl child marriage (2.6% and 11% respectively).
- Out of 6 divisions, 5 have higher prevalence of girl child marriage than the provincial average of 17.6% girls marrying under age 18 years, with Quetta division being the only exception. In terms of under-15 or very early girl child marriage, 3 out of 6 divisions have higher prevalence than the provincial average of 4.7%. These include the divisions of Makran (8.2%); Nasirabad (6.2%) and Kalat (5.9%).
- At the district level, the highest prevalence for under-15 years girl marriage is noted in district Kech (10.3%), followed by Harnai (9.7%), Awaran (9.3%), Washuk (8.8%) and Khuzdar (8.6%). In terms of women marrying before completing 18 years, Kech (31.8%), Kohlu (30.9%) and Killa Saifullah (29.7%) are amongst the top three districts.
- District Kech in particular has the highest prevalence of both under-15 and under-18 years' girl child marriages, while district Kohlu and Sherani have zero percent reported incidence of under-15, and different reported prevalence for under-18 girl marriages (12.5% in Sherani compared 30.9% in Kohlu).
- Twelve (12) districts out of 30 have over 20% prevalence of girl marriage under 18 years.
- Both under 15 and under 18 years girl child marriages are more commonly reported in rural areas of Balochistan (5.2% and 19.7%, respectively), as opposed to urban areas (3.4% and 12.3%,

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<sup>4</sup> These figures are not directly comparable across the years due to significant differences in samples sizes of every married women across the two surveys instrument, with MICS interviewing a much larger share of the female population compared to the PDHS.

<sup>5</sup> District-level data were not available in PDHS/NIPS 2017-18 survey on women between ages 20-24 years reporting being marriage by age 15 and 18.

respectively). There is however, some countervailing data from the Sibi and Makran divisions for reported girl marriages under-15 years, with higher incidence reported in urban (9.3% and 9.2% respectively) as opposed to rural areas (2.8% and 7.6% respectively) within the two divisions.

- For girl marriage under 18 years, there are stark differences within divisions. For example, in the Zhob division, girl marriage under 18 years jumps from 6% in urban settings to 21.5% in rural areas.
- A majority of the girls marrying under 15 years belong to the poorer (6.9%) and middle (5.9%) wealth quintiles as opposed to the poorest (4.1%). In terms of girl marriage under 18 years, again poorer (22.4%) as opposed to the poorest (22.1%) households are more likely to marry girls before the age of 18, although the difference is not statistically significant.
- For both under-15 and under-18 years girl marriages, the incidence rates generally appear to decline with rising levels of wealth, with a near halving in girl marriages under 18 years between wealth extremes (i.e., between the poorest and the wealthiest families). The relationship of wealth with under-15 years girl child marriage is, however, not straight forward suggesting that other factors may be casting an influence than simple income poverty.
- Both under-15 and under-18 years' girl child marriage prevalence decline if girls have attained the highest level of education than those belonging to the wealthiest quintile, suggesting a stronger inverse relationship with education than wealth (MICS 2010). Nevertheless, about 78% of girls between ages 5-16 years remain out of school in present-day Balochistan. The literacy rate is 56% amongst men and a mere 24% amongst women; this has been falling for both men and women steadily since 2013. Literacy rates also vary by division within the province being as low as 16% in Zhob division to as high as 69% in Makran division. The relationship between literacy and poverty for women is also skewed: only 7.5% women in the poorest wealth quintile and 16.6% in the next upper quintile are literate, compared to 67% in the richest quintile.

#### **Select Linked Indicators:**

- Unmarried women between ages of 15-19 years are much more likely to be working (62.2%), mostly engaged in agriculture than married women (37.8%) within the same age cohort in Balochistan (LFS 2017-18). As the percentage of girls married increases between the ages of 20-29, their labor force participation drops and stays static till about the age of 34 years. By the time women reach the age of 35 years, 98.1% of them are married and their likelihood of being employed increases but only nominally.
- Although birth registration has increased in Balochistan in the last six years, in 2010 (when girl child marriage data was collected at the districts level), only 22.9% children under 5 years had their birth registered (MICS, 2010). Interestingly, District Kech, which had the highest number of under-15 and under-18 years girl child marriages recorded, the percentage of birth registrations for all children under 5 years was also the highest (at 87.3%), more than double than the capital city of Quetta (41.1%). Chaghi and Musakhel had zero percent birth registrations. In 2017-18, nearly half the

population of both men and women between ages 15-18 did not have any birth record, making detection of child marriage difficult. Further, the overall proportion of men to women between ages 18 and 24 that have Computerized National Identity Cards (CNIC) is 1.77:0.66 (PDHS/NIPS 2017-18).

- Despite extremely high levels of girl child marriage noted in pockets across Balochistan in 2010, the contraception prevalence rate (CPR) was a mere 15% of women currently married (of ages 15-49) across Balochistan, with a CPR of 6% for girls between ages 15-19 years, and Zhob district having the smallest CPR at 3% (MICS, 2010). In 2017-18, the CPR remained at a mere 5.24% for women aged 15-19 years (PDHS 2017-18 PDHS), with only 0.8% girls relying on modern contraception and a larger 2.1% relying on traditional methods (PDHS 2017-18). After the age of 19 years, more reliance is found on modern contraceptive methods than traditional methods. Young girls of ages 15-19 are the only group that resorts more to traditional and often less effective ways of family planning than older women, increasing their chances of unwanted/ unplanned pregnancies.
- In terms of having an unmet need for family planning, girls of ages 15-19 years unsurprisingly have the highest total unmet need for contraception (29.8%) after women between the ages of 25-29 years (28.3%). Compared with older women, younger women of 15-19 years have the highest unmet need for birth spacing (27.1%), and least unmet need for limiting the number of children (0.7%) likely due to pressures to prove fertility and starting a family following marriage.
- Maternal mortality ratio (MMR), which is intricately linked to girl child marriages and access to safe birthing, remains extremely high in Balochistan and a Pregnancy Related Maternal Mortality Rate of 358 deaths per 100,000 live births (Pakistan Maternal Mortality Survey, 2019), which is the highest amongst all provinces.
- The percentage of women having skilled birth attendance increased in 2017-18 from the previous PDHS in 2012-13 but remains the lowest amongst all provinces at 38%.
- Despite having a provincial law on domestic violence, nearly half or 48.4% women in Balochistan report experiencing physical violence since the age of 15 years (PDHS2017-18). This figure is higher in rural areas (at 49.8%) and lower in urban but not very dramatically (45.2%). About 34.8% women of ages 15-19 years report having experience physical violence over the past 12 months. In terms of sexual violence, however, urban areas report prevalence twice as much as rural Balochistan (5% versus 2.5%).

#### **Formal Laws and Response Mechanisms Related to Girl Child Marriage:**

- The Federal Child Marriage Restraint Act, 1929, though extended to Balochistan in the absence of specific legislation, is not routinely invoked to report child marriages of girls under the age of 16. The Federal Anti-Women Practices Act, 2011 (which does not include ‘child marriage’ specifically) criminalizes different forms of customary marriages. However, forced marriage remains a non-cognizable offence under this law, and the police cannot take action without written permission from a Magistrate, rendering the law toothless.

- The Balochistan Child Marriage Prohibition Bill has been under discussions since 2013, with two unsuccessful efforts to pass the Bill in 2016 and 2018. Resistance to the Bill comes from religio-political parties, individual members of the provincial Assembly across parties, and the bureaucracy of the Department of Social Welfare, Special Education, Literacy, Non-formal Education & Human Rights (SWD) in charge of tabling the Bill.
- In the absence of a provincial law on child marriage and non-reliance on the Federal Child Marriage Restraint Act, 1929, or the Federal Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011 (on forced marriages), most cases of girl child marriage remain unregistered in Balochistan. In cases where conflicts arise, decisions are subject to arbitration by unofficial systems of justice that operate outside the purview of formal laws. Cases are also routinely dismissed by the police citing absence of law and despite testimonies of girls who approach formal systems of justice, or girls are ‘counselled’ to agree to marry/stay married.
- The practice of *Sharai Nikah* (or verbal marriage without signing of the *nikahnama*), remains fairly common in many parts of Balochistan where customary practices override state laws and policies. The signing of the *nikahnama* in front of witnesses or ‘*kitabī*’ (formal, by the book) *nikah* thus largely stays a state requirement, and mainly used when families either do not trust each other or have misgivings about the kind of treatment that may be meted out to the bride. There are no means to verify how many marriages may actually remain unregistered in the absence of formal use of the marriage forms across Balochistan.
- *Sharai nikahs* limit the role of Nikah Registrars as they may never receive information related to marriages happening within their jurisdiction. Tribal customs that enforce strict segregation between males and females also prevent both the Registrar and *nikahkhwan*s from seeing the girl to assess her age, particularly in the absence of a birth certificate or Computerized National Identity Card (CNIC). In such cases, the girl’s consent may be conveyed through her *Wali* (legal guardian) or *Vakil* (legal representative) to the *nikahkhwan* without any determination of age or consent.
- While a Child Protection Commission (CPC) has been recently set up in Balochistan, the first Child Protection Unit (CPU) was set up after a lapse of four years in 2020, and whose physical presence is currently restricted to the capital city of Quetta. There are supposed to be seven additional CPUs within local offices of the Social Welfare Department, which remain unnotified. The CPC, which has a wide sectoral membership has not only had a limited number of meetings to date, but it does also not look into the issue of child marriage.
- There is limited understanding of the Balochistan Child Protection Act, 2016, the powers and mandate that comes with it for concerned departments, and whether the law could serve to respond to cases of girl child marriage through wider interpretation of its provisions.
- Child protection systems in Balochistan generally do not cater to child marriage cases; forced marriage cases tend to be referred to Women Development Department which is not well-

positioned to provide legal, housing and alternate care support in the absence of laws, specific procedures and protocols under any policy.

### **Sector Policies and Practices**

- There is a serious dearth of sector-specific policies in Balochistan that speak to the issue of child marriage specifically. Instead, sector-specific actions are spelt out in the **Balochistan Comprehensive Development Strategy, 2013-2020**, which does not engage with the issue. It has been over two years since the expiry of the **Balochistan Education Sector Plan, 2013-18**, and a new policy is yet to be approved. Similarly, a comprehensive **Health Policy** has been promised for a few years but is yet to be unveiled to the public.
- The **Balochistan’s Reproductive, Maternal, Newborn, Child, Adolescent Health and Nutrition Strategy, 2016-2020**, has the stated objective of pursuing laws related to both mandatory female school enrollment and ‘early girl marriages’, but leaves responsibility for child marriage legislation advocacy to the Balochistan Women Development Department. The recently passed Gender Equality and Women’s Empowerment Policy, 2020 in Balochistan also lays responsibility for multisectoral consultations around the proposed Child Marriage (Prohibition) Bill squarely on the Women Development Department, although the said Bill has been housed with the Social Welfare Department for a few years.
- The role of the local government in ensuring marriage registration is weak, further exacerbated by changing local government laws and systems, financial constraints, and discrimination between more developed A areas and far less developed B areas within the province. Both marriage and birth registration systems remain cumbersome, remotely located and inaccessible despite some improvements in recent years.
- The shifting of birth registration responsibility to Municipal offices instead of UC offices under the Balochistan Local Government Act, 2014, has created confusion regarding points of access to birth and marriage registration service. This is further complicated by rules set by the National Database and Registration Authority (NADRA) that allows charging money from those seeking registration. This creates a financial disincentive for remotely located communities and has reportedly opened up room for corruption and rent-seeking.
- There is a general lack of prioritization related to women’s rights laws and resistance towards adopting gender just policies. There are numerous Bills pending including one on home-based work, another on women’s inheritance rights, and the practice of acid burning.
- Officials of the Health Department suggest that its leadership has not been engaged in Assembly politics effectively on lobbying efforts around the Child Marriage (Prohibition) Bill, while subject experts in Balochistan suggest that the health and economic impacts of girl child marriage are not fully understood by lawmakers as advocacy efforts by civil society organizations have been sporadic, inconsistent, and limited to a small group of supporters within the government.

### **Oversight Mechanisms, Monitoring and Review**

- Oversight mechanisms related to child protection are weak as the autonomous powers of oversight, monitoring and review vested with the Child Protection Authority are located under the Executive body tasked with their implementation (Social Welfare).
- There is no consolidated data apart from MICS 2010, and PDHS 2017-18 on girl child marriage prevalence in Balochistan; neither the Commission on Child Protection nor the Departments of Social Welfare and Women Development have any data.

### **Decision-making Related to Child Marriage:**

- Girl child marriages are socially accepted in most parts of Balochistan. In the absence of police, *Jirgas* continue to adjudicate over matters involving marriages across many parts of the province particularly ‘B’ areas including the criminal offence of child marriage, despite prohibition imposed by a 2019 order of the Pakistan Supreme Court. Anecdotal evidence suggests that practices involving giving girls to settle disputes (*swara/ wanni/ badl-e-sulh*) or forcefully claiming wives with the use of firearms (*ghag*) have declined in Balochistan over the years. However, customary girl child marriage in the form of *watta-satta or vulvar*, still remain common to most parts, with some intra-provincial variations.
- Decision-making concerning marriage still remains concentrated in the hands of elders, and inter-generational gaps limit young people from participating in decision-making about their lives in general and regarding marriage in particular. However, there are pockets of resistance and both youth and women’s groups are taking leadership on the issue at the local level.

## **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 needs to be addressed in order to curb child marriage in Balochistan:

- Strategies to end girl child marriage in Balochistan 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 acting locally.
- Table the Balochistan Child Marriage Prohibition Bill, 2018 and notify its Rules at the earliest. Before re-introducing the Bill, however, concerted advocacy needs to be undertaken, supported by evidence with a range of parliamentarians and well as different levels of bureaucracy. Advocacy should have a two-fold goal of increasing policymakers’ knowledge of the health, economic and social impacts of girl child marriage, and addressing religious concerns by involving a range of religious scholars, with the overall objective of preventing child marriage. This needs to be a larger effort with a large number of parliamentarians in order to ensure there is consensus on the Bill when it is tabled for a third time, and necessary steps follow at the level of the Executive.

- 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 singularly pushing for amendments to the penal code. While these are long-term projects, incremental change can be achieved by pulling levers available in existing laws (specifically Federal laws related to child and forced marriage), developing cohesive and integrated policies where they are missing, or omit the issue of child marriage, strengthening exiting institutional arrangements, and building capacity for sector-specific advocacy based on evidence and expanded constituencies.
- 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 related to local government, health, labor and education.
- 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 up 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 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.
- The issue of child marriage concerns a wide range of stakeholders with fairly complex relationships and asymmetric access to power, knowledge, and resources. There is thus, an urgent need to build consensus on taking a systems/ intersectional 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 domestic violence.
- With the announcement of a Child Protection Bureau 2019, clarity is required in terms of the Bureau’s purpose beyond responsibilities already entrusted with the multi-stakeholder Child Protection Commission under the Social Welfare Department. Currently, there is no policy to guide the Bureau’s responsibilities, its finances, and standard operating procedures, presenting a potential policy window for advocates looking to pursue multiple policy streams.

# 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), 1945<sup>6</sup>; the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1960<sup>7</sup>; Convention on the Rights of the Child (CRC), 1989<sup>8</sup>; International Conference on Population and Development (ICPD), 1994; the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979<sup>9</sup>; Beijing Platform for Action (BPfA), 1995<sup>10</sup>; and the 2030 Agenda for Sustainable Development (SDGs).<sup>11</sup> 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 hailed improved status of the girl child as key to equitable and sustainable development.<sup>12</sup>

The Office of the United Nations High Commissioner for Human Rights (OHCHR) clubs the issue of child, early and forced marriages to define it 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 considered to be a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent.<sup>13</sup>

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<sup>6</sup> Article 16.

<sup>7</sup> Article 10.

<sup>8</sup> Articles 1-3, 6, 12,16, 19, 24, and 34-36.

<sup>9</sup> Article 16.

<sup>10</sup> Available from: [https://www.un.org/en/events/pastevents/pdfs/Beijing\\_Declaration\\_and\\_Platform\\_for\\_Action.pdf](https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf).

<sup>11</sup> Target 5.3 and Goal 16 (concerning birth registration).

<sup>12</sup> 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.

<sup>13</sup> Child, early and forced marriage, including in humanitarian settings: UN Office of the High Commissioner on Human Rights. [https://www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx#:~:text=Child%2C%20early%20and%20forced%20marriage%20\(CEFM\)%20is%20a%20human,from%20all%20forms%20of%20violence.](https://www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx#:~:text=Child%2C%20early%20and%20forced%20marriage%20(CEFM)%20is%20a%20human,from%20all%20forms%20of%20violence.)

The Convention on the Rights of the Child (CRC) defines a child as an individual under 18 years of age. It sets standards for education, health care, social services and penal laws and establishes the right of children to have a say in decisions that affect them. The guiding principle is to have the child's best interest as a primary consideration 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 i.e., 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. The UDHR 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 both society and the State.

Article 16 of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) contents 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 a child's 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 all emphasize abolishing forced marriage, including acts of promising or giving a woman in marriage without consent and 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 upon governments to exercise political will in achieving legal reforms and policy changes, support and initiate capacity-building programmes, set up mechanisms for monitoring and accountability, set up co-operative or partnership relations between social sectors, and create programmes to support women and girls suffering from violence, abuse and discrimination. The SDGs, which pull 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 as a whole are not legally binding, however, and the process of review remains voluntary.

## Global Overview of Girl Child Marriage

As of 2018<sup>14</sup>, 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 years and girls are at a much higher risk of being married during this time period compared to boys. Across the world, about 15 million girls are married as children every year, and the 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 causes of death among adolescent girls ages 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 well-being of girls as it is closely linked to issues of depression, malnutrition, isolation,<sup>15</sup> 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 higher risk of potentially disabling complications and dilapidating health problems including obstetric fistula and urine incontinence, and both they and their babies are more likely to die<sup>16</sup> during and within weeks following childbirth. Adolescent mothers (ages 10–19 years) in particular 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 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 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, but they also impede socio-economic 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, Q et al, 2017).<sup>17</sup>

The costs imposed by these include both immediate direct costs for health care, and longer-term economic impacts in the form of lost productivity and earning potential.<sup>18</sup> Unexpected illness can also result in reduced savings and the propensity to absorb other economic shocks at the household level thus

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<sup>14</sup> Population Council (2019) Child marriage, adolescent pregnancy and school dropout in South Asia. Kathmandu, Nepal.

<sup>15</sup> 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.

<sup>16</sup> UNICEF (2016) *The State of the World's Children 2016: A Fair Chance for Every Child*.

<sup>17</sup> 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.

<sup>18</sup> 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.

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),<sup>19</sup> and increase the risk of girls experiencing emotional, physical and sexual violence in her marital home (Nasrullah, et al., 2014; UNICEF, 2018<sup>20</sup>). Lack of social capital due to not being in school further impacts girls' earning potential<sup>21</sup> 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 of time, it reinforces inequitable gender norms between generations, which can result in reduced community investments in social services and programs that might increase her children's chances of success in the future.<sup>22</sup>

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.<sup>23</sup>

## **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% of all girls are married before reaching the age of 18 years. The region, comprising eight countries including Pakistan, Nepal, India, Bangladesh, Bhutan, Maldives, Afghanistan and Sri Lanka, bears 40% of the global burden of child marriages, amounting to about 285 million women marrying before the age of 18.<sup>24</sup>

According to a 2013 UNICEF report,<sup>25</sup> while child marriage has been declining globally (dropping from 12% to 8% since the 1980s), the decline has been sharper in South Asia – from 32% in 1985 to 17% in 2010. South Asian studies on child marriage suggest that the region has experienced a significant decline particularly in very early or under 15-years' 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% in 2005 to 26.7% 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.<sup>26</sup>

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<sup>19</sup> Nguyen, M.C. and Wodon, Q (2014). Impact of Child Marriage on Literacy and Education Attainment in Africa. UNICEF and UNESCO.

<sup>20</sup> UNICEF and UNFPA (2018) Key Drivers of Changing Prevalence of Child Marriage Across Three Countries in South Asia. Kathmandu, p.1.

<sup>21</sup> 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.

<sup>22</sup> Ibid.

<sup>23</sup> UNICEF and UNFPA (2018) Key Drivers of Changing Prevalence of Child Marriage Across Three Countries in South Asia, Kathmandu, p.1.

<sup>24</sup> UNICEF and UNFPA (2019) 'Child Marriage in South Asia: An evidence review', Kathmandu, 2019.

<sup>25</sup> UNICEF (2014) 'Ending Child Marriage: Progress and prospects', UNICEF New York, 2014.

<sup>26</sup> 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 20-24 years that report being married before age 15 and 18**

Country	Survey	Percentage women between 20-24 years married before age 15	Percentage women between 20-24 years married before age 18
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
<b>Pakistan</b>	<b>2017-18 DHS</b>	<b>3.6</b>	<b>18.3</b>

*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 rates of girl child marriages in Bhutan and Maldives. In Bhutan, 26% girls are married before age 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).<sup>27</sup> A study by UNICEF (2016) using quantitative predictive models that analyzed multiple data sets 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.<sup>28</sup>

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 still remains widespread in many South Asian countries and is often concentrated in particular 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.<sup>29</sup> If progress is sustained at the levels achieved by 2013, the proportion of women married as children will fall to 22% 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 straight forward although the difference is highly significant by upper- and lower-most wealth quintiles. The fact that a large number of unmarried girls remain out of

<sup>27</sup> In UNICEF and UNFPA (2019) 'Child Marriage in South Asia: An evidence review', Kathmandu, 2019.

<sup>28</sup> Ibid.

<sup>29</sup> UNICEF and UNFPA (2019) 'Child Marriage in South Asia: An evidence review'. Kathmandu, p. 2.

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 study<sup>30</sup> 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.<sup>31</sup> 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% with every year of secondary education including in Pakistan, Bangladesh and Nepal<sup>32</sup>; however, microlevel 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 towards 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.<sup>33</sup> **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 get rediverted towards arranging dowry for marriage than investments in girls' education as customary practices related to dowry remain strong.<sup>34</sup>

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 straight forward; in Nepal, for instance, there is 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 literature<sup>35</sup> in determining risk 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, including 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, however, can be predictive of low child marriage rates after controlling for several household

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<sup>30</sup> UNICEF and ICRW (2015) 'District-Level Study on Child Marriage in India. What do we know about the prevalence, trends and patterns?'

<sup>31</sup> UNICEF and UNFPA (2019) 'Child Marriage in South Asia: An evidence review'. Kathmandu, p. 18.

<sup>32</sup> 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.

<sup>33</sup> Young Lives - Tackling Child Marriage and Early Childbearing in India: Lessons from Young Lives, Oxford Department of International Development, Oxford, 2016, p. 3.

<sup>34</sup> 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.

<sup>35</sup> Ibid.

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, i.e., reduced income and/or displacement. **Migration to urban centers**, though is responsible for improved education and employment opportunities, has also been shown to have mixed results and 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 a potential to stronger social networks.<sup>36</sup> There is also the issue of the commutability between child labor and child marriage, where different countries in South Asia have shown different results where **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(s)-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, J., and R. P. Pande, 2016).<sup>37</sup>

A Plan International study on child marriage in Pakistan, Bangladesh and Nepal<sup>38</sup> (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 in particular 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 in particular 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.<sup>39</sup> Some studies in Pakistan, however, have shown that multiyear engagement with youth and their families on building knowledge and expanding communication can drive the practice down.<sup>40</sup> **Mobilizing men, boys, parents and communities** to shift

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<sup>36</sup> Jaya Sharma et al. (2015) 'Early and Child Marriage in India: A Landscape Analysis', New Delhi, India: Nirantar Trust, p.11.

<sup>37</sup> El-Horr, J., and R. P. Pande (2016) 'Understanding Gender in Maldives: Toward inclusive development', World Bank Group, Washington, DC.

<sup>38</sup> Elizabeth Yarrow, Kara Aplant, 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.

<sup>39</sup> UNICEF and UNFPA (2019) 'Child Marriage in South Asia: An evidence review'. Kathmandu p. 25.

<sup>40</sup> 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.

social norms that drive the practice have also emerged as good strategies in many countries but economic incentives to address low socio-economic development and ‘shock drivers’, or triggers of child marriage have been both limited in scope and have shown mixed results.<sup>41</sup>

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 insufficient attention has been paid by governments in the region towards predictable investments needed to curb child marriages as action plans are not costed or do not have clearly earmarked funds to support initiatives.<sup>42</sup>

## National Overview

Pakistan’s Constitution, 1973, commits that the State shall ensure elimination of all forms of exploitation and protect citizens’ right to life,<sup>43</sup> which has been interpreted by courts to include the right to health. It recognizes protection under the law as an inalienable right of every citizen<sup>44</sup> and binds the State to undertake special provision for women and children as needed.<sup>45</sup> It mandates ensuring the full participation of women and children in all spheres of national life<sup>46</sup> and to protect marriage, the family, the mother and the child.<sup>47</sup> It further prohibits slavery and forced labor including child labor<sup>48</sup> and obligates the State to provide free and compulsory education to all children between the ages of 5 and 16.<sup>49</sup>

Within the South Asian region, Pakistan has some of the lowest girl child marriage prevalence rates at the national level, with 3.6% girls between ages 20-24 marrying before age 15, and 18.3% 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-years’ girl child marriages (28.6%) (PDHS/NIPS 2017-18) – see Table 2 below.

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<sup>41</sup> UNICEF and UNFPA (2019) ‘Child Marriage in South Asia: An evidence review’. Kathmandu, p. 4-14.

<sup>42</sup> Ibid.

<sup>43</sup> Article 3 of the 1973 Constitution.

<sup>44</sup> Article 4 of the 1973 Constitution.

<sup>45</sup> Article 25 of the 1973 Constitution.

<sup>46</sup> Article 34 of the 1973 Constitution.

<sup>47</sup> Article 35 of the 1973 Constitution.

<sup>48</sup> Article 11 of the 1973 Constitution.

<sup>49</sup> Article 25 of the 1973 Constitution.

**Table 2: Percentage of women between ages of 20-24 years who were first married by specific ages across Pakistan**

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

*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 suggests 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 paper<sup>50</sup> 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% in 1990 and 31% in 2012, respectively (a 10 percentage point decline over 12 years), while marriages under-15 years amongst girls declined from 15% to 6% (9 percentage point decline) over the same period. The latest UNICEF’s database which uses the PDHS data from 2017-18 suggests that currently, about 3.6% girls are married by age 15 years, and about 18% are married below age 18 years across Pakistan. Compared with 1990 data, it appears that girl marriages under-15 years have fallen by around 60% as compared to marriages under 18 years which fell relatively slowly by 44% between 1990 and 2017-18,<sup>51</sup> even if they still 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% 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.<sup>52</sup> The 2019 UNICEF multicounty 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 as the fifth most populated nation in the world, Pakistan has the sixth position globally in terms of absolute numbers<sup>53</sup> of girl child marriages, and the ages between 16 and 18 years

<sup>50</sup> UNICEF (2019). Key Drivers of the Changing Prevalence of Child Marriage in Three Countries in South Asia.

<sup>51</sup> Calculation by author.

<sup>52</sup> Zeba A. Sattar et al (2016). Youth in Pakistan: Priorities, Realities and Policy Response. Population Council. Islamabad, p. 13.

<sup>53</sup> See Girls Not Brides, Where Does It Happen.

constitute a relative grey area in terms of interventions for both the development sector, and policymakers where most girl child marriages happen.<sup>54</sup> Further, as different factors drive the practice depending on context, reported prevalence ratios differ across provinces, and what 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 Asia**<sup>55</sup> 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 Prostitution**<sup>56</sup> 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 half adolescent birth rate for women between ages 15 to 19 from 46% (in 2017) to 23% by 2030 and to introduce pre-marital counselling on family planning during *Nikah* (marriage) registration. This has been driven by the Supreme Court of Pakistan *Suo Moto* action (case 17599 of 2018) in the matter regarding 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)<sup>57</sup> that urge Federal and Provincial governments<sup>58</sup> to pass legislation specific to child marriage<sup>59</sup> and introduce mandatory premarital counselling for young couples<sup>60</sup> 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 hospitals<sup>61</sup> to prevent unplanned pregnancies, and for life-skills based education to be included in all secondary and higher secondary schools<sup>62</sup>.

Despite tall commitments, the Task Force's Recommendation document does not make reference to the need for expansion and full integration of premarital counselling in relevant population and health programs, even though a premarital counselling 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

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<sup>54</sup> Discussions with Nazish Brohi, 19<sup>th</sup> October 2020.

<sup>55</sup> Available from: <http://www.saievac.org/wp-content/uploads/2014/11/FINAL-Doc-Kathmandu-Call-for-Action-endorsed-Nov-7-2014.pdf>.

<sup>56</sup> Available from: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new\\_delhi/documents/genericdocument/wcms\\_251026.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/genericdocument/wcms_251026.pdf).

<sup>57</sup> 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.

<sup>58</sup> Except Sindh, which has already passed a law in this regard.

<sup>59</sup> Section 4(ii).

<sup>60</sup> Section 4(iii).

<sup>61</sup> Section 2(i).

<sup>62</sup> Section 6(ii).

Fund (UNFPA). There is an urgent need for both the Federal and Provincial governments to expand counselling services in order to prevent early and unwanted pregnancies that result from child marriages that pose a grave threat to the lives of young mothers, contribute to population growth, and reduce overall human development and well-being in the long run.

## National Legal Framework

Formally, marriage under the age of 18 years (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 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.<sup>63</sup> Subsequently, the Family Courts Ordinance (FCO) was promulgated in 1964, which paved the way for present day Family Courts. These mainly look into 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 under a different set of Federal penal law, 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.<sup>64</sup> 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 (PKR 500,000 - USD 3,125) with or without up to seven years' imprisonment.<sup>65</sup> This is unlike that 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 mere one month's imprisonment or a fine of PKR 1,000 (approximately present-day USD 6.25).

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<sup>63</sup> The Ordinance itself resulted from recommendations of the Commission of Marriage and Family Laws under General Ayub Khan.

<sup>64</sup> 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 Supreme Court (Dated April 24, 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*

<sup>65</sup> 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 may 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 an anathema to communities outside Sindh and parts of Balochistan.

The **Anti-women Practices Act** also criminalizes the deprivation of women’s right to inheritance based on the pretext of marriage,<sup>66</sup> 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 forced marriage law is rarely invoked, and such marriages constitute non-cognizable offences<sup>67</sup> rendering the law effectively toothless.<sup>68</sup> A 2016 national baseline survey on gender perceptions by the Asia Development Bank (ADB) related to inheritance also indicates that only 54% of women claim a share in inheritance compared to 71% men across Pakistan,<sup>69</sup> making it more of a social problem (the non-acceptance of women demanding their legitimate share) than a legal one.

In 2019, the Pakistan’s Senate 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, i.e., the Pakistan Tehreek-e-Insaaf (PTI). Opposers of the Bill insisted that the draft be referred to the Council of Islamic Ideology (CII)<sup>70</sup> for scrutiny. Interestingly, those who objected to fixing and increasing the age of marriage under this Bill also conceded that girls die due to early childbearing not because of early pregnancy, but because of lack of access to hospitals and health services, and malnutrition. While this argument cannot be denied, it does not address the question why such marriages continue to happen in the first place across Pakistan, and how child marriages may endanger 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 all called upon Pakistan since 2013 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, improving birth registration, and investigating 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.

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<sup>66</sup>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*.

<sup>67</sup> Where the police may not file a First Information Report without the permission of a local Magistrate of Court.

<sup>68</sup> 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.

<sup>69</sup> Asian Development Bank (2016) *Pakistan Country Gender Assessment, Volume 1 of 2: Overall Gender Analysis*, Manila, Philippines.

<sup>70</sup> 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 Advisory Council of Islamic Ideology on August 1, 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).

## 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 taking predominance over others.<sup>71</sup> As 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 men<sup>72</sup>, 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% of all marriages in Sindh.<sup>73</sup> Similar estimates are not readily available for Balochistan.

In case of *watta-satta*, a Plan International study which also involved respondents from Pakistan<sup>74</sup> contends that the issue of age is not a critical factor in such marriages as 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 (E. 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.<sup>75</sup> 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 labour”.<sup>76</sup>

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 ‘purchase’. In communities which 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

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<sup>71</sup> Some forms of child marriages are more common to particular 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.

<sup>72</sup> Samar Minallah (2006) *Swara The Human Shield. A Study on the Custom of Swara in North West Frontier Province of Pakistan*. Islamabad, Pakistan: Ethnomedia.

<sup>73</sup> Van Veen, S., van Moorten, R. and Durani, W. (2018) *Marriage Decision-Making: A Family Affair*. OXFAM, p. 27.

<sup>74</sup> Elizabeth Yarrow, Kara Aplant, 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.

<sup>75</sup> SPARC (2018) *The State of Pakistan’s Children, 2018*. Society for the Protection of the Rights of the Child (SPARC).

<sup>76</sup> Jaya Sharma et al. (2015) *Early and Child Marriage in India: A Landscape Analysis* (p.25). New Delhi, India: Nirantar Trust.

to both ability to do housework and fertility.<sup>77</sup> As dowry also connotes financial status, the girl's family may still arrange 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.<sup>78</sup> In terms of prevalence, a national study<sup>79</sup> claimed that approximately 36% of marriages in rural settings are rooted in *watta-satta*, and the practice is/was more prevalent in the Seraiki 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 betrothment 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 Sindh<sup>80</sup> 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 context, girl child marriage decisions can be highly individualized or based on group choices and decisions.<sup>81</sup> 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'<sup>82, 83</sup>; (2) **transactionally**, for example, to save, reduce, or all together avoid marriage expenses and dowry (or gain materially from the transaction)<sup>84</sup>, or in exchange for settling family debts,<sup>85</sup> and blood feuds; or (3) to **mitigate financial insecurity** facing other family members<sup>86</sup> 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 marriage may be performed with the added element of (5) **faith conversions involving women and minor girls of religious minorities**, followed quickly by marriage.

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<sup>77</sup> 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).

<sup>78</sup> Dawn Newspaper (25 March 2012) 'Superior courts focus on helping swara, vani victims'

<sup>79</sup> Hanan G. Jacoby and Ghazala Mansuri (2007) *Watta Satta: Bride Exchange and Women's Welfare in Rural Pakistan*.

<sup>80</sup> 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.

<sup>81</sup> 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.

<sup>82</sup> Ibid.

<sup>83</sup> See <https://www.news.uct.ac.za/article/-/2018-10-23-the-political-economy-of-child-marriage-in-africa>.

<sup>84</sup> Interview with Abdul Wadood, 18.12.2020; and Saima Javaid, 01.12.2020.

<sup>85</sup> 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).

<sup>86</sup> 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).

Apart from being ‘arranged’ by parents and elders, such marriages are also actively brokered by local powerholders (*jirgas in Balochistan, KP and erstwhile FATA*<sup>87</sup>, *panchayat in Punjab* or *faislo* in Sindh), by local elites and influentials as a means 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.<sup>88</sup>

Discussions with a wide range of stakeholders across Balochistan (and Sindh) as part of this political economy analysis suggest that while **security reasons** are often cited by parents, including sexual harassment or rape of girls,<sup>89</sup> the fear of premarital love affairs, self-arranged marriages/ elopement, tarnishing of family honor, and proselytization often get fused into the narratives around safety for girls, and marriage as a mitigating circumstance.

Over the years, by visibilizing<sup>90</sup> 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 levels of the state.<sup>91</sup> Recent experience suggests that while policymakers across Pakistan may be more pliable to the health and educative aspects of child marriage, and preventing its more abusive forms, resistance remains on fixing a specific age for marriage, including in Balochistan

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<sup>87</sup> 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.

<sup>88</sup> Discussions with Amar Sindhu in Hyderabad, Sindh.

<sup>89</sup> Key Drivers of Changing Prevalence of Child Marriage Across Three Countries in South Asia (UNICEF, 2018, p.6).

<sup>90</sup> Mumtaz, K. et al (2010) Age of Marriage Position Paper. Shirkat Gah – Women’s Resource Center.

<sup>91</sup> UNFPA (2019). Population and Family Planning: A Political Economy Analysis. Islamabad, Pakistan.

## 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.<sup>92</sup> 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 socio-economic and political resources, that produce contestations between different individuals and group interests.<sup>93</sup> 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,<sup>94</sup> 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,

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<sup>92</sup> 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.

<sup>93</sup> McLoughlin, C. (2014). Political Economy Analysis: Topic Guide (2nd Ed.) Birmingham, UK: GSDRC, University of Birmingham.

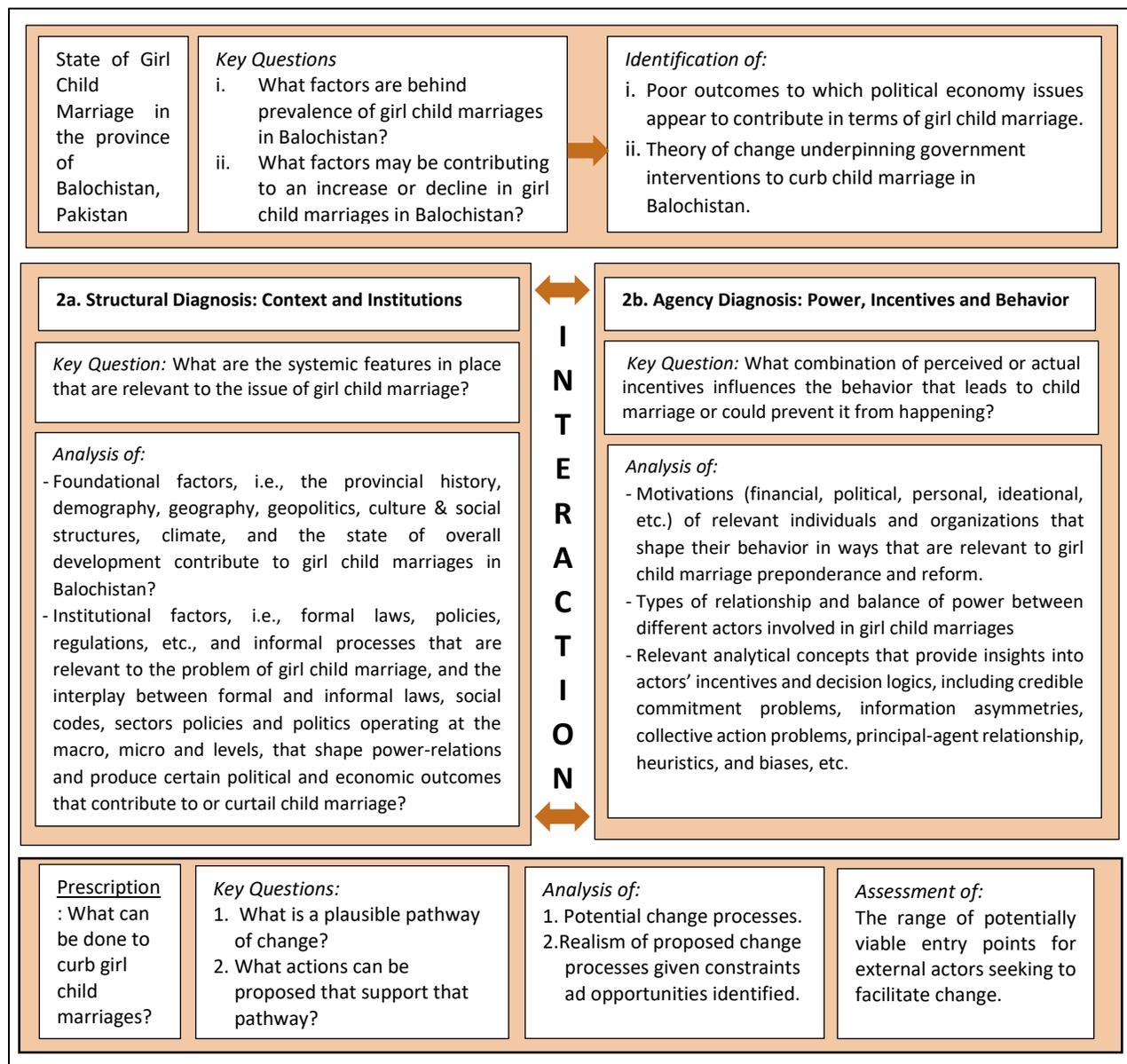
<sup>94</sup> DFID. (2009). Political economy analysis how to note (Practice Paper). London: Department for International Development (DFID).

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 marriage in Balochistan, based on the Problem-Driven Political Economy Analysis Framework developed by Daniel Harris (2013)<sup>95</sup> 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)



<sup>95</sup> Daniel Harris (2013). Applied political economy analysis: A problem-driven framework. ODI, pp 2.

Based on this framework, 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 discusses what could be done to address high prevalence and the mitigation of impacts in the context of Balochistan.

## 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:

- Balochistan Multiple Indicator Cluster Survey (MICS), 2010, (UNICEF, Government of Balochistan);
- Pakistan Demographic and Health Survey (PDHS/NIPS), 2017-18 and 2012-13
- Pakistan Social and Living Standards Measurement (PSLM), 2010-11, 2014-2015;
- Labor Force Survey 2017-18;
- 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)
- 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 MICS, 2010 due to its large sample size compared to the PDHS/NIPS survey of 2017-18. The MICS was based on interviews with 17,732 women between ages of 15 and 49, including 2,076 women between the ages of 20 and 24 years (both urban and rural). A 95% confidence interval was also calculated for reported percentages of girl child marriage in every district to determine the probability of women's population between 20-24 years falling between a set of values for a certain proportion of time, and to account to degrees of (un)certainly in the sampling method. For the Labor Force Survey (LFS) 2017-18, a sample of 7,060 women

between ages of 15-49 and 991 women between ages 20-24 was included (both urban and rural). A listing of sample sizes for the main referenced surveys is provided in Annex 4.

Although the MICS 2010 data is quite outdated, this report attempts to pinpoint 'hot-spots' in Balochistan where girl child marriages are more common based on reliable and representative data. This may be helpful for policy makers, non-governmental organizations, and others in devising the right mix of interventions after studying district contexts in more detail, particularly in terms of power structures and social hierarchies that maintain or propel girl child marriage practices. It should be noted, however, that the data discussed in this report reflect correlates and do not necessarily imply causal relationships between child marriage and different indicators considered in relation to it.

## *ii) Literature Review*

Online search was carried 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 Pakistan<sup>96</sup> 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 is provided at the end of the report.

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<sup>96</sup> This also includes the draft child marriage PEA reports recently prepared for the other 2 provinces (Khyber Pakhtunkhwa and Punjab) by another consultant for the Population Council & UNFPA, Pakistan.

## *Primary Data*

### *i) Key Informant Interviews*

Based on an extensive literature review, interview guidelines were prepared, breaking questions along 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 17 key informant interviews were conducted for this study, with 12 respondents from Balochistan, and 5 based in the Islamabad Capital Territory. Interviews comprised members of parliament, government departments, academia, civil society 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 Balochistan than could be interviewed within a short span of time, respondents were selected on the basis of 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, was commissioned based on past field research by the consultant to integrate voices and experiences of different communities on the issue of child marriage in Balochistan, where relevant.

## **Challenges and Limitations**

The Balochistan PEA of girl child marriage was carried out and reported on within a short period of time. Due to time constraints, the consultant relied primarily on secondary data, and interviews with 39 individuals in government, civil society, academia, religious scholarship, human rights oversight mechanisms and public intellectuals in Balochistan and Sindh. The study also did not entail any direct engagement with people and communities practicing or affected by child marriage.

For most of the analysis concerning girl child marriage prevalence, there was no option but to rely on the outdated MICS, 2010. Although the PDHS/NIPS 2017-18 provides representative data at the provincial level, the sample sizes are too small at the district level to provide a meaningful or accurate picture (see Annex 4 for sample sizes of respective surveys). There were also data limitations related to ever-married women as reporting of under 18- and 15-years' girl marriage are based on recall and subject to erroneous reporting. Reported cases also run the risk of underreporting of age at the time of marriage by women

because of lack of birth registration and not knowing one's exact age (current and/or when first married). Another serious limitation was the lack of availability of microdata from the 2017 Census of Pakistan.<sup>97</sup>

Although an effort was made to get data on registered cases of child marriage with law enforcement and child protection authorities, the same could not be acquired for Balochistan as it was for Sindh.

Further, with the second wave of COVID-19 gripping many parts of Pakistan during the months of November and December when interviews were conducted, difficulty was also experienced in travelling to Balochistan from Karachi<sup>98</sup> and engaging relevant people across the province remotely and evenly to get a broader set of expertise. The interviews in Balochistan were thus conducted by a research assistant based in Quetta.

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

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<sup>97</sup> 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.

<sup>98</sup> 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 Balochistan

Five waves of DHS data, (discussed in a working paper<sup>99</sup> by UNICEF focusing on child marriage in three countries in South Asia including Pakistan), suggest that prevalence rates of girl child marriages decreased most significantly in the province of Balochistan between 1990 and 2012, along with the province of Khyber Pakhtunkhwa.

According to the **2010 Balochistan MICS report** (UNICEF 2010), which provides the latest available representative household survey data on child marriage prevalence, about **6.7% ever married women between ages of 15-49 years reported being married before reaching their 15<sup>th</sup> birthday, and 34.6% had married before reaching the age of 18 years**. Amongst the **20-24 years' age cohort, the percentage women reporting marriage before 15 or 18 years reduced to 4.7% and 17.6% respectively**, suggesting a decline in girl child marriage over time. The 2010 MICS also suggests that child marriage trend was relatively more common amongst rural and uneducated girls and that the trend was not likely to be influenced by the wealth quintile of the households except in the capital city of Quetta, which is the most urbanized district of Balochistan.<sup>100</sup>

According to the PDHS/NIPS 2017-18, however, which takes a much smaller sample size of ever married women (age 15-49) and women between 20-24 years, the percentage of women in the latter age cohort that married before the ages of 15 and 18 years was 6.1% and 21.6% respectively. While ordinarily these figures would connote an increase in girl child marriage, the values are not comparable to the 2010 MICS survey due to non-representative sampling. For this reason, the analysis presented below mainly commissions data from the 2010 MICS, despite it being outdated.

According to the 2010 MICS, women that reported being married before age 15 and 18 varied significantly by location, education, and wealth. District-wise prevalence is provided in Table 3 below. The highest prevalence for **under-15** years girl marriages was noted in district **Kech (10.3%)**, followed by **Harnai**

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<sup>99</sup> UNICEF (2019). Key Drivers of the Changing Prevalence of Child Marriage in Three Countries in South Asia.

<sup>100</sup> United Nation Children's Fund, Planning and Development Department, Government of Balochistan, 2010. Pakistan - Multiple Indicator Cluster Survey 2010 – Balochistan.

(9.7%), Awaran (9.3%), Washuk (8.8%) and Khuzdar (8.6%). In terms of women marrying before completing 18 years, districts Kech (31.8%), Kohlu (30.9%) and Killa Saifullah (29.7%) were amongst the top three districts with the highest prevalence. District Kech in particular had the highest prevalence of both under-15 and under-18 years' girl child marriages, while district Kohlu and Sherani had zero percent reported incidence of under-15 years' girl marriages, and different reported prevalence for under-18 girl marriages (12.5% in Sherani compared 30.9% in Kohlu).

Twelve (12) districts out of 30 had over 20% prevalence of girl marriage under 18 years in 2010.

**Figure 2: Districts Map of Balochistan, as of 2021**



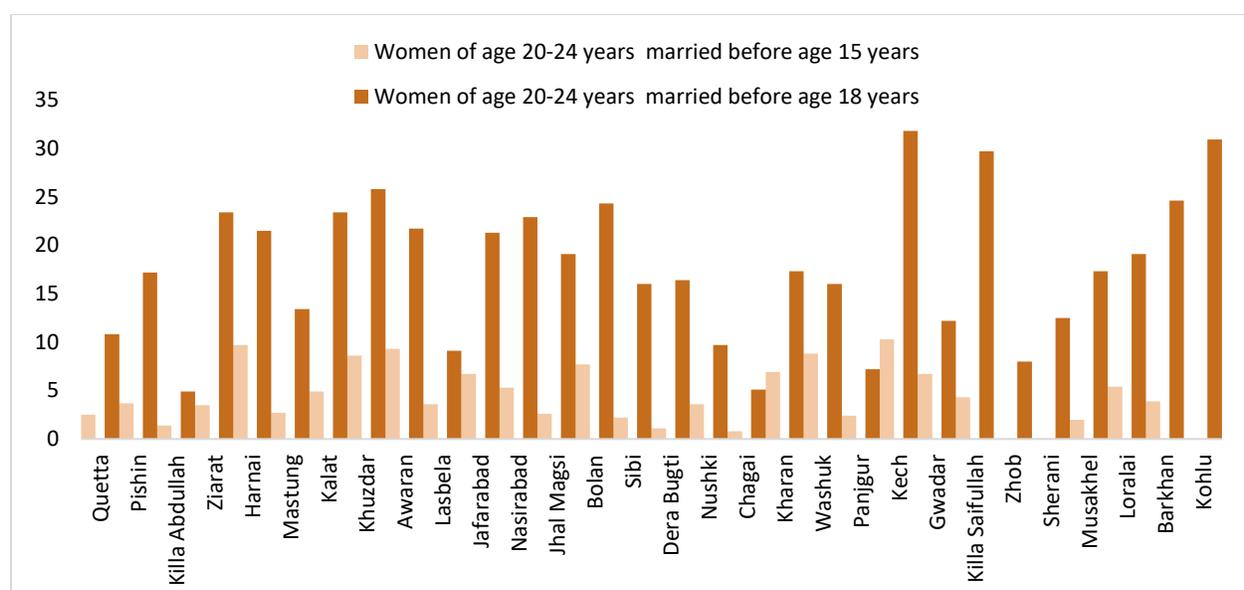
**Table 3: Percentage women aged 20-24 years who reported being married before age 15 and age 18 in Balochistan**

District	Married before 15 years		Married before 18 years	
	Percentage of women	95% Confidence Interval	Percentage of women	95% Confidence Interval
Awaran	9.3	[0.7-17.9]	21.7	[9.4-33.9]
Barkhan	3.9	[-0.1-7.8]	24.6	[15.9-33.4]
Bolan	7.7	[3.1-12.2]	24.3	[16.9-31.7]
Chagai	0.8	[-1.0-2.6]	5.1	[0.7-9.5]
Dera Bugti	1.1	[-4.0-6.2]	16.4	[-1.4-34.2]
Gwadar	6.7	[1.5-11.8]	12.2	[5.4-18.9]
Harnai	9.7	[3.7-15.6]	21.5	[13.2-29.8]
Jafarabad	6.7	[1.8-11.6]	21.3	[13.4-29.3]
Jhal Magsi	2.6	[-0.9-6.0]	19.1	[10.5-27.6]
Kalat	4.9	[1-8.8.0]	23.4	[15.7-31.1]
Kech	10.3	[4.2-16.4]	31.8	[22.4-41.1]
Kharan	6.9	[2.0-11.9]	17.3	[9.9-24.6]
Khuzdar	8.6	[3.1-14.2]	25.8	[17.2-34.5]
Killa Abdullah	1.4	[-0.7-3.5]	4.9	[1.0-8.9]
Killa Saifullah	4.3	[0.7-8.0]	29.7	[21.5-37.9]
Kohlu	0.0	[0.0-0.0]	30.9	[15.3-46.5]
Lasbela	3.6	[0.3-7.0]	9.1	[4.0-14.2]
Loralai	5.4	[1.3-9.5]	19.1	[12.0-26.1]
Mastung	2.7	[-0.4-5.9]	13.4	[6.8-20.0]
Musakhel	2.0	[-1.2-5.1]	17.3	[8.6-25.9]
Nasirabad	5.3	[1.2-9.5]	22.9	[15.1-30.6]
Nushki	3.6	[-0.7-7.9]	9.7	[2.9-16.4]
Panjgur	2.4	[-2.4-7.2]	7.2	[-1.0-15.3]
Pishin	3.7	[0.8-6.7]	17.2	[11.4-23]
Quetta	2.5	[0.6-4.4]	10.8	[6.9-14.6]
Sherani	0.0	[0.0-0.0]	12.5	[4.3-20.7]
Sibi	2.2	[-1.4-5.7]	16.0	[7.1-25.0]
Washuk	8.8	[0.5-17.1]	16.0	[5.2-26.7]
Zhob	0.0	[0.0-0.0]	8.0	[2.8-13.2]
Ziarat	3.5	[0.2-6.9]	23.4	[15.7-31.1]
<b>Total</b>	<b>4.7</b>	<b>[3.9-5.4]</b>	<b>17.6</b>	<b>[16.2-19.0]</b>

*Source: Multiple Indicator Survey (MICS), (2010), Balochistan Multiple Indicator Survey. UNICEF and the Government of Balochistan.  
Note: Districts Sohbatpur and Lehri are omitted from above table as both were established in 2013, after the 2010 MICS was conducted.*

At the divisional level, Makran had the highest prevalence of under 18 years girl marriage (23%), followed closely by the Nasirabad (22.4%) and Sibi divisions (22%). **Out of 6 divisions, 5 had higher prevalence than the provincial average of girls marrying under age 18 years.** In terms of **under-15 or very early girl child marriage, 3 out of 6 divisions had higher prevalence than the provincial average.** These included the divisions of Makran (8.2%); Nasirabad (6.2%) and Kalat (5.9%).

**Figure 3: Percentage women aged 20-24 years who reported being married before the age of 15 and 18 years by districts in Balochistan**



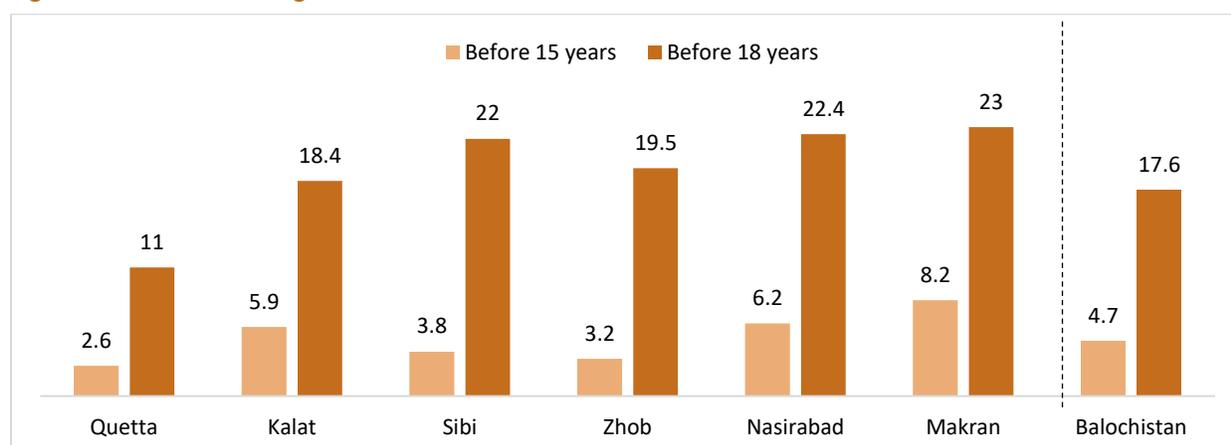
Source: Multiple Indicator Survey (MICS). (2010). Balochistan Multiple Indicator Survey. UNICEF and the Government of Balochistan.

**Table 4: Percentage women aged 20-24 years reporting being married before ages 15 and 18 - Divisional level**

Division	Married before 15 years		Married before 18 years	
	Percentage of women	[95% Conf. Interval]	Percentage of women	[95% Conf. Interval]
Quetta	2.6	[1.4-3.8]	11.0	[8.7-13.3]
Kalat	5.9	[4.1-7.7]	18.4	[15.4-21.4]
Sibi	3.8	[1.7-5.8]	22.0	[17.6-26.4]
Zhob	3.2	[1.8-4.7]	19.5	[16.2-22.7]
Nasirabad	6.2	[3.9-8.5]	22.4	[18.5-26.3]
Makran	8.2	[4.7-11.7]	23.0	[17.6-28.4]
<b>Balochistan</b>	<b>4.7</b>	<b>[3.9-5.4]</b>	<b>17.6</b>	<b>[16.2-19.0]</b>

Source: Multiple Indicator Survey (MICS). (2010). Balochistan Multiple Indicator Survey. UNICEF and the Government of Balochistan.

**Figure 4: Girl Child Marriage in Balochistan at Divisional Level**



*Source: Multiple Indicator Survey (MICS). (2010). Balochistan Multiple Indicator Survey. UNICEF and the Government of Balochistan.*

## Locational differences

In 2017, a UNICEF report<sup>101</sup> suggested that there were no significant disparities between rural and urban areas, or between the poorest and richest wealth quintiles in terms of girl child marriage in Balochistan (based on 2010 MICS). A closer look at the same data, however, shows that both under 15 and under 18 years girl child marriages were more commonly reported in rural areas of Balochistan (5.2% and 19.7%, respectively), as opposed to urban areas (3.4% and 12.3%, respectively), with higher discrepancies in marriages under 18 years. There was also countervailing data from the Sibi and Makran divisions for under-15 years girl marriages, with higher incidence reported in urban (9.3% and 9.2% respectively) as opposed to rural areas (2.8% and 7.6% respectively) within the divisions. For girl marriage under 18 years, rural areas had higher reported incident than urban for every division, sometimes with very stark differences (for example, in the Zhob division, under 18 years girl marriages jumped from 6% in urban settings to 21.5% in rural areas).

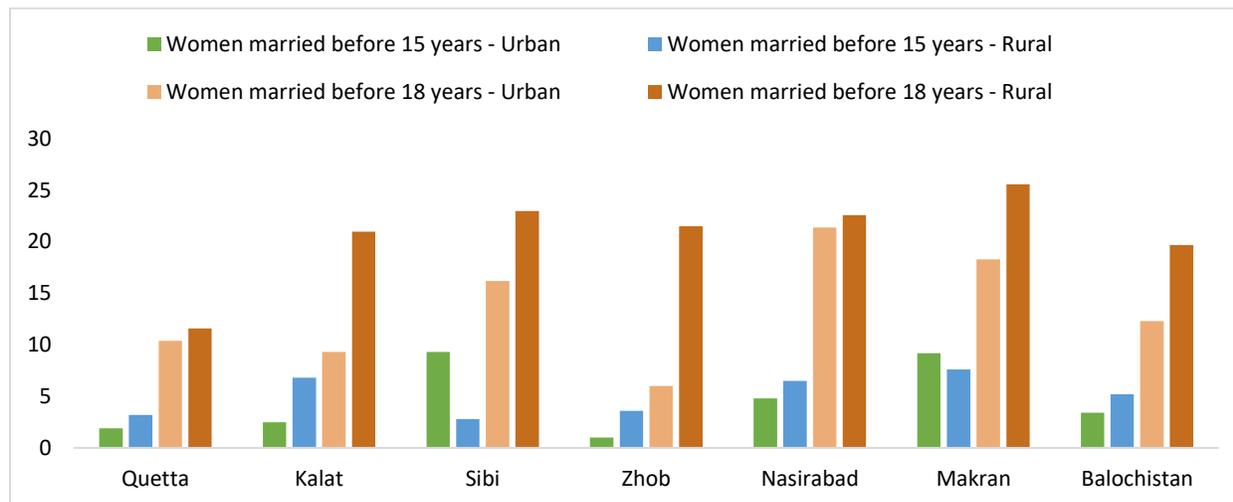
**Table 5: Percentage of women aged 20-24 who report being married before age 15 and age 18 by type of residence in Balochistan**

Division	Women of age 20-24 years married before age 15 years		Women of age 20-24 years married before age 18 years	
	Urban	Rural	Urban	Rural
Quetta	1.9	3.2	10.4	11.6
Kalat	2.5	6.8	9.3	21.0
Sibi	9.3	2.8	16.2	23.0
Zhob	1.0	3.6	6.0	21.5
Nasirabad	4.8	6.5	21.4	22.6
Makran	9.2	7.6	18.3	25.6
<b>Balochistan</b>	<b>3.4</b>	<b>5.2</b>	<b>12.3</b>	<b>19.7</b>

*Source: Multiple Indicator Survey (MICS). (2010). Balochistan Multiple Indicator Survey. UNICEF and the Government of Balochistan.*

<sup>101</sup> UNICEF (2017) Situation Analysis of Children in Pakistan, p. 114.

**Figure 5: Percentage of women aged 20-24 who report being married before age 15 and age 18 by division and type of residence in Balochistan**



**Source:** Multiple Indicator Survey (MICS). (2010). Balochistan Multiple Indicator Survey. UNICEF and the Government of Balochistan.

As the trends noted in the 2010 MICS have likely shifted over past decade, different stakeholders interviewed for this study were asked for their perceptions about districts having a higher incidence of girl child marriage. In response to this, districts Killa Abdullah, Jaffarabad, Loralai, Zhob and Pishin were noted for higher prevalence of girl child marriage by multiple respondents (though their respective prevalence rates were relatively low in MICS 2010). From the interviews it was often also not clear whether interviewees meant marriages below 15 years (very early) or 18 years (early) for girls. These perceptions coalesce closely with 2010 MICS data as far as Jaffarabad and Loralai are concerned with higher than provincial averages recorded for both districts for under-15 and under-18 girl marriages. District Zhob, however, is an outlier in that very low incidence was recorded in 2010 (with zero percent under-15 and 8% under-18 girl marriages), but incidence could very well have increased in the past 10 years since the survey was conducted.

For Quetta, the capital city of Balochistan, the general perception amongst respondents was that girl child marriages are a rare occurrence due to higher levels of literacy and economic prosperity.<sup>102</sup> The same is stated for areas close to Quetta like Mastung and Kalat<sup>103</sup> while the coastal belt of Kharan, Chaghai, Turbat (administrative center of Kech district), and Gwadar were perceived as more ‘enlightened’ areas with higher female education and less prevalence of girl child marriages.<sup>104</sup> The MICS data, however, suggests that while under-15-years girl child marriages were more common in parts of Balochistan outside Quetta (statistically highest in districts Kech-, Harnai and Killa Saifullah), over 10.8% girls were married in Quetta before reaching the age of 18, with a 2.5% prevalence of very early (under 15 years) girl marriages. Quetta also did not have the lowest prevalence rate, with at least 9 districts faring better in terms of girl marriage

<sup>102</sup> Different respondents in Balochistan.

<sup>103</sup> Interview with Shakeela Naheed Dehvar, Member Provincial Assembly (BNP, Mengal), Balochistan, 20.12.2020.

<sup>104</sup> Interview with Rukhsana Baloch, Assistant Director, Gender & Publicity, Women’s Development Department, Government of Balochistan, 21.12.2020.

under 15 years, and 6 districts doing better in terms of under-18 years' girl marriage. Similarly, while Kharan had a slightly lower prevalence of under 18 girl marriages than the provincial average of 17.6% (at 17.3%) in 2010, data for Chaghai, Turbat, and Gwadar presented different situations, with Gwadar district showing higher than average under-15 years girl marriages (at 6.7%) contrary to respondents' present-day perceptions.

With a gap of 10 years since the last representative survey was conducted at the district level in Balochistan, it is difficult to say whether there is any truth to the perceptions of practitioners (lawyers, civil society advocates, legislators, and government departments' officials) in terms of locational differences in girl child marriage incidence rates, and whether there have been any critical shifts. The present picture is likely to become clearer as results of the on-going MICS survey, 2019-20 are announced for Balochistan.

## **Relationship with Wealth**

In terms of wealth, it is interesting to note that based on 2010 MICS data for girls between ages of 20 and 24 that were married before ages of 15 and 18 years, a majority of the girls marrying under 15 years belonged to the poorer (6.9%) and middle (5.9%) wealth quintiles as opposed to the poorest (4.1%). In terms of girl marriage under 18 years, again poorer (22.4%) as opposed to the poorest (22.1%) households were more likely to marry before turning 18, although the difference was not statistically significant. For both under-15 and under-18 years girl marriages, the incidence rates generally appeared to decline with rising levels of wealth, with a near halving in marriages under 18 years between wealth extremes (poorest to the wealthiest). The relationship between wealth and under-15 years girl child marriage is, however, not straight forward, suggesting an influence of other propellers or inhibitors apart from mere income and wealth poverty.

**Table 6: Percentage of women aged 20-24 years who reported being married before age 15 and age 18 by wealth quintile<sup>105</sup> in Balochistan**

Wealth Quintile	Women of age 20-24 years married before the age of											
	15 years						18 years					
	Poorest	Poorer	Middle	Richer	Richest	Total	Poorest	Poorer	Middle	Richer	Richest	Total
<b>Total</b>	4.1	6.9	5.9	3.2	3.7	<b>4.7</b>	22.1	22.4	18.4	16.2	11.5	<b>17.6</b>

*Source:* Multiple Indicator Survey (MICS). (2010). Balochistan Multiple Indicator Survey. UNICEF and the Government of Balochistan.

Experts from Balochistan suggest that child marriage prevalence is also closely tied to economic affluence in certain areas of the province where tribal customs and patriarchal values favor polygamy, and men with higher financial means are able to take on younger wives if they can afford to. Areas trading more closely with Iran and Afghanistan in West and South-Western Balochistan (including divisions of Kalat, Makran and Quetta and districts such as Kech, Washuk and Awaran therein) in particular were identified by a few civil society respondents as having higher incidences of polygamy involving younger brides married to older men compared to economically depressed areas. Comparing these perceptions with MICS 2010 also revealed higher prevalence of girl marriages under 15 in these districts. This trend was, however, not true for all districts engaging in cross-border trade (such as Chagai, Nushki, and Panjur to the West and South-West).

That girl child marriages are common in affluent families of Balochistan is also corroborated by health practitioners in Sindh who provide medical assistance to married girls under 18 years of age, as they are brought to Sindh for better quality of healthcare than can be found easily or accessed in most parts of Balochistan (see Table 7 ahead for spread of health services).

## Relationship with Education

In terms of its relationship with education, 19.5% girls between ages 20 and 24 years that were married before age 18 in Balochistan, had no education, whereas a lesser but **significant percentage (11.6%) of those married under 18 years had acquired primary education.**

<sup>105</sup> Principal components analysis is used to calculate wealth index by using information on the ownership of household goods and amenities (assets) to assign weights to each household asset and obtain wealth scores for each household in the sample. The assets used in these calculations include electricity, radio, television, non-mobile telephone, refrigerator, computer, sewing/embroidery machine, watch, mobile phone, bicycle, motorcycle/scooter, animal drawn cart, car/truck, tractor, agricultural land, livestock, source of drinking water, type of sanitation facility, type of cooking fuel, type of materials used for floor, roof, and wall). Each household is weighted by the number of household members, and the household population was divided into five groups of equal size, from the poorest quintile to the richest quintile, based on the wealth scores of households they were living in. The wealth index is assumed to capture the underlying long-term wealth through information on the household assets and is intended to produce a ranking of households by wealth, from poorest to richest. The wealth index does not provide information on absolute poverty, current income or expenditure levels, and the wealth scores calculated are applicable for only the particular data set they are based on. Further information on the construction of the wealth index can be found in Rutstein and Johnson, 2004, and Filmer and Pritchett, 2001.

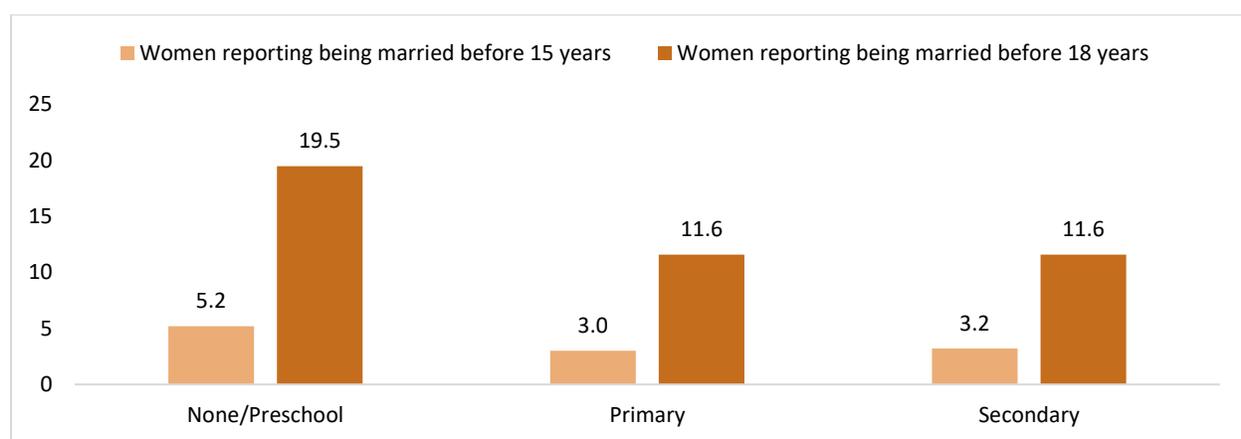
For those married under 15 years, 5.2% had no education, which fell by increasing levels of education and coming **down to 3.2% for girls having secondary education**. Both under-15 and under-18 years' girl child marriage prevalence was thus less if girls had attained the highest level of education than those marrying into the wealthiest quintile, suggesting a **stronger inverse relationship between girl child marriage and education than wealth**.

**Table 7: Percentage of women aged 20-24 who report being married before age 15 and age 18 by education in Balochistan**

Educational Attainment	Women reporting being married before 15 years				Women reporting being married before 18 years			
	None/Preschool	Primary	Secondary	Total	None/Preschool	Primary	Secondary	Total
<b>Total</b>	5.2	3.0	3.2	4.7	19.5	11.6	11.6	17.6

*Source:* Multiple Indicator Survey (MICS). (2010). Balochistan Multiple Indicator Survey. UNICEF and the Government of Balochistan.

**Figure 6: Percentage of women aged 20-24 who report being married before age 15 and age 18 by education in Balochistan**



*Source:* Multiple Indicator Survey (MICS). (2010). Balochistan Multiple Indicator Survey. UNICEF and the Government of Balochistan.

While the general trends are obvious, there are limitations to education related data, as it does not capture trends in girl child marriage based on transitions between fairly large blocks of education levels or account for dropout between primary, middle, and secondary schooling, and incomplete secondary education.

## Labor Force Participation

The issue of girl child marriage is frequently linked to women's labour force participation (LFP) in literature as it has a delaying effect on marriage and can incentivize higher levels of education. LFP is also a difficult indicator to measure against child marriage statistics in that child labor under 15 years is typically both invisible and against labor rights acknowledged globally.

Women's labor force participation is provided in two sets of surveys for Balochistan: the PDHS/NIPS and the LFS, with the latter have a much larger sample of respondents. Data from both is provided in Table 8 below.

According to the LFS 2017-18, about **77.9% unmarried women between the ages of 20-24 were not in the labor force, and an additional 12.6% were unemployed**. A mere 9.5% women between 20-24 years are actively employed while still single, which drops to 6.5% if they are married. Absence from the workforce increases for women following marriage by nearly 15% as employment rates decrease, and the unemployed are absorbed into the unavailable for work labor workforce.

**Table 8: Percentage of women between age 20-24 years that are employed, unemployed or not in labor force, by marital status in Balochistan**

Balochistan	Unmarried women				Married women			
	Employed	Unemployed	Not in Labour Force	Total	Employed	Unemployed	Not in Labour Force	Total
LFS 2017-18	9.5	12.6	77.9	100	6.5	0.8	92.7	100
PDHS 2017-18	43.39	29.90	26.70	100.00	32.14	23.60	44.26	100.00

*Source: Labour Force Survey 2017-18, Pakistan Bureau of Statistics (PBS), Statistics Division, Government of Pakistan, Islamabad, Pakistan; and 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.*

Age-wise breakup of women's LFP starting from age 15 to 49 (Table 9 below) suggests that the **LFP increases between ages 15-19 and 20-24 by a small margin (2.5%) amongst women, likely as girls between ages 15 and 19 years are rarely working as own-account workers and employers**. After the age of 24 years, however, women's LFP declines and remains static at 9.8% till the age of 34.

**Table 9: Age-Specific women's labour force participation by age in Balochistan\***

Age Group	%age of women/girls in formal labor force (LFS, 2017-18)	%age of women/girls in formal labor force (PDHS/NIPS, 2017-18)
15-19	9.1	4.33
20-24	11.6	5.59
25-29	9.8	10.89
30-34	9.8	8.68
35-39	11.0	10.60
40-44	11.5	15.38
45-49	8.3	13.23

*\*Note: Labour force participation rate is traditionally calculated for the employed persons of age 10 years & above and total labour force (employed and unemployed) of age 10+. Therefore, here the labour force participation rates are calculated for age specific, which does not affect the actual definition.*

*Source: Labour Force Survey 2017-18, Pakistan Bureau of Statistics (PBS), Statistics Division, Government of Pakistan, Islamabad, Pakistan; and 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.*

When Table 8 and 9 above are read with Table 10 below, it is clear that while unmarried women between ages of 15-19 are more likely to be working (62.2%) than married women (37.8%) in Balochistan (LFS 2017-18), as the percentage of girls married increases between the ages of 20-29, their LFP drops and stays static till about the age of 34 years, likely because of the added responsibilities of childbearing and rearing and other care work following marriage. By the time women reach the age of 35 years, 98.1% of them are married and their likelihood of being employed increases, but their level of participation never again reaches the same level as those in the age bracket of 20-24 years.

**Table 10: Percentage of employed women by age and marital status in Balochistan**

Percentage Distribution of Employed Women and Girls (LFS, 2017-18)			
Age	Unmarried	Married	Total
10 - 14 years	-	-	-
15 - 19 years	62.2	37.8	100
20 - 24 years	37.6	62.4	100
25 - 29 years	9.3	90.7	100
30 - 34 years	4.3	95.7	100
35 - 39 years	1.9	98.1	100
40 - 44 years	1.8	98.2	100
45 - 49 years	0.0	100.0	100
<b>Total</b>	<b>18.2</b>	<b>81.8</b>	<b>100</b>

*Source: Labour Force Survey 2017-18, Pakistan Bureau of Statistics (PBS), Statistics Division, Government of Pakistan; and 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.*

## Sexual and Reproductive Health Indicators

According to PDHS 2017-18, contraceptive prevalence rate (CPR) has not significantly increased for the last decade in Pakistan; the current rate is 34% in PDHS 2017-18, which was 35% in PDHS 2012-13. If anything, the overall CPR has dipped by a percentage point across Pakistan.

Despite extremely high levels of girl child marriage noted in pockets across Balochistan in 2010, **only 2.9% of girls aged between 15 and 19 years are using any form of contraception across the province, with only 0.8% relying on modern contraception and a larger 2.1% relying on traditional methods.**<sup>106</sup> After the age of 19 years, more reliance is found on modern contraceptive methods as opposed to traditional methods. Looking at method of contraception by age in 2017-18 allows to observe **higher propensity of young girls of ages 15-19 to traditional and often less effective family planning method than older women till the age of 49 years.**

**Table 11: Percentage women reporting using any form of contraception across Balochistan, by age**

Age Group	Use of contraceptives		Total
	Any modern method	Any traditional method	
15-19	0.8	2.1	2.9
20-24	8.4	1.0	9.5
25-29	11.4	4.7	16.1
30-34	14.1	9.5	23.6
35-39	18.9	4.3	23.2
40-44	18.5	10.0	28.6
45-49	23.9	9.6	33.5
<b>Total</b>	<b>14.0</b>	<b>5.8</b>	<b>19.8</b>

*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.*

<sup>106</sup> Modern methods include female sterilization, intrauterine contraceptive device (IUD), implants, injectable, the pill, condoms, and lactation amenorrhoea method (LAM). Traditional methods include rhythm, withdrawal, and folk methods.

Going back to 2010 access district level data, the overall CPR was a mere 15% of women currently married (of ages 15-49) across Balochistan, with a CPR of 6% for girls between aged 15-19 years (MICS, 2010), with Zhob district having the smallest CPR at 3% (MICS, 2010). In Districts such as Kech (Turbat), where a high percentage of girls reported being married before age 15 and 18 years in 2010, the CPR still remains at a mere 5.24% for women aged 15-19 years (PDHS 2017-18). As the use of modern methods generally increases with age (despite it being low overall), it should allay concern about high reproductive health risks for older women forwarded as a justification for marrying girls early as they are perceptibly at “... lower risk compared to older women”<sup>107</sup> (see section on Political, Religious & Social Forces and Basis of Political Contestation ahead).

Although the CPR for girls between ages of 15 and 19 years was comparatively better (but still quite low) in districts such as Jhal Magsi, Jaffarabad, Nasirabad, and the larger Zhob division in 2017-18, subject experts in Balochistan also suggest that the coverage of the Lady Health Workers (LHW) program<sup>108</sup> is extremely thin due to restrictive gender norms that discourage women’s visibility and movement outside the home.<sup>109</sup> As the main workforce behind polio vaccination in the province, and promotion of maternal, child and neonatal health, LHWs have also been repeatedly gunned down in parts of Balochistan, creating a serious disincentive to join the program.

**Table 12: Unmet Need for family planning for women ages 15-49 in Balochistan, by age groups, type of unmet need and location**

Age group	For spacing	For limiting	Total	Urban	Rural	Overall
15-19	27.1	0.7	27.8	18.4	29.7	27.8
20-24	19.6	1.5	21.1	24.1	19.9	21.1
25-29	20.6	7.6	28.3	32.8	26.2	28.3
30-34	13.5	10.0	23.5	27.3	21.9	23.5
35-39	8.0	13.0	21.0	17.8	22.4	21.0
40-44	3.2	7.7	10.9	25.0	5.7	10.9
45-49	3.5	9.0	12.5	8.6	14.1	12.5
<b>Total</b>	<b>13.7</b>	<b>7.9</b>	<b>21.6</b>	<b>23.7</b>	<b>20.8</b>	<b>21.6</b>

*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.*

Data clearly suggests that in terms of having an unmet need for family planning, girls of ages 15-19 years unsurprisingly have the highest total unmet need for contraception (29.8%) after women between the ages of 25 and 29 years (28.3%). Compared with the latter old group, however, **younger women of 15-19 years have the highest unmet need for spacing births than limiting the number of children (27.1%),**

<sup>107</sup> Interview with Sher Ahmed, Assistant Director Head Quarter, Social Welfare Department, Government of Balochistan, 29.12.2020.

<sup>108</sup> The Lady Health Worker Program (LHWP) was established in 1994, with the goal of providing primary care services to underserved populations in rural and urban areas. LHWs are deployed throughout all five provinces of Pakistan. These workers are attached to a local health facility, but they are primarily community based, working from their homes. The scope of services provided by LHWs has grown from an initial focus on MCH to include participation in large health campaigns, newborn care, community management of tuberculosis, and health education on HIV/AIDS.

<sup>109</sup> Interview with Saima Javaid, 1.12.20.

**which could delay the first pregnancy.** Further, while first pregnancy may be imminent following marriage due to pressures to reproduce and prove fertility/virility (explained in part by the absence of contraception because of very low uptake/ discontinuation), the maternal mortality ratio (MMR), which is closely linked to girl child marriages, remains extremely high in Balochistan and the **Pregnancy Related Maternal Mortality Rate (PRMMR) is 358 deaths per 100,000 live births** (Pakistan Maternal Mortality Survey, 2019). In 2010 when the provincial MICS was conducted, an estimated **4.4% girls of ages 15-19 had already begun childbearing (with Nasirabad division being as high as 8.2%), and 11% of ever married women of ages 20-24 years had had a live birth before the age of 18 years, which was again highest in the Nasirabad division (13.8%), and lowest in Quetta (6.5%).**

About 9.4% of women between ages 15-19 years had already had a live birth in Balochistan (PDHS 2017-18), **the highest percentage of reported early and teenage pregnancies amongst all provinces.**

In terms of locational difference, while girls generally tend to marry earlier in rural parts of Balochistan, the unmet need for family planning is also greater in rural settings, being the highest for girls between ages of 16 and 19 years. Interestingly, the youngest group of women in the reproductive age and those between ages of 35-39 years have a greater unmet need in rural areas compared to urban; for the remaining age cohorts, unmet family planning needs remain higher in urban settings than rural, likely perhaps because urban women can more frequently express having an ‘unmet’ need and easier (more anonymous) access.

In addition to high MMR and PRMMR amongst women and girls in Balochistan, in 2010, about 75.1% women also reported giving **birth at home** out of the total for those having given births at public or private sector health facilities in the preceding two years across Balochistan (MICS 2010). Overall, about **7.5% of the total 75.1% women who delivered at home used the services of any skilled birth attendant whereas 0.9% had no assistance whatsoever (Zhub district having the highest percentage of unassisted deliveries at 4.5%).** Using the 2010 MICS data, a study<sup>110</sup> in Balochistan found that while decisions related to the use of skilled birth assistance were significantly associated with multiple factors including urbanization, region, wealth index quintiles, age of woman, level of education, children ever born, women who justified being beaten by their husband, and skilled source of antenatal care, the age at first marriage is an inconsistent influencing factor as **women from 25 to 34 years had a greater probability of using skilled birth attendance than both older (> 34 years) and younger women (<25 years).** The study did, however, confirm that **women younger than 25 years had less access to institutional deliveries in Balochistan than older women.** In 2015, the Population Council noted<sup>111</sup> that while skilled birth attendance rose from 8% in 1990-91 to 23% in 2006-07 in Balochistan, it fell to 18% by 2012-13 (PDHS). According to the recent PDHS survey 2017-18, **the percentage of women having skilled birth attendance has again increased to 38% but remains the lowest amongst all provinces;** this poses a significant risk to the lives and well-being

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<sup>110</sup> Pongpanich, S., Ghaffar, A., Ghaffar, N., & Mehmood, T. (2016). Skilled birth attendance in Balochistan, Pakistan, *Asian Biomedicine*, 10(1), 25-34. doi: <https://doi.org/10.5372/1905-7415.1001.461>.

<sup>111</sup> Zeba A Sathar, Maqsood Sadiq, Seemin Ashfaq, 2015. Reducing Maternal and Child Mortality in Balochistan: The Untapped Potential of Family Planning (p.2) (Policy Brief). Population Council, Islamabad, Pakistan.

of young girls that are married early, are more likely to face pregnancy-related complications, and yet also least likely to get services.

In considering these indicators, it is important to note that in the interlude between 2005 and 2013, Balochistan also underwent high levels of **insurgency, security operations, natural disasters, faced the aftermath of the global economic downturn of 2008, and sustained massive damage to health infrastructure, education, and general infrastructure during the 2010-11 floods across Pakistan**. Further, Cyclone Yemen hit different areas of Balochistan on 26 June 2007 affecting more than 75% of its population and destroying billions of rupees' worth of property, agricultural land, and businesses, and displacing some 300,000 people; displaced communities are said to have mainly settled in the Districts of Kech, Khuzdar, Jhal Magsi and Awaran;<sup>112</sup> at least three of which had the highest percentage of reported under-18 years girl child marriages in 2010 (MICS).

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 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 Balochistan need to be contrasted with those reporting lower incidence on multiple levels to determine which factors may be more strongly associated, which may be confounding or spurious, and which may cast an influence in their interplay.

The following sections provide a basic overview of key foundational factors 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 girl child marriage in Balochistan. Collectively, they help map out the context and identify structures within which girl child marriage happens. This is followed by a discussion on institutional factors, which concerns the interplay between formal laws and informal processes that create certain authorizing behaviors that encourage girl child marriage or fail to discourage/curb it.

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<sup>112</sup> South Asians for Human Rights (SAHR), 2014. Internally Displaced Persons A report on the Fact-Finding Mission to Balochistan in 2008.

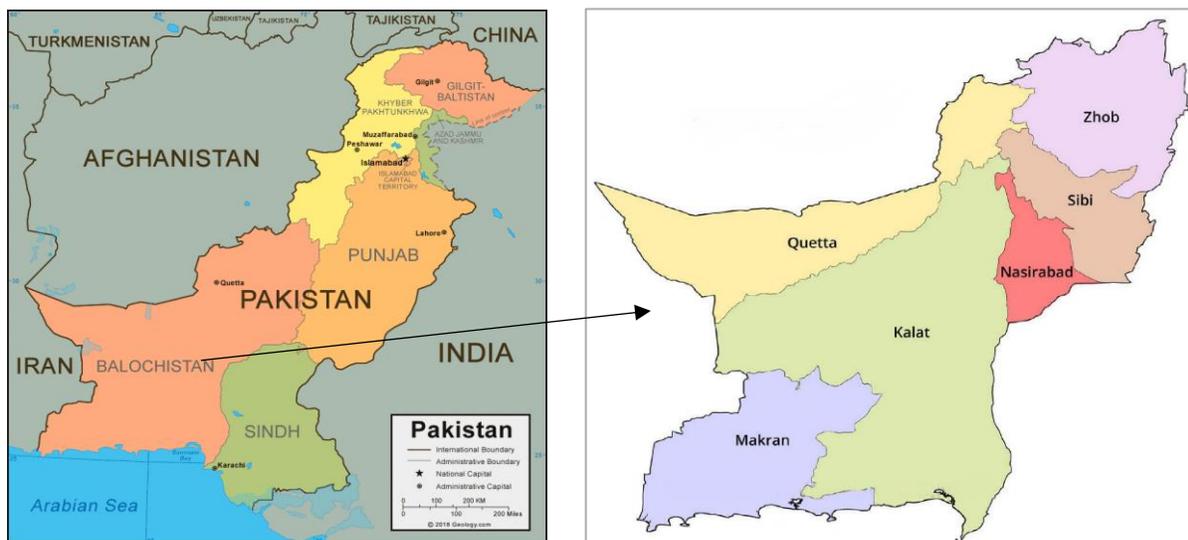
## 4. Foundational factors

### Political History and Geopolitics of Balochistan

Balochistan did not exist as a unit in its current shape till 1958. Prior to British rule, there were short-lived tribal confederacies, some parts had briefly been under Nader Shah's Safavid empire, the Mughal Empire and under allegiance to Afghanistan. Balochistan was the westernmost edge of British India, a peripheral region which became prominent less for itself than as a conduit to the invasion of Afghanistan in the standoff between the British and Russian Empires, referred to as the Great Game. The British utilized the Forward Policy in Balochistan, meant to control natural frontiers. Under the Sandeman system of indirect rule, the colonizers would not interfere with local tribal affairs or intervene in administration. Instead, they controlled only the tribal chiefs (Sardars), making them custodians of their areas for which they were given subsidies, money and weapons and allowed to raise levies in return for guaranteeing local law and order and accepting limited imperial directives. The princely states of Makran, Kharan, Lasbela and a little later Kalat state acceded to Pakistan after it came into being in 1947. In 1955, Balochistan was merged into one unit of West Pakistan. After the dissolution of one-Unit, Balochistan emerged as one of the four new provinces of Pakistan. In terms of its political relationship with the federal government, Balochistan, due to its small population, remains underrepresented in the National Assembly (out of 342 members of the national assembly, only 17 members are from Balochistan) and quorum is not affected even if all provincial members boycott proceedings. As the distribution of revenues through National Finance Commission award is also based on population size, Balochistan, despite being the largest province in terms of land mass, gets a smaller share than the other three provinces.

The other trajectory of Balochistan's recent history is borne of its contiguous border with Afghanistan. The bordering regions have remained hot zones since the anti-Soviet jihad in the 1980s, with large influx of Afghan refugees. In this primarily Pashtun-inhabited belt, thousands of madrasas were set up, majority of them initially run by Jamiat Ulema-i-Islam (JUI), creating a constituency and influence of conservative religious politics and political parties in a province which otherwise was not known to have such inclinations.

**Figure 7: Map of Balochistan Divisions**



## Geographic and Climatic Conditions and Demographics

Balochistan is situated in the South-West of Pakistan and covers an area of 347,190 square kilometres (134,050 square miles). The province is bordered by many districts of Sindh to the South East (Districts Jacobabad, Kambar Shahdadkot, Dadu, Jamshoro and Karachi and shared international borders with Iran and Afghanistan. According to PDHS 2017-18, Balochistan has a male to female ratio of 51.02: 48.98 The adolescent age group (10-19 years) constitutes 26.89% of the total female and male population. Within the two age cohorts of 10-14 and 15-19, the number of adolescent girls is larger than the number of adolescent boys (7.21: 6.85 and 6.58: 6.26 respectively).

About 70% of Balochistan’s population resides in scattered, sparsely populated settlements around water resources amid an otherwise arid and rugged terrain. Balochistan’s climate can vary from extremely hot to extremely cold which causes considerable seasonal intra- and inter-provincial migration. Agriculture has limited scope (only 3% of the land in Balochistan is agriculturally productive), compared to other provinces mainly due to its geographic topography and agroecology. Its relative agricultural potential is circumscribed by the chronic scarcity of water over much of the province and conditions for manufacturing growth are relatively unfavorable.<sup>113</sup> Harvested rainfall, runoff, and floodwater diversion techniques are used to cultivate land, but they are poorly managed, inefficient, and unproductive<sup>114</sup> leading to high levels of food insecurity.<sup>115</sup>

<sup>113</sup> Government of Balochistan, 2019. Environmental and Social Impact Assessment (ESIA) of Balochistan Education Support Project (BESP) (p.52). Government of Balochistan Secondary Education Department, Balochistan.

<sup>114</sup> Yaozhou Zhou, (2018) Report and Recommendation of the President to the Board of Directors (p.2). Asian Development Bank.

<sup>115</sup> Shehla Zaidi, Shandana Khan Mohmand, Zulfiqar Bhutta, Andres Mejia Acosta, (n.d.) Political Economy of Undernutrition National Report: Pakistan. Division of Women and Child Health, Aga Khan University, and Institute of Development Studies (IDS), p.8.

Lack of water in the province is closely tied to property-related girl child marriages in the province according to some provincial experts, whereby girls are married early to deny them their right to inheritance<sup>116</sup> and keep land with access to water within the natal family. This is more common amongst families who have access to land ownership, and according to local observations, more common to districts of Jhal Magsi, Dera Murad (district Nasirabad) and Ustah Mohammed (district Jaffarabad),<sup>117</sup> that lie adjacent to district Jacobabad in the province of Sindh, which shows increasing levels of reported girl child marriage (See Sindh PEA report).

Balochistan also lies along a transit route for human trafficking from northern Pakistan and Afghanistan to Iran, the Gulf and Europe (Tahira Jabeen, 2016). Interviews with experts in Balochistan reveal that district Shahdadt in Sindh, which shares a border with district Jaffarabad in Balochistan, operates as a hub for trafficking of women/girls, including Bangladeshi women and kidnapped victims from Karachi, Sindh.<sup>118</sup>

The main ethnic groups in the province are Baloch and Pashtuns, who constitute 52% and 36% of the population respectively. Smaller communities include Hazaras, Brahvis Sindhis, Punjabis, Uzbeks and Turkmens. A sizeable population of the Pashtuns (over 90%) is found in the Northern districts of Zhob, Killa Saifullah, Loralai, Killa Abdullah, Ziarat and Musakhel (70-90%), whereas the Southern districts have larger Baloch populations. There is a significant population of the Afghan refugees concentrated in the North and North-Western districts. As per United Nations High Commission on Refugees (UNHCR) census of Afghans in Pakistan, a quarter of the Afghan refugees in Pakistan were living in Balochistan in 2005. Further, certain parts of Balochistan have sizable populations of Internally Displaced Persons (IDPs) who according to anecdotal evidence<sup>119, 120</sup> tend to marry their children early; such marriages, according to the same sources, do not get flagged due to lack of civil registration for refugee and displaced communities, whether in Balochistan or others part of the country.

Overall, the Baloch community can be broken into two types: the tribal Baloch, and the Balochi speaking people (including the Sheedis and others who trace their origins to South East Africa and other regions), having no tribal lineage. Within the Pashtun community, there are settled tribes that have landholdings in the province, and those who have moved into the province more recently. Overall, the province is multi-ethnic and multi-racial, making for different practices around girl child marriages (discussed under Tribal Practices section ahead).

The district of Kech, which reported the highest incidence of under-18-years girl marriages in 2010, also has a severe problem of post-primary education for girls (discussed in more detail in following section on overall demographics). Much like district Awaran (with <15 years' girl marriage at 9.3% – third highest after Kech and Hernai – and 21.7% girls married at <18 years), Kech is an active trading district with low

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<sup>116</sup> Interview with Saima Javaid, 01.12.20.

<sup>117</sup> Interview with Abdul Hayee, 01.12.20.

<sup>118</sup> Interview with Haroon Dawood, 05.01.2021.

<sup>119</sup> Interview with Shakeela Naveed Dehvar, Member Provincial Assembly (BNP, Mengal), Balochistan, 20.12.2020.

<sup>120</sup> Interview with Tahira Baloch, Director Health Services, Department of Health, Government of Balochistan, 29.12.2020.

levels of overall development, high cross-border movement, and importation of foreign (Iranian) culture, food, household items, and religion. It is also a disturbed area in terms of being a recruitment hub for the Balochistan Liberation Army and other separatist insurgent groups. Due to its shared border with Iran and geopolitical significance, it also has a strong presence of Iranian intelligence. Location also keeps it in relative isolation from the rest of the province while extremely hot and arid climate, and routine attacks against cross-border Punjabi and government sellers make for an insecure environment both for food and livelihood security. In terms of social ordering, it has a relatively weaker *Sadradi* system (as part of the larger Makran division), and with a predominantly Shia population (*Mahdavis* known as *Zirki* in Pakistan), it is not a religio-political dominion of the JUI(F). Overall, the political and economic situation is precarious at best, and the general human security and safety situation remains tense.

By contrast, district Kohlu, which reports zero prevalence for under-15 years girl child marriage, is a predominantly small Baloch population and the historical and political seat of power of the Marri tribe. Its female literacy is a mere 12% (PSLM 2014-2015) with a 150 out of 155 district education ranking across Pakistan in 2014 (Alif Ailaan). It is predominately tribal unlike Kech and has strong observance of tribal/customary practices around child marriage. While girls may not report marriage under 15 years in the district (zero reported prevalence in 2010), the practice to marry girls before age 18 is second-highest across Balochistan (30.9%) after Kech. District Harnari, which was a part of Sibi till 2007, on the other hand is Pashtun majority population (90%), has a sizeable agrarian economy due to regular supply of fresh water (unlike the Nasirabad division, which has persisting water access issues), and is a political stronghold of the JUI(F). It had the highest reported prevalence of very early girl child marriage at 9.7% in 2010 across Balochistan.

Whereas the tribal families in Balochistan have traditionally resisted girls' access to education, those who do not belong to any tribal chief's family have availed education and economic opportunities where they exist. Nevertheless, according to UNICEF, about 78% of girls between ages 5-16 years remain out of school in present day Balochistan.<sup>121</sup> The literacy rate is 56% amongst men and a mere 24% amongst women which has been falling steadily since 2013 along with rates of gross and net enrollment in schools amongst both girls and boys, despite legislation to ensure compulsory education till age 16 (**Balochistan Compulsory Education Act, 2014**). Currently, literacy rates also vary by division within the province, being as low as 16% in Zhob division to the North-East to as high as 69% in South-Western (not whole of) Makran division in 2019.<sup>122</sup> Further, the relationship between literacy and poverty for women is also quite skewed suggesting lack of investments towards enhancing literacy amongst women: only 7.5% women in the poorest wealth quintile and 16.6% in next upper quintile are literate compared to 67% in the richest quintile (PDHS 2017-18).

In terms of birth registration for children under 5 years in Balochistan in 2010 (when the MICS survey was last conducted), only 22.9% children had their births registered, with the lowest registration in districts

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<sup>121</sup> Visit <https://www.unicef.org/pakistan/education>.

<sup>122</sup> Government of Balochistan, 2019. Environmental and Social Impact Assessment (ESIA) of Balochistan Education Support Project (BESP). Government of Balochistan Secondary Education Department, Balochistan, p.50.

Chagai and Musakhel (0%), Killa Saifullah (2.4%), and Zhob (2.6%). Although girl child marriage was reported highest in the Kech district in 2010 along with the highest levels of girl child marriage (both under 15 and 18 years), the district had the highest percentage of registered births for both girls and boys (at 87.3%), which was more than double than the most urbanized capital city of Quetta (at 41.1%).

In terms of percentage of population aged between 15 and 18 years that report not having their births registered, a substantial improvement is seen in Balochistan between 2012 and 2018. PDHS data shows that about 85.67% boys did not have their birth registered in any form (birth certificate or birth registration at the Union Council) in 2012-13, which declined to 50.01% in 2017-18, whereas the percentage of girls not having registered births was 85.95% in 2012-13, which declined to 50.34% in 2017-18. Further, whereas 46.88% boys between ages 15 and 18 in Balochistan had their births registered in some way in 2017-18, the percentage was nominally lower for girls at 46.24% in the same year. Encouragingly, not only has birth registration increased for both boys and girls, but the differences between them have also remained consistently nominal suggesting no significant sex-based discrimination in terms of birth registration.

Although the number of registered births has increased in Balochistan, nearly half of all births are still not registered which poses a significant challenge to any kind of age verification that could be done at the time of marriage. Further, the overall proportion of men to women between ages 18 and 24 years that have Computerised National Identity Cards (CNIC) is 1.77: 0.66, suggesting that verifying age at the time of marriage is more difficult for women than men. In 2017, the Election Commission of Pakistan (ECP) disclosed that half a million eligible women were not registered as voters due to the absence of CNICs in Balochistan<sup>123</sup> which also plays a critical role in paving the way for women's inclusion and participation in civic, political, and economic life.

Women of ages from 15-49, married or unmarried also remain concentrated in the skilled manual work in agriculture, forestry and fishery (62%) in Balochistan followed by crafts and related trade (13.3%). Their representation as clerical support workers is nil, whereas they hardly occupy positions as managers (0.1%), as plant and machine operators and assemblers (0.2%), as service and sales workers (3.7%), as technician or professors (4.9%). Amongst younger age cohorts (15-19 and 20-24 years), a higher number of girls between ages 20-24 are also employed in the skilled agriculture, forestry and fisheries work while their overall formal economic participation remains at 12.5%.

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<sup>123</sup> Over half a million women in Balochistan not registered as voters. DAWN.COM

**Table 13: Percentage distribution of working women by occupation and age in Balochistan**

Occupation	15-19	20-24	25-29	30-34	35-39	40-44	45-49	Total
Managers	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.1
Professionals	0.6	2.5	2.7	2.6	1.4	0.7	1.3	11.7
Technicians and associate professionals	0.0	1.1	1.2	1.2	0.7	0.5	0.2	4.9
Clerical support workers	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Service and sales workers	0.6	0.6	0.1	0.9	1.0	0.4	0.1	3.7
Skilled agricultural, forestry and fishery workers	7.4	6.3	10.3	14.7	10.3	9.4	3.8	62.0
Craft and related trades workers	2.8	1.6	1.9	2.1	3.3	1.1	0.6	13.3
Plant and machine operators, and assemblers	0.0	0.0	0.0	0.0	0.2	0.0	0.0	0.2
Elementary occupations	0.9	0.4	0.7	0.1	1.0	0.5	0.5	4.0
<b>Total</b>	<b>12.2</b>	<b>12.5</b>	<b>17.1</b>	<b>21.4</b>	<b>17.9</b>	<b>12.6</b>	<b>6.3</b>	<b>100</b>

*Source: Labour Force Survey 2017-18, Pakistan Bureau of Statistics (PBS), Statistics Division, Government of Pakistan, Islamabad, Pakistan*

In terms of house ownership, about 99.1% women do not own a house in Balochistan (PDHS, 2017-18). Of those 1.9% who own a house, only 0.7% own it in their name alone. Women's household ownership is also higher in urban rather than rural areas, whereas men's house ownership (though quite low in itself overall at 17.7%), is higher in rural areas. Men's lack of house ownership (whether alone, jointly or both) is also higher in urban areas (22.5%) than in rural areas (15.7%).

In terms of ownership of productive resources such as land, women again are far behind men even if men's individual ownership of land tends to be low due to tribal hold over large parts of land (by different families), and around 90% of the land being unsettled or unpopulated.

## 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 Pakistan. Child marriages generally have been a socially accepted norm whether they were practiced for ensuring continuity of the family or clan, for gaining political, social, and financial favor and patronage, or for protecting 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.<sup>124</sup> In Pakistan, the practice has co-evolved with social constructs of honor, respectability, the intermingling of religious injunctions into both customary and codified law, and the changing state of development including the economic and social imperatives resulting from these.<sup>125</sup> In kinship-based societies such as Pakistan, where collaboration and cooperation is 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 (colonial) penal laws and community systems of justice and peacekeeping, and the normatively liberal human rights agenda.

<sup>124</sup> Interview with Samar Minallah. In Sarah Zaman (2013) Forced marriages and inheritance deprivation study, Aurat Foundation. Islamabad

<sup>125</sup> UNICEF and UNFPA (2018) Key Drivers of the Changing Prevalence of Child Marriage in Three Countries in South Asia: Working Paper. Kathmandu.

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 the Pakistan's Global Gender Gap Index, 2020, which places the country on 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. As well, there is limited participation in public and political life; restricted mobility; widespread acceptance for domestic violence and high impunity for violence against women and girls, and the disproportionate effects of climate change. These go along 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 forces<sup>126</sup> that 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 \$19million is spent only on violence related expenditure annually by Pakistani households (not specifically involving girl child marriage).<sup>127</sup> Out of this figure, intimate partner violence accounts for about US\$11.7million, of which about 90% is health related.<sup>128</sup>

Despite these costs, and having a provincial law on domestic violence, nearly half or 48.4% women in Balochistan report experiencing physical violence since the age of 15 years (PDHS2017-18). This figure is higher in rural parts of the province (at 49.8%) and lower in urban but not very dramatically (45.2%). About 34.8% women of ages 15-19 years report having experience physical violence over the past 12 months. In terms of sexual violence, however, double prevalence is reported in urban Balochistan than rural (5% versus 2.5%), despite limited and concentrated urbanization across the province.

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<sup>126</sup> 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.

<sup>127</sup> 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.

<sup>128</sup> 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.

## Tribal Practices & Economies Around Girl Child Marriage in Balochistan

Experts suggest that there has always been a general preference towards having girls marry soon after they reach puberty in Balochistan, particularly in areas where tribal customs and traditions are stronger, and/or the influence of religious actors is greater. Discussions with gynaecologists in the Jaffarabad district of Balochistan in 2018 by Shirkat Gah<sup>129</sup> suggest that sometimes the pressure by tribal patriarchs to marry girls as soon as they get their periods is so intense that sympathetic mothers hide their daughter's menarche from the fathers who may be inclined to marry them off immediately.

Historically, tribes, sub-tribes and extended families in Balochistan have tended to reproduce social structures over successive generations through shared rules of marriage.<sup>130</sup> The giving and taking of women in marriage to establish social and political affinity and to settle disputes between tribes remain common to this day, although there have been some changes over the years (discussed ahead).

Both the Baloch and Pashtun populations in Balochistan have the shared practice of *vulvar* (bride price), which is different from the practice of dowry in that the groom's family and not the girl's bears all the wedding expenses. The practice of *vulvar* amongst the Baloch is called *lub* and shared by the Pashtun population, and involves transactional decisions related to marriage by groups of men representing the bride and the groom without either's direct involvement.

*Vulvar* can be used for a variety of reasons: to pay for the girl's wedding expenses, to pay off a loan or family debt, to support the father in 'setting up a business', or to support the father in buying a younger bride for himself.<sup>131</sup> Effectively, the family that takes a girl in marriage against *vulvar* also takes full possession of the girl, and she cannot return to her natal family even if her husband dies; she may instead marry another man from her former husband's family. Discussions with married women in Jaffarabad in 2017 suggest countervailing arguments on the 'value' attached to girls sold in marriage: some respondents suggested better status as the girl is considered a 'valued' possession, whereas others suggest low position due to owned and paid-for status.

*Vulvar* can be negotiated, be it upfront or paid in instalments, and the girl may stay with the father till she is 'old enough' to be sent off to the husband's house. Younger and/or prettier girl brides typically have higher *vulvar* than older/less attractive/disabled girls.<sup>132</sup> Further, if the man is much older than the girl, or if he already has a wife, the amount of *vulvar* that is agreed can be larger. The amount agreed can be further distributed into two parts, the *khoraki* (sustenance), and the *kharcha* (expenses) related to the

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<sup>129</sup> 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). Shirkat Gah-Women's Resource Centre, Lahore, Pakistan.

<sup>130</sup> Gazdar, H. (2007). Balochistan Economic Report: Background Paper on Social Structures and Migration. Collective for Social Science Research, Karachi, Pakistan.

<sup>131</sup> 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). Shirkat Gah-Women's Resource Centre, Lahore, Pakistan; Interview with Saima Javaid, 01.01.2020.

<sup>132</sup> District 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).

wedding. The father usually takes the *khoraki* and may keep a much smaller share for the girl. There is also the practice of *bijar*, where people give money to the boy to counter the burden of *lub* amongst Pashtun communities if the boy and/or his family have limited means.

According to Marri (2015) in parts of Balochistan such as district Makran, the practice of *lub/vulvar* is slightly different in that the cash amount becomes the property of the bride and not her father's.<sup>133</sup> It is important to note that areas in the Markan division such as Gwadar, Turbat, Panjgur districts etc., do not have the same tribal structures or ethnic makeup as those found towards the Northern divisions of Balochistan due to a long history of traveller settlement from other continents via Oman and Muscat off the coast of Makran.

In terms of the economic terms of marriage, the custom on *nekh* amongst Baloch tribes is similar to the practice of *swara* amongst Pashtuns in Balochistan where women and girls from the family of the offending party are given to the family of the deceased as compensation, often on the orders of a *jirga*. Beside the giving of women and girls to diffuse conflicts, there is the additional practice of giving blood money or *khoonbaha* particularly if the offence committed amounts to murder against which both *khoonbaha* and girls/women are given as compensation to the aggrieved party. The particular combination of the number of women/ girls given as compensation for murder and other monetary and in-kind return on violence can differ across tribes and the sub-tribal hierarchies within them (between the high-borns or *unchi zaat* and the low-born or *kamzaat*). Usually, if the man who has committed murder belongs to a higher tribe, he is less likely to give or be demanded to give a girl/woman of this tribe to the *kamzaat* (low born) family. Both *nekh* and *swara* can lead to violence for women and girls and life-long servitude as they are handed over to the enemy family. They can also lead to problems for children born from such marriages due to class-based 'convolution.'

There is some evidence to suggest that both *nekh* and *swara* have fallen out of common practice over recent years in Balochistan<sup>134</sup> though no recent ethnographic studies or surveys exist on the subject. Experts from Balochistan suggest that due to explicit positions taken by tribal leadership of the prominent *Kakar* tribe of the Pashtuns against *swara* and *vulvar* in Balochistan when adjudicating over murder disputes presented to a *jirga*, and the recent ban by the Supreme Court, the practice has seen a decline over the years. Further, while other practices such as *ghag* (involving using firearms outside a girl/woman's house to terrorize families into accepting a marriage proposal and 'claiming a wife') still continue, their popularity has declined due to a growing sense of social unacceptability.<sup>135</sup>

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<sup>133</sup> Shah Muhammad Marri (2005). Baloch Samaj main Aurat ka Maqam. Sangat Academy of Sciences, Quetta. In Gazdar, H. (2007). Balochistan Economic Report. Background Paper on Social Structures and Migration, p.37. Collective for Social Science Research, Karachi, Pakistan.

<sup>134</sup> Gazdar, H. (2007). Balochistan Economic Report: Background Paper on Social Structures and Migration, p.37. Collective for Social Science Research, Karachi, Pakistan.

<sup>135</sup> Interview with Haroon Dawood, 05.01.2020.

## Technological Progress and Overall Development

At the macro level,<sup>136</sup> 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; the overall state of investment in public amenities and infrastructure); state fragility;<sup>137</sup> labor force participation; social policies; and migration patterns in the region.<sup>138</sup>

The UNICEF report also asserts that though evidence is clear on the negative association between girl child marriage and economic development, such development tends to be largely ignored in the context of child marriage by different interventions across Pakistan. The study also cautions that larger economic developments cannot automatically reduce the practice especially when they 'fail to reach women and girls or reach those with lower levels of education.'<sup>139</sup> The social acceptability and legitimacy of the practice based on socio-cultural as well as economic imperatives also effectively cancel out benefits from improved macro-economic indicators (as in the case in intensifying multidimensional poverty).

Presently, there are no national costing studies available 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 Punjab incurs a loss of 0.275% of the total value of GDP at the provincial level due to child marriage, whereas in KP, this cost is 0.4% of the total value of the provincial GDP.<sup>140</sup> The differences are due to 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.<sup>141</sup>

The political and economic affairs of Balochistan, its policies and development initiatives, and the allocation of resources between the Federal and provincial governments have been determined by a population-based and not landmass-based formula of distribution for most parts of its history.<sup>142</sup> Though Balochistan covers 44% of Pakistan's landmass, it accommodates only 5% of the country's total population. It is rich in natural resources but extremely poor in terms of human development (HDI 0.421). The province also has significant inter-district population disparities, which range from as few as 4 people

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<sup>136</sup> 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.

<sup>137</sup> Pakistan ranks 14<sup>th</sup> in a list of 178 countries on OECD's 2016 list of fragile states – OECD, *The Fragile States Index*, 2016, p. 21).

<sup>138</sup> UNICEF and UNFPA (2018) *Key Drivers of Changing Prevalence of Child Marriage Across Three Countries in South Asia*. Kathmandu, p.9.

<sup>139</sup> *Ibid*, p. xx.

<sup>140</sup> 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 with assumes that returns of different factors do not change over time Further, the effects are estimated using direct impact on GDP and does not take into account indirect benefits to GDP via reduced fertility and improved education.

<sup>141</sup> 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.

<sup>142</sup> For a detailed and useful state-society analysis, see Marco Mezzera and Safiya Aftab (2009). *Pakistan State–Society Analysis*. Initiative for Peacebuilding (IfP).

per square kilometer in some remote areas, to as many as 286 people per square kilometer in the provincial capital Quetta (MICS, 2010). According to experts and government reports from Balochistan, scantily populated areas pose significant costs to the delivery of basic services including health and education, keeping basic services out of reach for most, especially poor and marginalized communities relying on natural resources for survival and livelihood. Even though Balochistan’s share in the National Finance Commission (NFC) Awards has increased, the actual and means used for distribution and control of resources remain deeply contested.<sup>143, 144</sup>

A few locations in Southern Balochistan are sites for large scale foreign direct investment under the China-Pakistan Economic Corridor (CPEC), which is poised to be a ‘game-changer’ in terms of uplifting basic infrastructure which is lacking across large swathes of the province. In places like Gwadar which are at the center of the CPEC trading route via Pakistan, inhabiting communities still lack opportunities for skill development despite expanding economic activity. However, demands for improving education in the district are now rising, along with the demands for supporting the linked local economy.<sup>145</sup> In the coming period, the stability and management of CPEC-related activities in the district will determine the overall development trajectory within Gwadar, its adjoining areas and across the province.

Meantime, the multidimensional poverty index (MPI)<sup>146</sup> shows different trends in terms of both incidence (headcount) and intensity of poverty in Balochistan between 2010-11 and 2014-15: while the poverty headcount decreased overall particularly in rural areas, it increased in urban settings. In terms of the intensity of poverty (the state of deprivation across a range of basic standards of living), there was an increase in deprivation in both rural and urban settings with more intensified poverty in urban than in rural areas (see Table 14 below – for district-specific MPI, see Annex 5).

**Table 14: Multidimensional Poverty in Balochistan, 2012-13 to 2014-15**

Region	2010-11			2014-15		
	MP Index	Incidence (%)	Intensity (%)	MP Index	Incidence (%)	Intensity (%)
Balochistan	0.415	75.9	54.7	0.394	71.2	55.3
Rural	0.499	88.8	56.1	0.482	84.6	57.0
Urban	0.154	35.4	43.5	0.128	37.7	45.7

*Source: Pakistan Social & Living Standards Measurement Surveys, 2010-11 and 2014-15, Pakistan Bureau of Statistics, Government of Pakistan*

<sup>143</sup> Discussion with Kaiser Bengali, 03 July 2020.

<sup>144</sup> Manzoor Ahmed and Akhtar Baloch (2015). Political Economy of Balochistan, Pakistan: A Critical Review. European Scientific Journal May 2015 edition vol.11, No.14 ISSN: 1857 – 7881 (Print) e - ISSN 1857- 7431274, Department of Public Administration, University of Karachi, Pakistan, p. 280.

<sup>145</sup> Interview with Saima Javaid, 01.12.2020.

<sup>146</sup> A detailed note for computing MPI is provided in Annex 3.

A 2017 UNICEF report suggests the Balochistan had the lowest pro-poor expenditure after erstwhile FATA (Federally Administered Tribal Area) and across Pakistan.<sup>147</sup> The **Balochistan Comprehensive Development Strategy, 2013-2020** notes that political fragmentation, ethnic division and isolation, lack of synergy between state and community decision making institutions, growing economic inequalities and abject poverty have fueled popular resentment in the province and cultivated ‘alienation in a wider section of the society.’ It notes that the security situation poses a major hurdle ‘both with respect to political institution building as well as growth.’<sup>148</sup> Even though a substantial chunk of provincial expenditure has been going into roads and transportation over the past few years, lack of connectivity within the province remains a major development challenge. When it comes to women, only 2.2% on average have a bank account in their name (PDHS 2017-18) creating a heavy reliance on men in accessing credit, savings and other non-cash financial instruments; for most parts, women cannot even access these instruments physically due to unsafe transport, mobility restrictions, social norms and burden of care work.

Within the education sector, the Balochistan Comprehensive Development Strategy, 2013-2020 notes challenges of low literacy and enrolments; high level of dropouts from the schooling system particularly at the primary level; high repetition rates; low completion rates; acute gender inequalities; teachers’ absenteeism; and closed/dysfunctional schools leading to unsatisfactory performance.<sup>149</sup> On the demand side, poverty and at times cultural practices affect household decisions to send children, particularly girls to school. Whereas on the supply side, low investments and weak management and delivery systems within the sector impact results. According to **Balochistan Education Sector Plan 2013-18**, low access of children to school is the most critical challenge facing education sector reforms where a large number of settlements (approximately 10,000 out of a total of 22,000) were without schools, and a large number of smaller settlements failing to qualify for a school.<sup>150</sup> Low quality of education in government schools is said to pose a threat to enrollment/retention efforts, as it contributes further to dropout and provides a push towards unregulated and less monitored private schooling.<sup>151</sup>

**Table 15: Balochistan Net Primary School Enrollment**

Region	Residence	Net Enrollment Rate (Primary)								
		Aged (6-10)			Aged (5-9)			Aged (4-9) Including <i>Katchi</i> <sup>152</sup>		
		Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Balochistan	Urban	61	46	54	51	40	45	49	39	44
	Rural	40	30	36	32	25	29	43	23	34
	Total	45	35	40	37	29	33	36	29	33

<sup>147</sup> UNICEF (2017). Situation Analysis of Children in Pakistan. United Nations Children’s Fund (UNICEF), p.43.

<sup>148</sup> Draft Balochistan Comprehensive Development Strategy 2013-2020, n.d.. Planning and Development Department -Government of Balochistan, Balochistan, p. 24.

<sup>149</sup> Ibid, p.48.

<sup>150</sup> PPIU, Education Department, n.d. Balochistan Education Sector Plan 2013-2018. Government of Balochistan, Balochistan, p.2.

<sup>151</sup> Ibid. p. 1.

<sup>152</sup> Katchi is an umbrella term that clubs nursery and kindergarten, and connotes pre-primary schooling.

**Table 16: Balochistan Net Middle School Enrollment for Boys and Girls**

Residence	Net Enrollment Rate (Middle)		
	Aged (11-13)		
	Boys	Girls	Total
Urban	31	19	26
Rural	22	13	18
Total	25	15	20

*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.*

The 2013-18 Balochistan Education Plan recommended a tracer study to develop a baseline of education outcomes for those who either drop out or do not complete all levels of schooling. To date, no such study has been undertaken. It is also not clear if child marriage, which is not mentioned anywhere in the plan, could be a plausible cause for girls’ dropout that the education sector could look into. The Plan also does not explain how girl children who may have moved to another household after marriage be tracked through her natal family by schools. A new sector plan on education is currently being developed; however, a copy is not publicly available. This restricts an assessment of whether the new Plan offers a robust system to address girls’ school drop-out, to monitor mandatory production of birth certificates, and/or gauging the effectiveness and challenges of incentivizing schemes and social protection programs in the sector.

Parts of Balochistan are also affected by religious extremism and sectarian violence where both hitherto unknown and relatively well-known proscribed terrorist groups have deliberately targeted girls’ education, contributing to concerns for the safety of girls.<sup>153</sup> A Human Rights Watch (HRW) report also notes that between January 2008 and October 2010, militant groups targeted and killed at least 22 teachers and other education personnel in the province. The report asserts that militants have also threatened, bombed, or attacked schools, resulting in injuries, deaths, property damage, and curtailed education for Balochistan’s children and youth during this period. The HRW notes that in 2010, more than 200 teachers and professors transferred to the relatively more secure provincial capital of Quetta or moved out of the province entirely.<sup>154</sup>

In terms of **access to health services**, the number of health facilities have increased but at snail’s pace over the past 11 years; the number of maternity and child welfare centres have constantly fluctuated over this period. In Balochistan, as in other provinces, the Lady Health Worker Program (LHW) provides some of these services but reaches only about 54% of its target populations.<sup>155</sup>

<sup>153</sup> Written response from Huma Foladi, 20.11.2020.

<sup>154</sup> Bede Sheppard (2010). Their Future is at Stake. Human Rights Watch.

<sup>155</sup> Zaidi, et.al., n.d. Political Economy of Undernutrition National Report: Pakistan (p.11). Division of Women and Child Health, Aga Khan University, and Institute of Development Studies (IDS).

**Table 17: Number of hospitals, dispensaries, maternity and child welfare centers, and hospital bed in Balochistan, 2008-2017**

Year	Hospitals	Dispensaries	Maternity & Child Welfare Centers	Hospital beds
2008	98	564	93	5948
2009	118	561	91	6494
2010	122	580	94	6923
2011	122	583	94	6923
2012	123	589	91	6960
2013	124	585	94	6980
2014	140	569	94	7712
2015	127	559	96	7541
2016	127	567	96	7541
2017	127	567	90	7541
2018	132	574	93	7747
2019	134	574	95	7797

*Source: Pakistan Bureau of Statistics*

In terms of access to sources of knowledge and information, only 16% women of all ages own a mobile phone, (33.5% in urban and 8.8% in rural) and only 12% use mobile phone for financial transaction (with a nominal difference by urban-rural status. An estimated 3.5% have access to the internet and only 0.3% access all three types of media at least once a week including newspapers, television, and radio (PDHS 2017-18). Despite its limited accessibility, evidence from the field<sup>156</sup> and interviews with experts suggests a growing sense of insecurity towards girls and boys who may find means in technology to connect with each other through mobile phones.<sup>157,158</sup> Multiple respondents in Balochistan point to a growing anxiety amongst parents concerning young people's use of technology, but few agree that this anxiety fuels customary practices to marry children early.

<sup>156</sup> Zaman, S. (2018) 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).

<sup>157</sup> Anees Jillani, founder SPARC, 04.12.2020.

<sup>158</sup> Interview with Tahira Baloch, Director Health Services, Department of Health, Government of Balochistan, 29.12.2020.

## 5. Institutional rules of the game

Girl child marriage is an outcome of a number of institutional factors. These concern not just formal laws and 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 also determine outcomes and responses unique to them. What sets institutional factors apart from foundational determinants is that rules can change, and the balance of power tilted over time.

Marriage at an early age is not only considered socially, morally, and religiously desirable and ordained, but is also part of a larger strategy to prevent ‘aberrant’ 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 as services for women and girls remain inadequately funded, inaccessible, 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 and state institutions.

The following section looks into the history of girl child marriage-related policy reforms in Balochistan, from its first appearance on the national political discourse agenda to events that followed in the province.

### **Reform Legacies in Balochistan**

Historically, public policymaking has not been a consultative process in matters concerning social issues in Pakistan. Policies have tended to be drafted and deliberated on at the executive level, then enacted by ordinance or presented to parliament for approval.<sup>159</sup> 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

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<sup>159</sup>Mezzera, M. and Aftab, S. (2009) ‘Pakistan State–Society Analysis’. Democratization and Transitional Justice Cluster Country Case Study, p. 28.

follow from societal actions as opposed to economic policies that remain largely government driven and imposed.<sup>160</sup>

With respect to the issue of girl child marriage, there is consensus that politically, the agenda for change has been mainly donor and civil society-driven and not a result of indigenous demand across Pakistan, including in Balochistan. In the recent past, two attempts have been made to table a Bill on child marriage in Balochistan that sets a higher minimum age of 18 for marriage of girls than the currently applicable **Federal Child Marriage Restraint Act, 1929** (which stipulates minimum 16 years for girls and 18 for boys). A third version of the draft bill is in the offing, but progress has stalled with limited debate about how it can be ‘bettered’ in order for it to sail through the Assembly without resistance from opposition parties. Caution, experts say, is also driven by the desire to avoid the Bill lapsing for the third time and being resent for further amendments in order to dilute its substance.<sup>161</sup> Below is a short account of how things have progressed in Balochistan with respect to child marriage legislation, preceded by a short historical account of overall developments on the subject in Pakistan.

### *Pre-Pakistan Backdrop*

Prior to the **Pakistan Child Marriage Restraint Act, 1929**, which became the law on child marriage 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 19<sup>th</sup> century in this region (present-day India, Pakistan and Bangladesh) that penalized and thereby aimed to curtail child marriage shows gradual increase in permissible age for marriage and consummation. From no known laws under pre-partition India, the ages gradually increased from to 11 to 12 to eventually 14 for girls under successive legislation. Following partition from India in 1947, the Pakistan Child Marriage Restraint Act, 1929 was amended at the Federal level in 1961. Provincial changes were introduced in 2013 in Sindh and 2015 in Punjab after provinces gained powers to make their own laws under the 18<sup>th</sup> Constitutional Amendment in 2011 (which devolved powers to make laws to provinces 63 years after partition).<sup>162</sup> The Federal law on child marriage is applicable to the province of Balochistan till such time that it passes specific legislation on the subject.

### *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 catalysed 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 laid grounds 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), what has accurately been dubbed the ‘lost decade’,<sup>163</sup> successive governments after Zia also concerned themselves, albeit unevenly, with

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<sup>160</sup> Interview with Shehnaz Wazir Ali, 10.12.2020.

<sup>161</sup> Interview with Rukhsana Baloch, Assistant Director, Gender & Publicity, Women’s Development Department, Government of Balochistan, 21.12.2020.

<sup>162</sup> Interview with Anees Jillani, founder SPARC, 04.12.2020.

<sup>163</sup> Sathar, Z. A. and Miller, P. C. (no date) What’s Population Policy Got to Do With It? Fertility Change in Pakistan, p.2.

improving the international image of the country<sup>164</sup> from ultra-conservative to one more inclined towards moderate Islam. This implied signing off on numerous international treaties (Zia, A. S, 2010)<sup>165</sup> and embracing at least in principle if not in full,<sup>166</sup> 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 eroded systems of governance under Zia's eleven-year dictatorship.<sup>167</sup>

Although civil society groups became active in discussing girl child marriage since the 1980s, the issue did not find space in political discourse for another decade.<sup>168</sup> 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.

### *Funding the Agenda*

The issue of 'girl child marriage' specifically, did not feature in public discourse explicitly till the year 2000 across Pakistan, alongside which came a demand for better tracking of girl child and very early marriages.<sup>169</sup> This was followed by an influx of international donor funding under the MDGs in which at least 5 out of 8 domains directly concerned child marriage. With a standalone target in the SDGs aiming to end girl child marriage (Target 5.3) in 2015, both reform efforts and related funding have contributed to spotlighting the issue further. Several national organizations such as Aurat Foundation, Shirkat Gah, Aahung, SPARC, Bedari, Awaz Foundation Pakistan, etc., and 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 18<sup>th</sup> Constitutional Amendment in 2011 (hereinafter referred to as 18<sup>th</sup> Amendment or devolution) provided further impetus to policy and legislative reforms across provinces, including on the issue of child protection generally, and child marriage specifically.

After devolution of legislative powers to provinces, the Federal Child Marriage Restraint Act, 1929 carried forward into Balochistan which remains applicable to present day. While a few civil society organizations and provincial assembly members have been working since 2013 to pass dedicated legislation that criminalizes child marriages and spells out systems and procedure for handling such cases legally, efforts have not borne fruit over seven years.

### *Child Rights and Protection Laws in Balochistan*

Figure 8 below provides a list of provincial laws related to child rights and protection passed by the Balochistan government since 2002.

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<sup>164</sup> Interview with with Shehnaz Wazir Ali, President SZABIST, 10.12.2020.

<sup>165</sup> 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.

<sup>166</sup> See Pakistan's reservation to CEDAW during accession in 1996.

<sup>167</sup> Interview with with Shehnaz Wazir Ali, President SZABIST, 10.12.2020.

<sup>168</sup> Ian Katz et al. (2018) Review of Child Protection Systems in Four Countries in South Asia. UNICEF, p.37.

<sup>169</sup> Discussions with Sheena Hadi, Executive Director, Aahung, 10.12.2020.

**Figure 8: Provincial laws in Balochistan pertaining to different aspects of Child Protection**

1. Balochistan Juvenile Justice System Ordinance, 2000 (and Rules, 2002)
2. Balochistan Local Government Act, 2010 and 2014 (functions for local government concerning birth & marriage registration, etc.)
3. Balochistan Borstal Institution Act, 2014
4. Balochistan Protection and Promotion of Breastfeeding & Nutrition Act, 2014
5. Balochistan Domestic violence (Prevention & Protection) Act, 2014
6. Balochistan Free and Compulsory Education Act, 2014
7. Balochistan Child Protection Act, 2016
8. Balochistan Commission on the Status of Woman Act, 2017 (law passed but Commission not yet functionalized)
9. Balochistan Persons with Disability Act, 2017

Through Balochistan does not have a provincial law on child marriage, it is also bound to implement Federal laws related to marriage, its dissolution, and procedures thereof. Specifically, for Muslims, relevant Federal laws in addition to the **Child Marriage Restraint Act, 1929** include **Criminal Laws Amendment (Anti-Women Practices) Act, 2011**, and 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** for Muslims, and for other religious groups, 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 this 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- Pakistan<sup>170</sup> 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 case where the parties are Muslims."*<sup>171</sup>

Balochistan's child protection system overall brings together the Departments of Social Welfare, Special Education, Literacy, Non-formal Education and Human Rights (SWD); Women Development (WDD); Home, Labor and Human Resources; Special Education, Sports & Youth Affairs; Health; and Local Government and Rural Development (LG&RD). Several national bodies such as Federal Investigation Agency (FIA), National Disaster Management Authority (NDMA), Provincial Disaster Management

<sup>170</sup> West Pakistan connotes present-day Pakistan, which separated from its East wing in 1971 which is present-day Bangladesh.

<sup>171</sup> West Pakistan Muslim Personal Law (Shariat Act) (1962), Section 2.

Authority (PDMA), National Database and Registration Authority (NADRA) and Bait-ul-Mal also play a role in child protection overall.<sup>172</sup> The Department of Social Welfare has various Directorates given that it merges many areas of governance, and has the overall mandate of providing shelter to children in need of care and protection; manage the Child Protection Management Information System (CPMIS) (which collects data regarding these children); provide education to children with special needs and rehabilitate children who are involved in substance abuse. The SWD also plays a child protection role during emergencies.<sup>173</sup>

The stakeholders involved in girl child marriages in Balochistan are listed in Figure 9 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 Departmental Rules. Sometimes, the same actors operate outside the ambit of formal laws, acting as enablers, negotiators, resisters, mediators, or indifferent by-standers to decisions concerning girl child marriage. Despite the presence of formal laws on child and forced marriages listed above, the application and utilization of these is extremely low in Balochistan by all accounts gathered through this study.

The section ahead discusses the legacy of formal reforms in Balochistan related specifically to girl child marriage.

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<sup>172</sup> Khan, A., 2012. Baluchistan Child Protection Mapping and Assessment. Collective for Social Science Research, Karachi, Pakistan, p.iii.

<sup>173</sup> Ibid, p.3.

**Figure 9: Stakeholders concerned/ involved with Girl Child Marriages in Balochistan**

<b>Girl Child Marriage Stakeholders, Balochistan</b>		
<b>Adolescent Girls and Boys</b> Unmarried Girls and Boys Married Girls and Boys	NADRA Union Council	<b>Legal Actors</b> Lawyers Medico-legal doctors Judges (Civil, Family and Criminal) Courts (Civil, Family, Criminal) Police, including women police stations Women’s Shelters Legal aid centers Federal Investigation Agency (FIA) Helplines District Bars councils Non-governmental organizations providing legal services
<b>Family members</b> Mothers Fathers Family Elders	<b>Government Executive &amp; Oversight Bodies</b> <u>National:</u> 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) <u>Provincial:</u> Department of Social Welfare, Special Education, Literacy, Non-formal Education and Human Rights Department Department of Religious Affairs and Interfaith Harmony Department of Planning & Development Department of Local Government & Rural Development Department of Home and Tribal Affairs Department of Women Development Department of Health Department of Law and Parliamentary Affairs Department of Education Department of Population Welfare Department of Environment, Sports and Youth Affairs	<b>Civil Society &amp; International Non-governmental Organizations:</b> Civil Society Organizations (Rahnuma 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,
<b>Community-based Actors</b> Beradri leaders, tribe elders Local landowners, political figures Official and non-official alternate dispute resolution systems Village Councilors especially women & youth		<b>Media</b> State owned Electronic Media TV & Radio Private Electronic Media – TV & Radio Print Media Social Media
<b>Public and Private School Teachers</b>		<b>Academia/ Subject Experts</b>
<b>Health Practitioners</b> Lady Health Workers Lady Health Visitors Lady Health Supervisors Traditional Birth Attendants Community Midwives Gynecologists	<b>Political Actors</b> National Assembly (including technical Committees) Federal Government including Cabinet Senate of Pakistan Provincial Assemblies Provincial Women Parliamentary Caucus (WPC)	
<b>Religious Stakeholders</b> Council of Islamic Ideology (CII) Religio-political parties Religious Leaders, Influencers (televangelists) Local imam-e-masjid, Pirs, moulvis, nikahkhwas		
<b>Local Administration</b> Nikah Registrar		

### *The Balochistan Child Marriage Prohibition Bills, 2015-2018*

The issue of introducing a child marriage bill to prevent such marriages was first taken up by Aurat Foundation (AF), a national women's rights group in Balochistan who held the first consultation with gynaecologists and religious scholars on the subject in 2013. The outcome of this process was an agreement between present parties to work towards developing a draft Bill and subsequently introduce it to other stakeholders in a larger consultation for inputs. Recognizing lack of expertise within the group on the legislative drafting process, AF took up the issue with the **Women Development Department (WDD)** and the **Law Department**.<sup>174,175</sup> The latter advised that the **Department of Social Welfare, Special Education, Literacy, Non-formal Education and Human Rights (SWD)** ought to take custody of the Bill, which subsequently shifted the Bill away from WDD and Law. A **draft Balochistan Child Marriage Prohibition Bill, 2015** was submitted to the provincial cabinet in 2016 after a lapse of three years and vetting from the Law Department. However, when it was introduced in the Assembly, it met with severe backlash for being 'inimical to Islamic tradition and *sunnah*' (practice of the Prophet Mohammed, PBUH). The Bill was criticized for proposing dissolution of marriage under age 18, even though the Bill stated that if a child marriage was reported, the couple would be separated until the age of 18, after which any decision to continue or dissolve the marriage would be vested with both boy and girl. Another contentious point within the Bill was the recognition of all children born of such marriages to be 'legitimate for all purposes.'

Thereafter, the Bill was sent to the Provincial Standing Committee which organized a series of consultations to prepare a second version of the Bill. As the report of the committee was delayed, a largely unamended version of the Bill was tabled again in 2018 just before the then Chief Minister, who had otherwise expressed support for the Bill, resigned as a result of a no confidence motion against him in the Assembly. While there was some support from assembly members for tabling the Bill again, the subsequent reshuffling within important Ministries in Balochistan after the 2018 general elections, caused a loss of allies.<sup>176</sup> Presently, the **Balochistan Child Marriage Prohibition Bill, 2018**<sup>177</sup> lies with Social Welfare; the bill has not come under discussion under the present government.

Small scale consultations over the Bill have, however, continued happening both within and outside of the Assembly to gather support from individual assembly members, particularly males<sup>178</sup> when it is tabled for a third time, although there is no determined timeline for it. According to those involved in drafting the current Bill, the proposed law does not have a component on girl child brides' rehabilitation once their case is proceeded legally and will remain unaddressed if the law is passed in its current form.<sup>179</sup> In this respect, there are various lessons to be drawn from the Sindh Child Marriage Restraint Act, 2013 and its accompanying Rules that also do not fully account for necessary support systems to ensure rehabilitation

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<sup>174</sup> Interview with Saima Javaid, 01.12.2020.

<sup>175</sup> The Newspaper's Staff Correspondent, 2016. Draft of proposed bill against child marriage discussed. DAWN.COM.

<sup>176</sup> Interview with Saima Javaid, Gender Specialist, 01.12.2020.

<sup>177</sup> A copy of draft Bill available with author.

<sup>178</sup> Interview with Shakeela Naheed Dehvar, Member Provincial Assembly, Balochistan, 20.12.2020.

<sup>179</sup> Interview with Shakeela Naheed Dehvar, Member Provincial Assembly, Balochistan, 20.12.2020.

of rescued girls, particularly in terms of continued education and learning, skill-building, and comprehensive support for managing mental, psychological and emotional impacts. The Balochistan Bill also does not spell out a process for the detection of cases through the involvement of and accountability for other stakeholders in health, education, and local government sectors.

### *Balochistan Child Protection Act, 2016*

In 2016, while the Balochistan Child Marriage Prohibition Bill was being contested in the provincial assembly, the government passed the **Balochistan Child Protection Act, 2016**, ‘to provide for the protection of children in Balochistan from all forms of physical or mental violence, injury, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse and matters incidental thereto.’ Compared to the Sindh Child Protection Authority Act, 2014, the Balochistan Child Protection Act, 2016 is a very comprehensive piece of legislation that identifies a multitude of issues related to child welfare. Although it does not specifically mention child marriage, the Act defines a child as a person less than 18 years of age.

Under the Act, a **Child Protection Authority (CPA)** was to be notified which took two years to assume operations in 2018. In addition, a **Child Protection Commission** was to be set up within the Social Welfare Department to provide advisory, coordinating and monitoring functions related to child protection issues, and overseeing the work of District Social Welfare Officers to be placed at Child Protection Units. While the Commission has been recently set up, the first **Child Protection Unit (CPU)** was set up in 2020 with support from UNICEF after a lapse of four years, and whose physical presence is currently restricted to the capital city of Quetta. The stated purpose of this Unit is to bring justice to children who are victims of sexual and physical abuse, deprivation, and oppression. There are supposed to be seven additional CPUs within local offices of the Social Welfare Department, which remain non-functional. The Child Protection Commission which has a wide sectoral membership<sup>180</sup> has not only had a limited number of meetings to date, but it does not look into the issue of child marriage, and instead puts the responsibility of both execution and oversight of child protection systems upon agencies that comprise its membership (section 9(1)), with annual submission of performance reports to the provincial Assembly.

At the moment, CPUs under Social Welfare carry out onward referrals on children needing physical protection (not including child marriage cases which are routed towards the Women Development Department). Girls facing violence tend to be directed towards **Dar-ul-Amans (DuA)**. According to experts, this runs the risk to both stigmatize girls (due to negative perceptions of these shelters) and also does not present an optimal solution for housing girls in need of protection.<sup>181</sup> There is only one Dar-ul-Aman in the whole of Balochistan under the Directorate of Social Welfare, whereas one has been committed for every division (currently 7) politically since the passage of the **Balochistan Domestic Violence Act, 2014**.

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<sup>180</sup> Including the Minister/Advisor Social Welfare department as the Chairperson, the Secretary Social Welfare Department as Vice Chairperson, 4 members of the provincial Assembly (including two women and one minority representative), Secretaries or their nominees not below the rank of BPS-19 from Departments of Home and Tribal Affairs; Labour; Local Government and Rural Development; Health; Education; Religious Affairs & Minorities; Planning & Development; Finance; Law; Prosecution; AIG Police; Advocate General; Mayor and two female Local Bodies’ members.

<sup>181</sup> Interview with Advocate Abdul Hayee, Advocate High Court, 01.12.2020.

While Child Protection Officers are also officers of the Social Welfare, legal experts suggest that they have no authority to suggest improvements to women’s shelters that could accommodate girls although they both concern the same parent Department, and even if one were to rely on the 1929 Federal law on child marriage to prosecute such cases. Presently, the UNICEF is assisting the Social Welfare Department in setting up five additional child protection units across Balochistan, but the main work of these Units is likely to stay limited to onward referrals as they do not come with lodging facilities.

Earlier in 2007, a CPU was also set up with the Balochistan police (Police station Quetta) with assistance from UNICEF, whose purpose was to protect the rights of the children in conflict and contact with law, and ensure implementation of the **Juvenile Justice System Ordinance, 2000** and its **Rules, 2002**. It is not fully known if this Unit and other alleged Units across districts are functional.<sup>182</sup> Nevertheless, experts suggest that these do not cater to child marriage cases and focus more on tracking, responding to, and onward referrals of juvenile offenders.

More recently (2019), the Chief Minister of Balochistan has suggested setting up of a **Child Protection Bureau** in Balochistan along the same lines as the Bureau in Punjab, but it is not clear what purpose this Bureau is to serve that is not already entrusted with the multi-stakeholder Child Protection Commission under the Social Welfare Department.

## Interplay between Formal and Informal Laws and Social Codes

### *Widespread Social Acceptance*

Within communities, civil society and government experts in Balochistan contend that girl child marriages are socially acceptable across most parts of the province, particularly outside Quetta and in rural areas. Social acceptance of girl child marriage in the province is attributed to a number of factors. The most commonly cited reason is cultural norm, which demands marrying girls as soon as they attain puberty.<sup>183</sup> Officials of Social Welfare Department suggest that late marriages are perceived to create greater problems than early marriages of girls, such as difficulties conceiving and problematic pregnancies.<sup>184</sup> While this may be true as statistical data suggest that the MMR climbs upward after a certain advanced age amongst women in Balochistan, it is difficult to use that evidence to justify very early or under-18-years marriages, especially because young girls’ access to family planning is severely limited. The practice is also driven by a fear of not finding a suitable match after a girl crosses a subjectively defined age, or fear that girls will elope or enter into relationships of their own will, alongside fears of sexual harassment if they remained without a husband to protect them.<sup>185</sup>

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<sup>182</sup> See Child Protection Unit | Balochistan Police.

<sup>183</sup> Interview with Sher Ahmed, Assistant Director Head Quarters, Social Welfare, Special Education, Non-formal, Literacy and Human Rights Department, Government of Balochistan, 29.12.2020.

<sup>184</sup> Interview with Sher Ahmed, Assistant Director Head Quarters, Social Welfare, Special Education, Non-formal, Literacy and Human Rights Department, Government of Balochistan, 29.12.2020.

<sup>185</sup> Interviews with Tahira Baloch, Director Health Services, Government of Balochistan; Shakeela Naheed Dehvar, Member Provincial Assembly (BNP, Mengal), Balochistan; and Ayesha Wadood, Head of Sub-Office, UNWOMEN, Balochistan.

Another reason forwarded for widespread social acceptance is that it is lucrative for families that practice bride-price (*vulvar, lub*) to marry girls early (younger brides fetching a higher price), which is common to different parts of the province, but not all areas. While on one end, girls are perceived as a moral and financial burden that parents need to divest quickly, it can also be financially beneficial if one has daughters that can be sold at a higher price early.<sup>186,187</sup>

### *Reporting of Cases and Lack of Data*

Apart from isolated stories of girls running from their homes to avoid forced marriages, the absence of data housed with any particular authority in Balochistan on child marriages generally suggests non-seriousness in tracking the issue. The SWD does not have any statistical data on the subject,<sup>188, 189, 190</sup> as its work purportedly does not extend to the issue of child marriage. The most common source of knowledge on cases thus remains limited to newspapers,<sup>191</sup> which according to one estimate, report less than 3% of cases as most are ‘covered up’ within the community.<sup>192</sup> Earlier discussions with the Station House Officer (SHO) police, district Jaffarabad, Balochistan, also suggested that ‘no one lodges complaints in the area because of tribal systems, old traditions and in order to protect honour.’<sup>193</sup>

### *Informal Justice Systems*

Girl child marriages also take place in Balochistan through the customary arbitration by *jirgas* (which serve to resolve disputes between disputing parties in order to establish peace. By many accounts, they thrive in rural parts of Balochistan. These informal mechanisms of arbitration and dispute resolution do not have to comprise tribal elders and can come about organically and pull in different personalities enjoying authority based on the nature of the dispute. Such systems are altogether closed to women though women may approach the local *sardar* over a matter which can lead to the constitution of a *jirga*.

*Jirgas* are not limited to the local area in terms of their influence and often have significant political clout that have both local and geopolitical ramifications. They may sometimes operate under the patronage of the state and/ or be encouraged through its representative branches.<sup>194, 195</sup> In other instances, *jirgas* have also been challenged by superior courts for giving young girls as *wanni* to resolve disputes in Balochistan<sup>196</sup> with mixed results.

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<sup>186</sup> Interview with Saima Javed, Gender Specialist, 01.12.2020.

<sup>187</sup> Interview with Haroon Dawood, Program Manager, 05.01.2021.

<sup>188</sup> Interview with Sher Ahmed, Assistant Director Head Quarters, Social Welfare, Special Education, Non-formal, Literacy and Human Rights Department, Government of Balochistan, 29.12.2020.

<sup>189</sup> Interview with Ayesha Wadood, Head of Sub-Office, UNWOMEN, Balochistan, 18.12.2020.

<sup>190</sup> Interview with Tahira Baloch, Director Health Services, Government of Balochistan, 29.12.2020.

<sup>191</sup> Interview with Shakeela Naveed Dehvar, Member Provincial Assembly (BNP, Mengal), Balochistan, 20.12.2020.

<sup>192</sup> Interview with Abdul Wadood, CEO, Seher NGO, 18.12.2020.

<sup>193</sup> 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).

<sup>194</sup> Shahid, S., 2018. Jirga vows to foil bid to misguide Baloch youths. DAWN.COM.

<sup>195</sup> Web Desk, 2012. CJ suggests jirga to resolve Balochistan crisis. Samaa TV.

<sup>196</sup> AFP, 2012. SC takes suo motu on Dera Bugti Vani incident. DAWN.COM.

*Jirga* have survived into present-day Balochistan despite efforts to abolish them. They were first legitimized under the **Criminal Law (Special Provisions) Ordinance, 1968**, which legally recognised *jirgas* in Balochistan’s “B” areas. Despite Balochistan High Court’s 1990 order which repealed the 1968 Ordinance, the Balochistan Assembly reinstated *jirgas* in 2008 through a resolution which also reverted the province back to A and B area classifications. B areas in Balochistan are largely rural, and typically less developed than A areas which offer relatively easier recourse to official systems of justice. In 2019, the Supreme Court of Pakistan declared *jirgas* as ultra vires of the Constitution when they functioned as adjudicative bodies in civil or criminal matters. Though the judgement did not touch upon the composition of *jirgas* to include women, nor did it declare them illegal if they adjudicated civil matters with the permission of concerned parties, it did declare such mechanisms a violation of both international human rights standards concerning fair representation including the UDHR, ICCPR and CEDAW.<sup>197</sup>

Experts from Balochistan suggest that *jirgas* also continue to this day as there is nothing more formal being offered by the state in their place. While police actions can be subverted and challenged in court, *jirgas* provide greater protection to whomever they favor in their verdict and declare as ‘protected.’ They are also less time consuming, more accessible, and less expensive compared to more formal systems that are remote, protracted and perceptibly more expensive. Apart from the absence of more formal systems, field data from district Jaffarabad<sup>198</sup> suggests that girl’s access to formal systems of justice is much more restricted and difficult as it goes against social mores defined in terms of familial honor.

### *Limited Interpretation of Existing Laws, and Impunity*

In the absence of a provincial law on child marriage and non-reliance on the Federal Child Marriage Restraint Act, 1929, or the Federal Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011 (on forced marriages),<sup>199</sup> most cases of girl child marriage remain unregistered in Balochistan.<sup>200</sup> In cases where conflicts arise, decisions are subject to arbitration by unofficial systems of justice that operate outside the purview of codified laws. Evidence suggests cases also tend to be dismissed as the police cite having no law to hold the accused despite testimonies of girls who approach formal systems of justice, or they ‘counsel’ victims to agree to marry/stay married.<sup>201, 202</sup> At least three cases were reported by government officials in Balochistan themselves during interviews where girls left their homes to avoid being forcibly married by their elders at a very young age (ages 12-14), only to learn that no law protected them from forced ‘child’ marriage and that child protection systems were not interested in handling marriage cases.<sup>203</sup>

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<sup>197</sup> The Newspaper’s Staff Reporter, 2019. SC holds *jirgas* violative of Pakistan’s world commitments. DAWN.COM.

<sup>198</sup> 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).

<sup>199</sup> Interview with Advocate Abdul Hayee, Advocate High Court, 01.12.2020.

<sup>200</sup> Interview with Rukhsana Baloch, Assistant Director, Gender & Publicity, Women’s Development Department, Government of Balochistan, 21.12.2020.

<sup>201</sup> Interview with Ayesha Wadood, Head of Sub-office, UN WOMEN, Balochistan, 18.12.2020.

<sup>202</sup> Interview with Abdul Wadood, CEO, Seher NGO, 18.12.2020.

<sup>203</sup> Interview with Rukhsana Baloch, Assistant Director, Gender & Publicity, Women’s Development Department, Government of Balochistan, 21.12.2020; and Abdul Wadood, CEO, Seher NGO, 18.12.2020.

Impunity for breaking law and order in Balochistan is also rooted in the system of law administration where levies maintained by the Federal government operate in the province's underdeveloped and rural B areas in the absence of police. While Balochistan may eventually roll back administrative blocks on the basis of A and B divisions as it has done in the past, if designated police draw from existing levies then the local power dynamics are unlikely to change substantially.

### *Verbal Nikah versus 'Kitabi' Nikah*

According to experts, the practice of *Sharai Nikah* (or verbal marriage without signing of the *nikahnama*), remains fairly common in many parts of Balochistan where customary practices override state laws and policies. *Sharai nikah* is rooted in Islamic tradition of marriage where a girl and boy are united in matrimony in front of witnesses from both sides, followed by a larger public feast upon the consummation of marriage (*valima*). The signing of the *nikahnama* in front of witnesses or '*kitabi*' (formal, by the book) *nikah* thus largely stays a state requirement, and mainly used when families either do not trust each other or have misgivings about what kind of treatment may be meted out to the bride in particular, in areas where *Sharai Nikah* are common.<sup>204</sup> There are no means to verify how many marriages may actually remain unregistered in the absence of formal use of the marriage forms across Balochistan.

Verbal *nikahs* limit the role of Nikah Registrars as they may never receive information related to marriages happening within their jurisdiction in the form of a filled and duly signed *nikahnama*, administered through an authorized marriage solemnizer (*nikahkhwan*). Further, tribal customs that enforce strict segregation between males and females also prevent both the Registrar and *nikahkhwans* from seeing the girl to assess her age, particularly in the absence of a birth certificate or Computerized National Identity Card (CNIC). In such cases, the girl's consent may be conveyed through her *Wali* (legal guardian) or *Vakil* (legal representative) to the *nikahkhwan* without any determination of age or consent.<sup>205</sup>

Interviews with experts also reveal that while *nikahkhwans* could play a role in prevention of child marriage by refusing to solemnize such marriages, there is no likelihood of this happening due to their own dependency on the communities they serve in Balochistan. *Molvis* or religious clerics attached with the local mosques get financial support in the form of alms (*zakat*) and other donations from the more powerful groups in the community who patronize them. They also get a share of local crops when landlords or tribal *sardars* distribute them amongst local mosques and religious seminaries they favor. With this economic dependency, it is unreasonable to expect that even with trainings or awareness-raising, *molvis* could possibly refuse to solemnize child marriages where local *sardars* and tribal heads are involved.

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<sup>204</sup> Discussions with UC Secretary, District Jaffarabad. 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).

<sup>205</sup> Interview with Nikahkhwan, District Jaffarabad. 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).

## Political, Religious, and Social Forces & Basis for Political contestation

### *Resistance Towards Child Marriage Legislation in Balochistan*

Resistance to legislation on child marriage in Balochistan is rooted both in social systems and customs in the province, and within the provincial Assembly. In addition to these, a legislative and policy gap analysis of Balochistan against SGD 5 notes resistance to awareness campaigns against child marriages from the general populace,<sup>206</sup> though it does not identify where this resistance is located, in what form and how it can be overcome.

The 2018 Balochistan Child Marriages Prohibition Bill has three main contentious aspects according to experts involved in the process of drafting/ lobbying: it raises the minimum age of marriage for girls from 16 to 18 years, suggests automatic dissolution of marriages where any spouse is under the age of 18 years ‘at the option of female party or male party as the case may be’, and includes a provision that any child born from the marriage will be considered legitimate for all purposes, even if the marriage is annulled. Objecting to the first two provisions, those opposed to the law have recommended that the Bill be sent to the Council of Islamic Ideology (CII) for vetting, arguing that Islam has no concept of a ‘fixed’ age for marriage and that fixing a higher age would lead to ‘other social issues’ including promiscuity amongst young people who could not legally marry till reaching the age of 18 years.

Politically, the resistance towards legislation fixing 18 years as the minimum age of marriage for girls in particular emanates from multiple sources: from religio-political parties; individual members of the provincial assembly across parties; and from the custodian department of the Balochistan Child Marriage Bill itself. In a rather telling interview with the Social Welfare Department, there appears to be no clear understanding on the impact of child marriages on girls in particular; instead, an emphasis is found on preventing marriages that may be ‘too-late’ for girls and which give rise to more social and medical complications than if girls were married early. There is a political inclination to favor the family unit over the socially circumscribed ‘best interest of the child’, which bears repeat mention in the Child Protection Act, 2016. Discussions also suggest limited understanding of the 2016 Balochistan Child Protection Act, the powers and mandate that comes with it, or how it could serve to respond to cases of girl child marriage through wider interpretation of its provisions. The resistance towards responding to such cases is also reflected in lackluster performance in setting up and strengthening systems and institutions that could respond to the issue in terms of protection or detection.<sup>207</sup>

Interviews with different people both within and outside government seem to suggest that though the resistance from religio-political parties is pervasive in that opposers of the Bill maintain that Islam does not prescribe a minimum age (a narrative consistent with that of JUI-F), resistance is also found amongst more ‘progressive’ political parties. These comprise individuals who are a) either not convinced or

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<sup>206</sup>LEAD Pakistan (2017) Sustainable Development Goal 5 - A Legislative and Policy Gap Analysis for Balochistan. Leadership for Environment and Development (LEAD), Islamabad, Pakistan, p.39.

<sup>207</sup> Different respondents.

unaware of how harmful child marriage can be for girls, or b) are personally supportive of child marriage, or c) succumbing to political/tribal pressures in a largely male dominated Assembly. At a structural level, women make up roughly 20% of Balochistan's provincial government, none of them directly elected and all on reserved seats without any geographic constituency.

### *Inconsistent Advocacy Efforts on Child Marriage Prohibition Bills*

The Balochistan Child Marriage Prohibition Bill which is pending passage by the provincial Assembly since 2015 has been pushed in fits and starts from a rather small number of concerned NGOs and handful of Assembly members lobbying for its passage. In terms of lack of understanding of the health implications of girl child marriages,<sup>208</sup> discussions with the Health Department suggest that even though health practitioners are routinely exposed to the danger of such marriages, departmental leadership has not been engaged in Assembly politics effectively on the issue of the Child Marriage Prohibition Bill.<sup>209</sup> While this may be true, **Balochistan's Reproductive, Maternal, Newborn, Child, Adolescent Health and Nutrition Strategy, 2016-2020**, took on the objective of pursuing laws related to both mandatory female school enrollment and 'early girl marriages', but left responsibility for legislation advocacy to the Balochistan Women Development Department,<sup>210</sup> which is no longer in charge of moving the Bill.

Civil society activists suggest that there is also a lack of a collective voice and indigenous organizations engaging in the policy-making process which disconnects lobbying from more 'convincing narratives on the ground.' Further, though religious scholars have been involved by civil society organizations lobbying with the government to overcome resistance articulated in religious terms, their affiliation with local NGOs is perceived to undermine their authority. Instead of helping in overcoming policy resistance, co-opted religious scholars are said to 'peddle a Western agenda' and act against 'social and family values promoted in Islam and protected under the Constitution.'<sup>211</sup>

### *Limited Role and Problematic Local Governance Systems*

The Local Government Department in Balochistan has the responsibility to register births, marriages and deaths, and oversee the registration, management and regulation of orphanages, widow homes and other institutions at the district level. Local Government in Balochistan was dissolved in 2019 after a four-year stint and prior to completing its five-year tenure. Locals suggests that elections have not been held, though some administrative functions are being performed by District Councillors and elected Mayor of the Balochistan Metropolitan Corporation under the **Balochistan Local Government Act, 2014** which are more active in urban areas than in rural locations. Although Article 140-A of the Constitution, Section 219

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<sup>208</sup> In instances where a gynecologist has been involved in lobbying efforts, these have largely been with two or three parliamentarians only. During consultations and advocacy for the bill, civil society advocates engaged a gynecologist to explain the health impact to then-Chief Minister, Malik Baloch. They offered to hold a similar consultation with the provincial assembly at large but according to sources closely involved in the process, the CM expressed his frustration over his inability to do anything despite a desire to bring change and advised advocates to refrain from wasting their time and resources on speaking to assembly on the health impact of child marriage.

<sup>209</sup> Interview with Dr. Tahira Baloch, Director Health Services, Government of Balochistan, 29.12.2020.

<sup>210</sup> Department of Health, MNCH (n.d.) Balochistan RMNCAH&N Strategy 2016-2020 (p.59). Department of Health, Balochistan.

<sup>211</sup> Interview with Sher Ahmed, Assistant Director Head Quarters, Social Welfare, Special Education, Non-formal, Literacy and Human Rights Department, Government of Balochistan, 29.12.2020.

(4) of the Elections Act, 2017, and Section 16 (2) of the Balochistan Local Government Elections Act 2010 demand that elections be held within 120 days of local governments completing their term, the matter has remained unresolved for over a year.

In addition to the uncertainty around local governance, there is also the matter of resources: local government technically can generate its own resources to support its work but is largely unable to do so. According to local sources, Chairmen of district councils and the Mayor frequently lack financial and administrative powers and depend on the bureaucracy for small decisions including appointments and transfers of subordinate staff.<sup>212</sup> Further, local governments carry out limited functions as funds are curtailed and local development funds put at the disposal of members of the Balochistan Assembly, instead of local representatives. Political favoritism is also visible in such ‘development’ schemes where a small number of unapproved projects have been initiated to be subsequently challenged in the Balochistan High Court.<sup>213</sup>

Experts from Balochistan suggest that apart from the upheaval in local government systems, the shifting of birth registration responsibility to Municipal offices instead of Union Council offices under the Balochistan Local Government Act, 2014, has created confusion regarding points of access to birth and marriage registration service.<sup>214</sup> This is further complicated by rules set by the National Database and Registration Authority (NADRA) that allows charging money from those seeking registration, and creates financial disincentives for remotely located communities. It also opens up room for corruption and rent-seeking which further discourages registration.<sup>215</sup> UNICEF-supported efforts to streamline birth registration in parts of Balochistan have helped expand coverage to an extent, which is also visible from recent PDHS data 2017-18, however, experts maintain that such efforts have not been adopted by the government in a sustained manner and across the province due to uncertainty about the political status of local governance in the province.

Recently in December 2020, the **Balochistan Local Councils (Model) Sub-Rules for the Registration of Births and Deaths, 2020** were passed to improve birth and death registration, and to expand the scope of the health sector in compiling data. Under these sub-rules, every Local Council is required to register births and deaths (and not marriage) of people residing within its limits. Heads of primary health centers, maternity centers, health centers, public and private hospitals are required to provide monthly reports of births in their institutions. The Rules also include procedures for late birth registration fee and for registration of orphans. As the Rules are fairly recent, they present a new opportunity for having different partners come together on birth registration data. It remains to be seen if such systems will be affected by a new **Local Government Bill** that is currently under discussion. The results of improved birth registration will likely not impact child marriages immediately, but its effect might become more visible in terms of reporting in the next DHS survey.

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<sup>212</sup> Interview with Abdul, Wadood, CEO, Seher NGO, 18.12.2020.

<sup>213</sup> Contributors (2017) Balochistan High Court Stops Work on Unapproved Development Schemes. Balochistan Voices.

<sup>214</sup> Interview with Advocate Abdul Hayee, Advocate High Court, 01.12.2020.

<sup>215</sup> Interview with Abdul Wadood, CEO, Seher NGO, Balochistan, 18.12.2020; and Advocate Abul Hayee, Balochistan, 01.12.2020.

Even though local government is a vital part of both birth and marriage registration under local government and Federal marriage laws, and efforts are underway to improve civic registration, stakeholders in Balochistan suggest that local government representatives are relatively less engaged with the issue of marriage registration and the detection of child marriages without proof of birth and age.<sup>216</sup> This is a significant gap (also found in Sindh), which can be overcome by expanding the political constituency for child marriage in terms of prevention, detection and response within the larger framework of child protection services of which local government is a part (under the Child Protection Act, 2016), and centering the issue within larger local government strengthening discourses and plans.

### *Lack of Priority for Gender and Youth Affirmative Policies and Laws*

Despite political statements, gender affirmative policies have and continue to face resistance and lack of priority within and across successive governments in Balochistan. A recent **Gender Equality and Women's Empowerment Policy, 2021-2024** passed through the provincial Cabinet but not without substantial hostility. As one interviewee remarked, "women legislators supporting the gender policy were told that 'there are so many schemes running under different departments for women already, how much more empowerment do women need?'"<sup>217</sup> Within the policy, however, there is a commitment on the part of WDD to hold consultations around the pending legislation on child marriage in the province; the introduction of comprehensive health and population policies by concerned departments, and the universalization of civic registration.<sup>218</sup>

There are numerous other Bills related to women's rights that have been languishing in the provincial assembly for quite a number of years. These include for instance the inheritance, acid throwing and home-based workers' Bills. In addition, the **Balochistan Commission on the Status of Women (BCSW)**, a statutory independent oversight body which was to be established under the Balochistan Commission on the Status of Women Act, 2017, has still not had a Chair nominated in three years. The **Balochistan Domestic Violence Act, 2014**, is still unaccompanied by more detailed Rules on how the law would be implemented and what special measures taken to protect victims from abuse within the home that are less than age 18, and who are classified under the Domestic Violence Act as children.

In terms of the **Balochistan Youth Policy** and the Balochistan Youth Affairs Department's role in addressing girl child marriages, different policy drafts have been prepared and scrapped since 2014. According to the 2015 draft Youth Policy reviewed by the author of this report in 2017<sup>219</sup>, there was a commitment to collaborate with the private health sector to impart information and counselling to adolescents with regards to gender equality, relationships, violence, responsible sexual behavior, responsible family planning practices, family life, reproductive health, and STDs (including HIV/AIDS and prevention). It also identified the need to address lack of understanding of puberty and bodily changes amongst young people, and the creation and implementation of education programs to address child and

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<sup>216</sup> Interviews with Advocate Abdul Hayee, 01.12.2020, Balochistan and Iqbal Ahmed Detho, Sindh Member National Commission on Child Rights.

<sup>217</sup> Interview with Rukhsana Baloch, Women Development Department, Balochistan, 21.12.2020.

<sup>218</sup> Copy of Policy available with Author.

<sup>219</sup> Status and Policies related to Adolescent Health in Pakistan. Shirkat Gah-Women's Resource Centre, 2017 (p.6).

early age marriage, along with introducing a formal curriculum on life-skilled based education (LSBE). While the fate of the policy remains undecided amidst squabbles over blame for delay<sup>220</sup>, the Education Department has been working on developing formal LSBE curriculum for in-school children with Aahung, an NGO based in Karachi, Sindh, which discusses marriage as part of the teaching module.

Apart from these, there is a serious dearth of sector-specific policies in Balochistan, and instead, cross-sector actions are spelt out in the **Balochistan Comprehensive Development Strategy, 2013-2020**. It has been over two years since the expiry of the **Balochistan Education Sector Plan, 2013-18**, and a new policy is yet to be approved. Similarly, a comprehensive **Health Policy** has been promised for a few years but is yet to be unveiled to the public.

## Distribution of Power Within and Between Institutions and Stakeholders

Girl child marriages involve 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: Controlled but Changing*

Evidence from Balochistan suggests that decisions related to marriage remain vested with parents, family members as well as local elders, political influential and religious clergy outside the family circle. Fathers generally have a greater say in marriage decisions compared to mothers, but they can be superseded by other 'more powerful' actors in the community even if they are against early marriage of their daughter(s). Youth group discussions in Balochistan with unmarried boys<sup>221</sup> also suggest that boys are more empowered to refuse early marriages whereas girls are less able to resist; resistance often invites an automatic supposition of (im)morality and dishonor. There is also the perceived and real fear of girls being killed for refusing decisions made by elders (mainly fathers, brothers and uncles), which discourages girls from raising their voice in protest.<sup>222</sup> There is also evidence in parts of North-Eastern Balochistan of tremendous influence asserted by local clergymen who reprimand male members of a household to marry their girls as quickly as possible to avoid accumulating sin till such time that the girls stay unmarried, and that any food girls cook after reaching puberty is religiously prohibited (*haram*) for the parents to consume.<sup>223</sup>

Although decision-making is still largely out of girls' hands, anecdotal evidence and small research studies suggest that girls who are keen on education, are becoming more aware of the health impacts of child marriage, and/or are witnessing violence by in-laws on young brides are more inclined towards resisting early marriage. Local activists maintain that women's activism in Balochistan is also growing and

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<sup>220</sup> Yahya Reki (2019). Balochistan Needs a Vibrant Youth Policy for Development. Balochistan Voices. URL <https://balochistanvoices.com/2019/09/balochistan-needs-a-vibrant-youth-policy-for-development/> (accessed 2.2.21).

<sup>221</sup> District Jaffarabad. 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).

<sup>222</sup> Ibid.

<sup>223</sup> Group of unmarried women in district Jaffarabad. 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).

increasingly engaging with issues of sexual harassment on campus,<sup>224</sup> online education for girls under COVID-19 and pushing for e-businesses for women. An increasing number of girls are also going into civil service and women's representation in economic bodies has also improved (for example, via the **Women Chamber of Commerce & Industry, Quetta**, a semi-governmental organization approved and recognized by the Ministry of Commerce). These changes, according to local activists, are enabled by political pressures created by civil society groups, growing awareness about rights, and as a reaction of protracted neglect.

Where there is knowledge, young people are using the health and education argument to successfully delay their own marriages, of other family members, or their peers.<sup>225</sup> In order to catalyze change in this respect, the government of Balochistan needs to address problems of low levels of school enrollment and expand girls' access to information and services in order for them to better exercise choice. Without this investment, it is inconceivable to effectuate large scale change amidst rigid cultural norms and practices.

### *Religious Authorities*

It has been noted that Assembly politics in Balochistan on the subject of child marriage allows little room for religious authorities from 'outside' the Assembly to advocate for the need to pass the Child Marriage Prohibition Bill that which emphasizes both physical (puberty/ *balooqhat*) and mental (*aaqil*) maturity for marriage. Even though the Council of Islamic Ideology (CII) is also an outside influencer and is not representative of all religious parties in Pakistan, it has a far greater influence in Balochistan due to its relationship with the leading opposition party, the JUI(F). The former chairman of CII, Maulana Mohammad Khan Sherani, who suggested marriage at puberty for girls was also a party member of the JUI(F), although his membership has been recently revoked along with a number of others by the party's disciplinary committee for deviating from party politics and attacking its leadership.

More recently, the Chair of CII, Maulana Qibla Ayaz (retired November 2020), expressed support for increasing awareness on the harms of child marriage in order to curb the practice (a deviation from CII's previous stance under Maulana Sherani). Nevertheless, it still advised to leave the minimum age untouched. Currently, the CII has become dysfunctional due to a large number of members ousted from the Council. While seemingly insignificant, the recent condemnation of the practice by CII leadership in terms of negative impacts on girls provides authorization for addressing the issue at some level, particularly within the Balochistan Assembly.

### *Information Asymmetries Within Assembly*

Discussions with the Social Welfare and Health Departments and civil society actors in Balochistan suggest that those lobbying for child marriage prohibition have uneven levels of knowledge regarding its health implications and related evidence, to be able to counter religious and social arguments that resist raising the minimum age. Some assert that what is needed to bridge this gap is to arrange a cross-sectoral orientation program/workshop which brings together stakeholders to share evidence of the harm of girl

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<sup>224</sup> UoB's video scandal: the tip of the iceberg - Pakistan - DAWN.COM, 12 September 2020.

<sup>225</sup> Kamran, et al., 2019. Situation analysis of reproductive health of adolescents and youth in Pakistan. Population Council, Islamabad.

child marriage. Others suggest that there is a need to build a deeper understanding across stakeholders on how to engage with the opposition.

The Child Marriage Restraint Act, 2014, passed in Sindh as the leadership behind the Bill was consistent (Secretary Social Welfare took a leadership role in the Women Development Department), and the influence of religious parties was less compared to that in the Balochistan Assembly. Investing in building a deeper and wider understanding of the issue in Balochistan, whether to lobby for the child marriage Bill, or for pushing for structural reforms across sectors may be tremendously beneficial, even if the law is not passed in the foreseeable future. Bridging these information asymmetries is also important to ensure so that the final Bill which is approved and its subsequent Rules account for a range of needs, lead to better handling of cases and address impunity through prevention/awareness raising programs with clearly earmarked financial arrangements.

## 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.<sup>226</sup> Different studies suggest different nodes for influencing public policies, particularly when it comes to addressing issues that may be a source of dispute between policy participants, be generally 'sticky', 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'.<sup>227</sup> It considers the behavior of policy participants with regards to two exogenous factors, one fairly stable and involving basic attributes of the problem (such as the distribution of natural resources; fundamental socio-cultural value; social structures; and formal rules), and the other more dynamic (such as changing socio-economic conditions; changes in public opinion and governing coalitions; outputs from other sub-systems or policy decisions; disasters, etc.).

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.<sup>228</sup> The Framework also suggests that because policy core beliefs are sub-system 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; as 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.

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<sup>226</sup> 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.

<sup>227</sup> Sabatier, P. A. and Weible, Christopher M. (2007). The Advocacy Coalition Framework: Innovations and Clarifications. Westview Press. 2007, p.189.

<sup>228</sup> *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.

The two most critical pathways to changing beliefs and attaining policy change according to ACF<sup>229</sup> involve **policy-oriented learning**, i.e., 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 in order to develop new iterations of the problem that need focused attention going forward.

The **Policy Window** or agenda-setting theory forwarded by John Kingdon,<sup>230</sup> 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.<sup>231</sup> 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**. In the context of Balochistan, there is a clear resistance toward legislation that increases the minimum age at marriage for girls to 18 years from the nationally prescribed age of 16. The application of the Federal Child Marriage Restraint Act, 1929 is weak while the Balochistan Child Protection Act, 2016, does not explicitly cover the issue of child marriage. Overall, the policy landscape across different sectors remains bereft of any special attention to the issue, and a major impediment to legislative or policy reforms appears to emanate from both core belief systems, i.e., ideas that glorify the sanctity of family, and tribal codes, as well as policy core beliefs, i.e., lack of agreement on minimum age of marriage, automatic annulment and the nonacceptance of child(ren) born of child marriages as legitimate.

Below are some suggested pathways to addressing the issue of girl child marriage in the context of Balochistan, based on discussions with experts and analysis presented in this report:

## Problem (Re)Iteration and Issue Framing

Practically, commitments made under different laws, sector roadmaps, taskforce recommendations and policies in Balochistan 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 Balochistan 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, macro-economic development, geopolitics, etc., on child marriage occurrence, and tend to attribute it mainly to tribal customs, 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 wealth status in

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<sup>229</sup> Sabatier, P.A., and H. Jenkins-Smith (1993). *Policy Change and Learning: An Advocacy Coalition Approach*. Boulder, CO: Westview Press.

<sup>230</sup> 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.

<sup>231</sup> Policy windows can be both predictable (for example with changes in political coalitions, elections, budget making processes, etc.) or unpredictable (disasters, conflict, etc.), and deeply context dependent.

particular, the issue needs to be understood more holistically and framed realistically. In particular, divergent data that pushes the boundaries of conventional wisdom and understanding of the subject needs to be presented to policy participants more clearly and effectively to avoid cookie-cutter solutions to the problem and 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 adverse effects of child marriage on a number of development outcomes. Based on evidence presented in this report, it is clear that girl child marriage is a pervasive problem across Balochistan with over 21.6% girls married before reaching the age of 18 years and 6.1% married before 15 (PDHS 2017-18) amongst the 20-24 years' age group. Marriage amongst girls is also closely tied to rural status, deleterious health consequences (for example, a PRMMR of 358 deaths per 100,000 live births), lowered labor force participation, lack of civic registration and legal recognition under the law, susceptibility to violence and overall low human development amongst girls, that carries over into future generations.

Notwithstanding the lack of district-level prevalence data in the latest PDHS, the MICS data clearly shows that girl child marriages are not consistently practiced across Balochistan and a combination of intersecting factors play a role. Additionally, the possibility of higher prevalence rates within districts for which recent data has not been compiled (MICS currently underway in the province) can also not be ruled out. Generally, as the spread of public services and infrastructure thins out towards difficult-to-access territories and scantily populated areas within the province, indicators worsen in terms of not just child marriage prevalence but also associated factors including sexual and reproductive health, education, civic registration, overall economic development, law and order, access to technology and formal justice systems. Certain districts have had higher prevalence of girl child marriage under 18 years such as Kech (31.8%); Kohlu (30.9%); and Killa Saifullah (29.7%), whereas for under-15 years' girl marriage, districts Kech (10.3%), Harnai (9.7%), Awaran (9.3%) and Washuk (8.8%) top the list. While this report has made a modest attempt to do to, these districts need to be studied in more detail in terms of the overall environment and contributory factors that are propelling families to marry their girls early (under 18), or very early (under 15 years), in order to devise suitable and integrated responses at different levels.

### *Generating Data and Exploring Countervailing Data*

Available data on child marriage prevalence in Balochistan is extremely dated with the exception of the PDHS 2017-18 which does not provide a complete picture at the district level. At the provincial level, DHS data suggests that very early girl child marriage (under 15 years) prevalence is the highest in Balochistan (6.1%) compared to any other province in Pakistan and it has the third-highest reporting cases of under-18 girl marriage (after KP – 28.6% and Sindh – 21.7%). As very early girl marriage may be driven by specific sets of circumstances, it is important to gather this data in the next PDHS survey in 2022-2023 and also complete data processing and analysis of the Balochistan MICS 2019-20.

While poverty is universally tied to child marriage practices, the fact that a larger number of girls under 15 years are marrying into the middle and poorer families in Balochistan as opposed to the poorest is a

cause for concern in that purely poverty-driven arguments (which are very common) have reduced appeal in the given context. Earlier studies have also shown that child marriage is also tied to the issue of prestige,<sup>232</sup> particularly where monied individuals can buy younger brides, and affluent families may need to demonstrate that they do not need to wait in order to save for a lavish wedding. Some districts in Balochistan also show higher urban prevalence than in rural parts, suggesting that though rural residence may be a strong predictor overall, it may be less influential in some cases.

Evidence from other parts of South Asia also reminds us that girls' secondary education may not be a panacea for delaying marriage, as low aspiration, and parental perception of the value education (including pessimistic views towards future employment prospects), low level of education amongst the heads of households and birth order may also assert an influence. The nature and amount of influence they assert remain relatively understudied in Pakistan. Further, the influence of threats to human security (by man-made and natural disasters, outbreaks, and conflict) also needs to be studied on more detail in the context of Balochistan as they may be providing a push towards early marriages, even amongst those with higher levels of wealth, education, and social capital.

### *Refining the Discourse on Islamic Injunctions Related to Puberty*

Historically, it has always been contentious to talk about women's rights in marriage due to political backlash from conservative parties in Pakistan. However, with such cases such as Zainab<sup>233</sup> and Marwa,<sup>234</sup> two minor girls who were subjected to sexual assault and then murdered by their assailants in different parts of the country, the opportunity to talk about child abuse and consent has risen and also catalysed national legislation related to child kidnapping and rape (the Zainab Alert, Response and Recovery Act, 2019). In terms of child marriage (which also involves child abuse and rape), political parties have quoted examples from other Muslim countries that have recently increased the age of marriage to 18 years for girls. This has been done in part to garner local support and to build legitimacy for legislative changes at the national level. However, local clergy and people in general are largely unaware of these developments and continue propagating puberty as the right age to marry. As the Muslimness of certain **friendly countries** (Turkey, Saudi Arabia, Indonesia, UAE, Egypt, Bangladesh, etc.) tends to get traction locally, it is important to continually propagate these developments to reduce a fallback to religion to justify girl child marriages. A 2017 *fatwa* (religious edict) issued by the well-respected Cairo-based Jamia Al-Azhar, which has declared marriage without girls' consent as an offence punishable with death (where a critical element for consent is reaching the age of 18 years), can also be cited to gain and rally allies. In the context of Balochistan, this involves using evidence from Muslim countries that served to drive consensus and gaining the support of **undecided or hesitant allies** across sectors and disciplines of study.

Understanding the power dynamics between religious parties and religious authorities and their influence on the larger politics in Balochistan is key to addressing power imbalances between religious scholars and

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<sup>232</sup> Zaman, S. (2018) 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).

<sup>233</sup> Web Desk, 2018. Justice for Zainab: Timeline of the Kasur rape, murder case that gripped the nation. Dawn Newspaper.

<sup>234</sup> Imtiaz Ali, 2020. Suspected rape, murder of 5-year-old girl enrages people after police find torched body in Karachi. Dawn Newspaper.

political religious figures who promote specific versions of Islam through party alliances. The main opposition party in Balochistan has also historically dominated institutions such as the CII. In the coming months, **factions/fragmentation** between religio-political parties can create avenues for advocates to work more closely with other religious authorities in Balochistan as well as health experts, educationists, etc., to reorient government narrative on the undesirability of child marriages.

## Combining Policy Streams and Promoting Coherence

As girl child marriage is a very complex and multidimensional problem, change cannot be achieved by pursuing a singular policy stream, for example, by concentrating only on criminalizing the practice and failing to take factors other than age into account (lessons from Sindh). Neither can a singular focus on improving health, ensuring universal civil registration (birth, marriage, national identity, etc.), demanding an end to poverty or expansion of education and work opportunities, or gender mainstreaming in the climate change agenda yield results in themselves. All of these correlate significantly with the issue of child marriage and need to be worked on simultaneously.

Curbing the practice also requires defining for both social actors and policy participants, the problem's attributes. This could range from pin-pointing specific locations for interventions, to highlighting individual losses in terms of health, well-being, and education, as well as national/provincial losses to the GDP. It also requires integrating gender across public policies and developing policies where they are missing/ fuzzy. Addressing gender norms through integrated programming within every sector and pushing for enhancing girls' ability to benefit from overall growth and development in the province cannot be achieved without checking for **policy evaporation**, including normative laws and policies that remain unimplemented.

In terms of linking the issue to its health impacts and using grass-roots legitimacy-building activities for the policy reform agenda, existing health systems can be better utilized. One such system is the Balochistan Health Department's Cell on Health Education<sup>235</sup> which is responsible for promoting health-seeking behavior amongst communities and promote risk aversion in order to address the social determinants of health, including customary girl child marriages. In addition, commitments made under the **Balochistan's Reproductive, Maternal, Newborn, Child, Adolescent Health and Nutrition Strategy, 2016-2020**, need to be looked into, with clear linkages drawn between the issues of food sovereignty, livelihood security, maternal, neonatal, and adolescent health, climate change resilience and child marriage.

### *Policy Integration*

As there is a serious dearth of sector-specific and multisectoral policies that speak to the issue of child marriage in Balochistan, and lags in policy making processes pertaining to specific key sectors, policy-oriented learning remains limited in scope. Unless one cites only policy gaps to explain high prevalence of girl child marriage, it can be assumed that policies are only part of the solution; in some cases, they can be part of the problem. Nevertheless, in terms of policies it is important to push for dedicated

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<sup>235</sup>Interview with Tahira Baloch, Director Health Services, Government of Balochistan, 29.12.2020.

roadmaps/strategies that articulate gender and girl child rights at the preambular level across all sector policies (including peripheral sectors), and to couple problem identification with trackable proposed solutions across sectors. For this exercise to be effective, more detailed studies of intersecting vulnerabilities and causality related to girl child marriage need to be undertaken at the local levels that generate context relevant evidence, gender analysis and solutions.

### *Resolving Issues of Local Governance and Streamlining Marriage Registration*

Even though local government is a vital part of both birth and marriage registration under local government and Federal marriage laws, stakeholders in Balochistan suggest that local government representatives are relatively less engaged with the issue of marriage registration and the detection of child marriages.<sup>236</sup> This is a significant gap (also found in Sindh), which can be overcome by expanding the political constituency for child marriage within sub-systems of local governance in terms of prevention, detection and response, and within the larger framework of child protection services of which local government is a part (under the Child Protection Act, 2016). There is an additional need for centering the issue within larger local governance strengthening discourses and upcoming plans to ensure that proof of age at marriage is easily determined, particularly in districts where civic registration levels are low and child marriage prevalence ratios are high. One such stream to promote policy cohesion concerns the Balochistan Local Councils (Model) Sub-Rules for the Registration of Births and Deaths, 2020, which ropes in all tiers of public and private health delivery systems to improve birth registration. The same can also serve as an important source for maternal death records, irrespective of place of delivery.

### *Strengthening Oversight Systems*

Apart from actors involved in child protection services under the Balochistan Child Protection Act, 2016, there is an express need to strengthen women's machinery in Balochistan to coordinate disparate efforts across sectors to curb, detect and respond to girl child marriage, and for aligning the role of different stakeholders in the absence of specific provincial legislation.

One of the roles of the inactive Balochistan Commission on the Status of Women is to provide an oversight function and advise the government related to legislation and sector-specific policies on issues of interest to women in all their diversity. The recently launched Gender Equality and Women's Empowerment Policy approved by the Balochistan Cabinet in 2020 also commits to passing the pending Balochistan Child Marriage Prohibition Bill, 2018. In addition, it emphasizes the need to speed up efforts to universalize basic documentation and registration for women and girls including birth, national identity, vote, marriage, property, and inheritance, death, and divorce, and to support consultations with civil society for legislative advocacy around priority legal rights issues concerning women and girls including child marriage. In this respect, there is an urgent need to overcome political deadlock that has delayed the functionalization of the women's Commission over 3 years. Further, if the said Commission is to function independently, its formation has to be undertaken on a non-partisan basis and its finances separated from those of Women Development Department (identified as a problem in Sindh as well).

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<sup>236</sup> Interviews with Advocate Addul Hayee, Balochistan; and Iqbal Ahmed Detho, Sindh Member National Commission on Child Rights.

In addition, the 2019 announcement by the Chief Minister of Balochistan to set up a Child Protection Bureau needs to be clarified particularly in terms of responsibility overlaps with the Child Protection Commission already working under the Social Welfare Department. Currently, there is no policy to guide the Bureau's responsibilities, its finances, and standard operating procedures. This presents a potential policy window for advocates looking to pursue multiple policy streams or to make them more cohesive. In addition, multisectoral groups and interdisciplinary approaches that bring together child labor, public health, adolescent, and youth SRHR, skill-development, gainful and decent employment, climate change resilience, etc., must be brought to bear on Balochistan's Youth Policy whose fate hangs in limbo since 2014.

## Strengthening Organizational Capacity

The Action Coalition Framework (ACF) suggests that the best way to deal with multiplicity of actors in a policy subsystem is to aggregate them in **advocacy coalitions** and detect **coordination patterns between clusters that share certain beliefs**. This allows for purposive ordering and helps avoid policy watersheds between participants. The higher the degree of consensus required, the more advocacy coalitions have to be **inclusive** (rather than limited to specialists only), in order to seek compromise, share information with opponents and avoid a potential partner being perceived as less trustworthy and unsuitable in the process of change.

Currently, there appears to be very little understanding of the multiple complications that result from girl child marriage in Balochistan, and its various drivers and maintainers. Commonly, those in favor of legislation resort to pointing out high MMR amongst women as direct result of girl child marriage, sometimes incorrectly suggesting that Balochistan's MMR is the highest in the world to make their point.<sup>237</sup> While such assertions might be helpful in gaining support for legislation, they can be misleading and can hurt alliances based on misrepresentation of facts. Further, a high MMR is not the only consequence of girl child marriage as life-long morbidity, reduced access to SRHR, restricted decision-making within the household, reduced economic independence, etc., may also result. While Assembly debates around the issue have pivoted on passing stringent legislation, a cross-sectoral approach seems to be missing with certain rights organizations lobbying for the law with little inputs from concerned government departments including health, local government, education, labor and so on. There is thus a need to expand advocacy coalitions while also building capacity to expand the discourse beyond legislation and beyond a strictly punitive approach.

## Influencing the Political Climate

After certain high-profile child rape and murder cases in Pakistan, the policy window has remained open and generated popular demand for improved child protection systems in the country. The mood for policy reforms perseveres to this day.

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<sup>237</sup> See Balochistan has highest female mortality rate in the world, ReliefWeb, 09 September 2020.

The developments that led to the Federal Zainab Alert, Response and Recovery Act did not happen in isolation, however, 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. NGOs such as Aahung, for example, were able to leverage the policy window effectively based on extensive expertise and credibility related to LSBE, an eye for dialogue opportunities, a pre-existing working relationship with the education departments (in Balochistan and Sindh) and the ability to couple policy streams. In order to develop and get more out of existing policies in Balochistan, it is critical to expand the child marriage constituency by building capacity amongst both civil society actors and policymakers to recognize policy windows and take advantage when the time is right, whether that implies passage of the pending law, or tweaking policies related to health, population, education, labor, local government, etc. The identification of champions who may be working at any level of government and community would be critical to this process.

### *Coalition-building and Expanding Constituencies*

The current state of development in Balochistan and on-going issue of sectarian violence give ample reason for pessimism in terms of girl child marriage getting priority within Assembly discussions and in Balochistan's present Cabinet. The Women's Parliamentary Caucus, which is active in Balochistan, gives hope that the issue will remain on the agenda, even if intermittently. The fact that the lead of the Women's Parliamentary Caucus is also the Parliamentary Secretary for Health give reason to be optimistic about child marriage response systems being more health centered, although it cannot be guaranteed unless the Health Department itself understands the problem and determines how to address it through appropriate interventions in coordination with other agencies at every level. The nature of existing coordination between health and other sectors is thus an important area to explore.

Experts in Balochistan also suggest that there is a need to link the issue of girl child marriages to the larger issue of poverty, lack of education and overall state of low development in Balochistan in order to build consensus on an adequate and fitting response from the provincial Assembly.<sup>238</sup> All stakeholders interviewed for this study suggest that there is a need for a larger platform to push for legislative as well as sector-specific policy changes, and that the involvement of a small number of NGOs and parliamentarians only focusing on the Bill is unlikely to help build broad consensus, or a collective voice on the issue. Lobbyists also need to be equipped with arguments and supporting evidence to counter political pressures within the Assembly that tend to steer the debate towards religion and ignore larger physical, emotional, and economic ramifications for the girl, her family and society at large.<sup>239</sup>

Although consensus cannot be built without involving religious Ulema and all political parties,<sup>240,241</sup> consensus building also needs to involve girls and youth groups which are active in parts of Balochistan

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<sup>238</sup> Interview with Ayesha Wadood, Head of Sub-office, UNWOMEN, Balochistan, 01.12.2020.

<sup>239</sup> Interview with Abdul Wadood, CEO Seher NGO, 18.12.2020.

<sup>240</sup> Interview with Ayesha Wadood, Head of Sub-office, UNWOMEN, Balochistan, 18.12.2020.

<sup>241</sup> Interview with Maulana Addul Mateen, religious scholar, Balochistan, 20.12.2020.

and have worked closely on the formulation of Balochistan's draft youth policy. The unapproved policy also lends support for legislation to curb early and child marriages. Similarly, the departments notified for membership the Commission set up under the Balochistan Child Protection Act, 2016, need to be steered towards taking the issue of child marriage on board in the absence of provincial legislation, and develop systems accordingly. These departments include: Social Welfare, along with Home and Tribal Affairs; Labour; Local Government and Rural Development; Health; Education; Religious Affairs & Minorities; Planning & Development; Finance; Law; Prosecution; AIG Police; Advocate General; Mayor's Office, and female Local Bodies' members. Although missing at the moment, the future composition of the Child Protection Commission could further benefit from the inclusion of the Youth Affairs Department and Women Development Department. That under-16-years' marriage are technically criminalized under Federal law should work to child rights advocates' advantage.

### *Engaging Media*

Both for the benefit of highlighting absence of protective laws and building public awareness on the issue of girl child marriage, many respondents in this study noted the importance of engaging media systematically. Proponents of mass media campaigns suggest that television programs such as **Zara Sochiye** run by the GEO TV in 2006, provided tremendous support to advocates demanding changes to rape laws (Hudood Ordinances). It gave impetus to public discourse by highlighting how the Hudood law were used against rape victims across the country, despite severe backlash from religious parties towards amending the law. Advocates for the Child Marriage Prohibition Bill in Balochistan suggest that similar programs should be arranged by bringing together champions and political heavy weights that support legislation and/ or can identify sectoral reforms to address the issue holistically. Although media often reflect issues once they have already acquired salience in public debate, continued engagement with different media (including social media, blogs, YouTube channels of prominent media personality, etc.) can help raise visibility of the issue and drive public opinion. The effects can be multiplied if the source is credible and if such efforts are coupled with targeted discussions with policymakers and affected communities.

### *Resisting Path Dependencies: Lessons from Sindh*

Evidence from Sindh which passed a law on child marriage in 2014, suggests that the law is unlikely to be the sole driving force behind socio-cultural change unless it is rigorously and indiscriminately implemented and responsive to the varied needs and problems facing underaged brides. The most recent MICS data from Sindh (2018-19) also shows that girl child marriage have in fact increased in Sindh, despite legislation. Anecdotal evidence from Balochistan also shows a steady decline in girl child marriage over the past 20-30 years, which cannot be explained against any punitive law, or in the context of low human development indicators in the province. In other words, change happens despite the law.

As experiences with the child marriage law in Sindh accumulate, it becomes more vital for Balochistan to consider the evidence (particularly in terms of policy gaps and implementation challenges) to avoid path dependencies in legislation in the hopes that it would fix problems that lead to child marriages. Many things need to be put into order before benefits can be derived from the law whence it is passed. This

includes ensuring birth and marriage registration; improving coordination between different sectors that have a role in both prevention and response; expanding the number of people having registered births and CNICs including systems for refugees, displaced populations, and ethnic/ religious minorities; ensuring accountability for solemnizing marriages under 16 years of age as per Federal laws; improving systems for age verification at the time of marriage; and setting a strong government-backed narrative that discourages the selling of young girls in marriage and other customary practices. Needless to say, these efforts need to be backed by improving overall investment in human development and capacity. In emphasizing these, the agenda for legal reforms must also be pursued in a more coordinated and informed manner that includes different perspectives from a variety of stakeholders to determine how the law can be made more effective and holistic given the different forms of girl child marriages, and including those that may be self-arranged.

## 7. Operational Recommendations

Strategies to prevent girl child marriage in Balochistan should address the drivers of such marriages. Increasing female education, building vocational and technical skills and social capital, and reducing poverty are likely to have a more lasting effect than relying on punitive law to delegitimize a widely accepted social practice in which girls' voices and agency are actively discouraged.

While ending girl child marriage may be a long-term effort, both incremental and exponential change can be achieved by pulling levers available in existing laws, policies, and institutional arrangements, and using advocacy effectively. Some operational recommendations in this regard are listed below:

### Institutional Recommendations

#### Local government:

- Address structural causes of child marriage by investing in poverty alleviation, job creation for youth, curbing child labor, expanding access to quality education, youth and adolescent sexual and reproductive health services, child protection services, and basic civic registration for girls, including birth, citizenship, marriage and divorce.
- Conduct mass trainings and sensitization sessions for *nikah* registrars, *nikahkhwans*, police and UC Secretaries on the Federal Child Marriage Restraint Act, the Muslim Family Laws Ordinance, Anti-Women Practice Act, the Dissolution of Muslim Marriage Act, and other marriage related laws concerning minorities in all districts. Trainings can start from districts with high to moderate prevalence rates of girl child marriage. UC Secretaries and *nikah* Registrars in particular must be encouraged to refuse registering marriages without seeing evidence of a girl's age on her birth certificate, particularly in the absence of a CNIC. *Nikahkhwans* must be involved concertedly to ensure that they actively discourage verbal marriages, and report where they were unsuccessful in dissuading concerned parties.
- The Local Government must ensure greater accountability for UC secretaries and *nikah* registrars in particular, who are responsible for birth and marriage registration under the Balochistan Local Government Acts, 2010 and 2014 by monitoring their performance, ensuring that duties are being performed, and penalising officers who wilfully fail in their duties. *Nikahkhwans'* licenses need to be

cancelled if they are not taking the right measures to verify girls' ages, particularly those under 16 years of age as per Federal law. As licenses are issued and renewed by the UC Chairman, a system needs to be devised for lodging complaints with his/her office which is easily accessible and victim-centered.

- 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, including where they were coerced to perform girl marriages under 16 years with anonymity (should they fear retribution)
- Ensure accountability for UC Secretaries who oversee *nikah* registrars to ascertain that marriages are registered, and certificates issued within the stipulated time.
- Ensure universal birth registration 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). Undertake public service messaging to clarify points of access for birth and marriage registration. Focus on two aspects of birth registration: first, creating community awareness of why birth registrations are important and second, implement birth registration drives across all districts, focusing specifically on areas where rate of registration is low. Resources need to be allocated in order to carry out large registration programs across all districts, particularly in Balochistan's remote and/or inaccessible areas.

#### **Shelters and Homes:**

- Create, fund, capacitate and track performance of lodging and alternate care facilities for girls escaping forced marriages, 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 upon leaving institutional care. Funds and necessary expertise need to be allocated for this.
- Functionalize committed Child Protection Units and revamp existing systems to be more than post offices and broaden their ambit of work to include a dedicated multisectoral response to child marriage cases, including catering to allied issues of child abuse, trafficking, rape, etc.

### **Policy-related Recommendations**

- Track school dropout and follow up on students who dropout post marriage as committed in the Balochistan Education Sector Plan 2013-18 and encourage student and family counselling on the importance of pursuing education. The tracer study to conduct a baseline on school dropout as committed under the out-going education sector policy is all the more urgent to conduct with high anticipated dropouts during COVID-19 shutdown of schools.
- Notify leadership for the approved Balochistan Commission on the Status of Women and link Women Development Department to the Provincial Commission on Child Protection formed under the Balochistan Child Protection Act, 2016.

- Amend the *Nikahnama* to provide a section for the bride's B-form number (linked to birth registration at UC level) and CNIC. This change must also be accompanied with awareness-raising amongst *nikah* Registrars of the change to the *nikahnama*, and the importance of ensuring that this section is not left blank, crossed out, or filled with a male relative's CNIC instead.
- Provide voluntary family planning services and commodities as part of mainstream health services to prevent early pregnancies among married adolescent girls. Make contraception available for girls between ages 15-19, 97% of whom are not using any form of contraception across the province, whereas 90.80% of women and girls aged 20-24 years are not using any form of contraception (2017-18, PDHS/NIPS).
- The Balochistan draft Youth Policy emphasizes early and child marriage and LSBE for school children. The government needs to make dedicated efforts to ensure that the policy is passed and efforts by the Education Departments are geared towards meeting commitments towards the delivery of 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 out 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 investing in building schools where they remain absent/dysfunctional.
- Strengthen systems to investigate and prevent/ check cross-border trafficking of girls as part of the larger child protection mandate under the Balochistan Child Protection Act, 2016. Collect data for all such reported cases, including place of origin and destination.

## Law-related Recommendations

- Table the Balochistan Child Marriage Prohibition Bill, 2018 and notify its Rules at the earliest. Before re-introducing the Bill, however, concerted advocacy needs to be undertaken, supported by evidence with a range of parliamentarians and well as different levels of bureaucracy. Advocacy should have a two-fold goal of increasing policymakers' knowledge of the health, economic and social impacts of girl child marriage, and addressing religious concerns by involving a range of religious scholars, with the overall objective of preventing child marriage. This needs to be a larger effort with a large number of parliamentarians in order to ensure there is consensus on the Bill when it is tabled for a third time, and necessary steps follow at the level of the Executive.
- Till such time that the law is passed, upscale trainings on the Federal law related to child marriage, and the Anti-women Practices Act, 2011 on forced marriages, and push for broadening their interpretation, whether in cases of women or the girl child. Undertake provincial amendment to law to make forced marriage a cognizable offence under the law.
- Ensure trainings for judges and lawyers via the Balochistan Judicial Academy, and the police via Police Training Schools. Extend these trainings to levy personnel to the extent possible. Commission and

compile caselaw that set precedents for privileging mental, emotional, psychological, and physical maturity over puberty, and the unpacking the concept of ‘best interest of the (girl) child’.

## Advocacy and Mass Awareness

- Devise a dedicated communications strategy to raise awareness on the health, economic and social impacts of girl child marriages using different media. It may be more helpful to use mobile phones and television messaging alongside alternate means of information through community health workers and civil society groups. The internet may not be a viable option as only 3.5% women in Balochistan have access to it.
- Use and upscale existing systems related to health education within the Health Department, to raise awareness on the potential impacts of early marriage, resulting pregnancy and other gynaecological and obstetric problems. These should also discuss the financial aspects of damages to health.
- Build up advocacy on the 2019 Supreme Court ban on *jirgas*, particularly when they adjudicate on criminal offences including child marriages, as against international human rights conventions.
- Popularize the fact that many Muslim countries around the world have increased the minimum age of marriage to 18 years for girls by connecting adulthood to mental, emotional, and physical maturity as opposed to puberty.
- Suggest Cabinet-level discussions related to curbing girl child marriages by using local evidence of prevalence in Balochistan, particularly for under-15-years’ girls, which is technically illegal under Federal law. Use the same evidence to approach standing committees on human rights, and the provincial SDG taskforce and other relevant authorities.
- 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, and areas requiring direct government intervention. Link these up to relevant multi-stakeholder platforms such as the Provincial Commission on Child Protection and Youth groups working with the Youth Affairs Department.
- Target a host of healthcare providers that come in direct contact with girl child marriage cases (including gynaecologists, paediatricians), yet do not or cannot refer them onward to competent authorities, particularly cases involving marriage and (forced/unwanted) pregnancy under the age of 16 years.
- Civil society in Balochistan needs to come together as an organized movement on eliminating child marriage by focusing on the management of its impacts, responses to different types of cases (including those that may be self-arranged) and move beyond single-minded push to criminalize such practices. Social acceptance of child marriage, lack of marriage and birth registrations, increasing educational opportunities for girls as a delaying tactic, and other related aspects should be part and parcel of all related advocacy.

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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 concerned province.*

### **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, etc.*) 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 & 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 need 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 & 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 curb 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 as it does not 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 get 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, etc.)? 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 to voiding girl child marriages or not, 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 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 ground, in policy and 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: Persons<sup>242</sup> Interviewed/ Response in Writing/Group Discussion

S. No.	Name of Respondent(s)	Basic Profile	Organization	Location	Date of Interview/ Response	Interviewer
<b>Civil Society Organizations/Activists</b>						
1	Haroon Dawood	Program manager, TEACH	Tameer-e-Khalaq Foundation (TKF)	Balochistan	05.01.2021	Sarah Zaman
2	Haroon Wudood	CEO	Seher Organization	Balochistan	18.12.2020	Haroon Dawood
3	Huma Foladi	Executive Director	Rights, Research, and Development Foundation	Balochistan	20.11.2020	Sarah Zaman
4	Maulana Abdul Mateen	Religious Scholar	-	Balochistan	20.12.2020	Haroon Dawood
5	Saima Javaid	Women's Rights Activist	Gender Specialist	Balochistan	01.12.2020	Sarah Zaman
<b>Provincial Government/ Legislators and Oversight Mechanisms</b>						
6	Shekeela Naheed Dehvar	Member Provincial Assembly	Government of Balochistan	Balochistan	20.12.2020	Haroon Dawood
7	Dr Tahira Baloch	Director Health Services	Department of Health, Government of Balochistan	Balochistan	29.12.2020	Haroon Dawood
8	Rukhsana Baloch	Assistant Director, Gender and Publicity	Women Development Department, Balochistan	Balochistan	21.12.2020	Haroon Dawood
9	Sher Ahmed	Assistant Director Head Quarter	Social Welfare Department, Government of Balochistan	Balochistan	29.12.2020	Haroon Dawood
<b>Academia</b>						
10	Rahat Malik	Political Activist / Member of Committee, 18 <sup>th</sup> Constitutional Amendment	Balochistan National Party	Balochistan	22.12.2020	Haroon Dawood
<b>Lawyers</b>						
11	Advocate Abdul Hayee	Advocate High Court	Legal Advisor to Seher Organization	Balochistan	01.12.2020	Sarah Zaman
<b>Donors</b>						
12	Ayesha Wudood	Head of Provincial Sub-Office, Balochistan	UN Women	Balochistan	18.12.2020	Haroon Dawood

<sup>242</sup> A majority of the respondents for this study were females.

## Annex 3: Note on Multi-dimensional Poverty Methodology

The Multidimensional Poverty Index (MPI) is the sum deprivation scores of 10 indicators of 3 dimensions i.e., education, health and living standard. There are two indicators in each of the dimension i.e., education and health, while living standard contains 6 indicators.

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

A cut-off of 1/3 is used to distinguish between poor and nonpoor 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 distribute among these indicators within each dimension. As there are two indicators in each of two dimensions i.e., education and health, so each indicator in these dimensions have the score of 1/6. While in case of the dimension i.e., living standard consists of 6 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, usually is 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 i.e. 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 for health dimension. Whereas 6 variables i.e., electricity, sanitation, drinking water, housing, cooking fuel and assets are considered for the dimension of living standard.

## Annex 4: Sample Sizes of Different Surveys

Interviews with ever married women age 15-49 – 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
<b>Pakistan</b>	<b>6,098</b>	<b>6,266</b>	<b>12,364</b>

Interviews with currently married women age 20-24 – 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
<b>Pakistan</b>	<b>1,074</b>	<b>1,416</b>	<b>2,490</b>

Women between 15-49 and 20-24 years Interviewed – MICS, Balochistan 2010

Balochistan	Urban	Rural	Total
Women 15-49 interviewed	4,240	13,492	17,732
Women 20-24 interviewed	764	2,212	2,976

Women between 15-49 and 20-24 years Interviewed – LFS – 2017-18

Balochistan	Urban	Rural	Total
Women 15-49 (sample)	2,927	4,133	7,060
Women 20-24 (sample)	448	543	991

Percentage of de jure household population (age 18-24) registered with NADRA

Region	Male	Female	Total
Urban	77.8	55.0	66.0
Rural	65.3	40.0	53.0
Balochistan	68.7	44.4	56.6

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
<b>PAKISTAN</b>	<b>32,205,111</b>	<b>106,449,322</b>	<b>101,314,780</b>	<b>10418</b>	<b>207,774,520</b>
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
<b>PUNJAB</b>	<b>17,103,835</b>	<b>55,958,974</b>	<b>54,046,759</b>	<b>6709</b>	<b>110,012,442</b>
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
<b>SINDH</b>	<b>8,585,610</b>	<b>24,927,046</b>	<b>22,956,478</b>	<b>2527</b>	<b>47,886,051</b>
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
<b>KP</b>	<b>3,845,168</b>	<b>15,467,645</b>	<b>15,054,813</b>	<b>913</b>	<b>30,523,371</b>
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
<b>BALUCHISTAN</b>	<b>1,775,937</b>	<b>6,483,653</b>	<b>5,860,646</b>	<b>109</b>	<b>12,344,408</b>
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
<b>ISLAMABAD</b>	<b>336,182</b>	<b>1,055,712</b>	<b>950,727</b>	<b>133</b>	<b>2,006,572</b>
URBAN	170,936	539,857	474,887	81	1,014,825
RURAL	165,246	515,855	475,840	52	991,747
<b>FATA</b>	<b>558,379</b>	<b>2,556,292</b>	<b>2,445,357</b>	<b>27</b>	<b>5,001,676</b>
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: Multidimensional Poverty Indices, 2012-11 and 2014-15, Balochistan

Region	2010-11			2014-15		
	MP Index	Incidence (%)	Intensity (%)	MP Index	Incidence (%)	Intensity (%)
Balochistan	0.415	75.9	54.7	0.394	71.2	55.3
Rural	0.499	88.8	56.1	0.482	84.6	57.0
Urban	0.154	35.4	43.5	0.128	37.7	45.7
<b>District</b>						
Awaran	0.280	58.9	47.5	0.415	77.2	53.8
Barkhan	0.548	93.9	58.4	0.627	93.6	67.0
Bolan/Kachhi	0.429	79.7	53.8	0.414	73.1	56.7
Chagai	0.542	89.7	60.4	0.546	89.2	61.2
Dera Bugti	0.656	98.0	67.0	0.499	88.4	56.4
Gwadar	0.372	69.3	53.7	0.293	60.8	48.2
Harnai	0.467	86.2	54.2	0.633	94.2	67.2
Jaffarabad	0.426	78.9	53.9	0.404	75.0	53.8
Jhal Magsi	0.404	84.2	47.9	0.528	89.7	58.9
Kalat	0.343	69.1	49.6	0.275	57.1	48.1
Kech/Turbat	0.507	85.6	59.2	NA	NA	NA
Kharan	0.433	81.6	53.0	0.454	78.4	57.9
Khuzdar	0.346	67.6	51.1	0.285	57.5	49.6
Killa Abdullah	0.476	89.8	53.0	0.641	96.9	66.2
Killa Saifullah	0.492	89.8	54.8	0.386	79.3	48.7
Kohlu	0.586	96.2	61.0	0.503	86.8	58.0
Lasbela	0.440	75.3	58.4	0.395	68.1	58.0
Loralai	0.501	86.6	57.8	0.32	68.5	46.7
Mastung	0.227	44.6	50.9	0.302	62.0	48.7
Musakhel	0.469	93.2	50.3	0.351	66.9	52.4
Nasirabad	0.500	89.3	56.0	0.413	77.0	53.6
Nushki	0.477	78.9	60.5	0.316	64.0	49.4
Panjgur	0.580	96.0	60.4	NA	NA	NA
Pishin	0.386	82.7	46.6	0.453	82.2	55.1
Quetta	0.159	37.3	42.5	0.213	46.3	46.0
Sherani	0.438	92.9	47.2	0.526	90.6	58.1
Sibi	0.199	37.3	53.4	0.324	57.5	56.3
Washuk	0.397	78.6	50.5	0.466	81.9	56.9
Zhob	0.455	81.9	55.6	0.514	82.8	62.1
Ziarat	0.432	82.2	52.6	0.575	90.3	63.7

Source: PSLMS 2010-11 & 2014-15