

NOA MOLL ESSAY

Q. Forced marriages in Pakistan: Causes and consequences.

A. OUTLINE

1. INTRODUCTION

1.1. Hook

1.2. Background Information

1.3. Thesis Statement: Forced marriages in Pakistan is a multifaceted and long standing issue which stems from cultural, social, economic and legal factors. It is a severe mistreatment that inflicts the power to inflict endless psychological, physical, social and economic consequences on its victims (especially women).

2. UNDERSTANDING FORCED MARRIAGES

2.1. Legal definition under Pakistani and international law

2.2. Statistics

2.3. Misconceptions and cultural/social normalization

2.4. Difference between forced and arranged marriages, and child marriages

3. CAUSES OF FORCED MARRIAGES

3.1. Religious Misinterpretation

3.1.2. ~~misuse~~ Lack of clear understanding of Shariah law and the autonomy it gives a woman (consent).

3.1.3. Shariah law is often confused with traditional and cultural practices.

3.2. Culture

3.2.1. Patriarchal society where men have control over women's autonomy

3.2.2. Honour culture

3.2.3. Tribal and feudal customs (satta, vani etc)

3.3. Lack of Legal Enforcement

3.3.1. Existing Laws (Child Marriages Restraint Act 2019) are poorly implemented

3.3.2. Loopholes in the law, and lack of protection for victims

3.3.3. Lack of awareness of existing laws

3.4. Lack of education

3.4.1. Gender Disparity in education

3.4.2. Lack of awareness of an individual's legal rights and autonomy

3.5. Economic Factors

3.5.1. Poverty and dowry expectations

3.5.2. Marriages are often treated as fiscal transactions, and conflict resolution

4. REPERCUSSIONS

4.1. Legal and Human Rights Violations

4.1.1. Women's rights are often forsaken

4.1.2. International condemnation and the hit Pakistani image takes

4.2. Psychological Impact

4.2.1. Long term problems such as depression, anxiety, PTSD, and suicidal tendencies can arise for the victims

4.2.2. Long term trauma

4.3. Generational

4.3. Reproductive and Health related consequences

4.3.1. Underage/early pregnancies

4.3.2. Maternal health risks

4.3.3. Unsafe abortions and childbirth complications

4.4. Educational and Economic Impacts

4.4.1. High drop out rate of adolescent girls

4.4.2. Reduced economic freedom leading to dependency on their spouses

4.5. Societal Impact

4.5.1. Post divorce a woman would be considered damaged goods

4.5.2. Perpetuation of gender inequality inclusive of victim blaming that the woman did not know how to sustain her marriage

4.5.3. Endless cycle of poverty and disempowerment

5. AVAILABLE GOVERNMENT AND LEGAL FRAMEWORKS TO REDUCE THE NUMBER OF FORCED MARRIAGES

5.1. Existing Legislation i.e child marriage restraint act 1929, Womens

Protection Bill, PPC s. 498 B-C and s. 310A, disparity in CMRA b/w Sindh + Punjab (recent amendment)

5.2. Role of Judiciary and law enforcement agencies

5.3. Ensuring effective implementation.

6. HOW CIVIL SOCIETY AND MEDIA CAN HELP

6.1. Awareness campaigns, and activism (Aurat March)

6.2. Stopping the normalization of such marriages.

7. THE NEXT STEP

7.1. Legal Reforms

7.1.1. Reinforcing existing laws

7.1.2. Verification of age, and the imposition of penalties

7.1.3. Examples of countries who have effectively mitigated this problem

re. Morocco

7.2. Education and Awareness

7.2.1. Gender sensitive education in schools

7.2.2. Public awareness campaigns

7.3. Uplifting women

7.3.1. Economic empowerment via the development of skills

7.3.2. Safe shelters and legal aid services

7.4. Community engagement / Campaigns

7.4.1. Involving religious leaders to push the right narrative

7.4.2. Involving elders (tribal) and influential personas to spread the message

7.5. Creating helplines where if someone feels cornered post or pre marriage, they can be helped

8. CONCLUSION

8.1. The problem is an interplay of innumerable factors

8.2. Holistic and multifaceted approach needed to remedy this problem

8.3. A sense of collective activism must be invoked from the citizens.

x ————— x ————— x —————

"There is no place in Islam for coercion in marriage. Consent is not just a formality - it is a right." (Mufti Menk). Forced marriages in Pakistan are a deeprooted social issue which affect countless women and children across the country. Many legal frameworks

have been aimed to curb this tradition however, they remain ineffective as coercion into marriage still remains a prominent problem in Pakistan in the 21st century. Spur of the moment decisions by an individual's family on the basis of culture, economic disparity or more importantly misinterpretation of Islam have an everlasting ~~impact~~ derogatory impact on the victims whether it be to their emotional or physical well being. This long prevailing problem is not ~~limited to~~ ~~but~~ only a violation of human rights but also ~~are~~ a hinderance to ~~opportunities such as~~ basic necessities such as education, personal autonomy and gender equality. It has often been said by victims of such disparity "A forced marriage is not a wedding - it is a prison sentence" (anonymous report cited in HR reports) which highlights how this systematic and ~~long standing~~ more ~~prevents~~ the potential to ruin the victim's life. Forced marriage in Pakistan is a multifaceted and long standing issue which stems from cultural, social, economic and legal disparities. It is a severe misstep that ~~prevents~~ the power to inflict endless psychological, physical, social and economic consequences on its victims.

Marriage is meant to be a blessing, it is meant to be a ~~seen~~ sacred act bringing together ^{two} hearts, binding them together until death separates them. As a whole, marriage has an aura of sanctity, peace, and comfort surrounding it with the knowledge that a lifelong partner has been found to be by a person's side, for better or for worse. Forced marriages however, often rob an individual of such bliss, they push together two unwilling individuals into a lifelong ^{and promise} commitments that neither is willing to uphold. As per Pakistani

law, a forced marriage is one conducted without the free and full consent of one or both parties whether it be under threat, coercion, deception or undue influence. This is even supported by the Pakistan Penal code s. 498B, Amendment Act 2011, and the Muslim Family Laws Ordinance 1961. As per the Universal Declaration of Human Rights, Article 16(2) "marriage shall be entered into only with the free and full ~~consent~~ consent of the intending spouses" whereas the ICCPR, Article 23(3) whomst Pakistan is a part of reiterates the same. Furthermore, there have been several resolutions (A/RES/68/148, 2013) passed by the UN General Assembly outlining "as to how forced marriage is not only a HR violation but may constitute a form of gender based violence too hence highlighting the extremity of the problem. Forced marriages violate Article 9 (right to life and liberty) of the constitution, and there have been innumerable cases such as the (Mst. Humaira Mehmood v. The State), (Sauma Waheed v. The State), and (Zubaida Bibi), and (Abdul Waheed v. Asma Jahangir) that reaffirms that such values are not ^{mere} ~~at~~ talk in Pakistan, but have meaning behind them. However, it is deeply unsettling that despite such landmark cases, as per UNICEF, Pakistan is home to over 19 million child brides, 4.8 million of which were married before the age of 15. As it stands, children cannot legally validly consent to marriage, hence the conclusion can be reached that there were all of forced marriages. In 2023, in Peshawar, documented, official figures indicate that there were 53 forced marriages however, the undocumented number is multiples more. In surveys across Sindh and Balochistan, it was found that almost 60%.

of the respondents were married before the age of 18, and on per the Child Marriages Restraint Act, initially in Sindh, and in of 2025 in Punjab too, a woman ~~above~~ below the age of 18 cannot consent/contract her own marriage hence whilst ~~to~~ child and forced marriages are not the same, in this scenario ~~child~~ ~~every~~ the former is an example of the latter. All in all, the reason why such baneful acts are allowed in our society is due to cultural appropriation, ~~the~~ forced marriages have been normalized to an ~~more~~ extent where one does not even bat an eye or feel sympathy for the victim upon hearing such cases. Another A significant misconception lies in the distinguishing of arranged and forced marriages. The definition of forced marriages is on above, and arranged marriages are when the families of the to be wed find their future spouse and it is mostly consensual, however not always hence like child marriages, plentiful of arranged marriage statistics also fall under the category of forced marriages.

Forced marriages are multi-faceted, they do not have a single unique cause, but rather they are an amalgamation of several long standing problems such as: religious misinterpretation, lack of legal enforcement, lack of education, and subpar economic conditions. It is a systemic issue that is an embodiment of human rights violations. Pakistan is a muslim majority country, and citizens often misappropriate that, and attempt to mold it as per their will: Misinterpretation (religious) is a major ~~for~~ reason for child marriages as people often justify forced (and child.) marriages using the example of the Holy Prophet ^{PDUH} and his wife Aisha ^{RA}. However, in doing

that they fail to see all the places where the Holy Quran and divine (shariah) law have uplifted women's rights given women autonomy and free will. Shariah law explicitly ~~states~~ condones child marriages, and highlights that non-consensual marriages are void (batil). Women are protected to ~~the~~ ~~exte~~ extreme lengths, so much so that a woman must have 2 witnesses present to safeguard her and ensure she is not being coerced into marriage. The lack of understanding of the law, and the confusion people have surrounding it has led them to confusing it with traditional cultural practices such as child marriages, and non consensual marriages. Marrying within ones family was never prescribed within divine law, but nowadays people pretend as if it is. When it is merely a way of strengthening family ties, and preventing economic ruin. Pakistani society is purely patriarchal i.e. it often feels as if it was made for men, by men. The lack of women's personal autonomy, prevents them being able to make logic and sound decisions resulting in them saying yes to a marriage they do not wish for under the fear of coercion, violence etc. Honour killings have always been an occurrence in Pakistan, and whilst they are banned ~~as~~ as per the Criminal Law Act of 2016, they remain a significant problem. They often occur when men feel like a woman has ~~shamed~~ brought shame upon the family (Saira Bibi case) thus showcasing why women feel coerced.