



Group Development Pakistan



UNFPA



UK International
Development

Partnership | Progress | Prosperity

ADVOCACY NOTE ON

CHILD MARRIAGE IN PAKISTAN



Acknowledgment

This Advocacy Note on Child Marriage in Pakistan, developed by Group Development Pakistan, draws upon extensive research and collaboration with key stakeholders. We express our heartfelt gratitude to Ms. Valerie Khan, Senior Technical Advisor, for her pivotal role in producing this document and providing invaluable expertise.

List of Acronyms

ICT – Islamabad Capital Territory

BISP – Benazir Income Support Programme

UNFPA – United Nations Population Fund

Table of Contents

Sr.No	Title	Page
1	Background	1
2	Context	2
3	Legal and Policy Framework on Child Marriage in Pakistan	4
4	Jurisprudence that Contributes to Ending Child Marriage	6
5	Progress Update on Advocacy Efforts to End Child Marriage in Pakistan	7
6	Recommendations	10
7	Conclusion	10

1. BACKGROUND

On 30th May 2025, Pakistan marked a significant moment in its human rights journey when Mr. Asif Ali Zardari, President of the Islamic Republic of Pakistan, signed and gave his assent to the Islamabad Capital Territory (ICT) Child Marriage Restraint Act 2025, thereby taking an important step toward ending child marriage and upholding the rights of children, particularly adolescent girls, as per the UNCRC and CEDAW.

This recent development reflects the country's renewed commitment to promoting gender equality, justice for children, and SRHR, in line with its international human rights obligations, the 2030 Agenda for Sustainable Development, and its Sustainable Development Goals (SDGs), especially SDG 5.3 on eliminating all harmful practices such as child, early, and forced marriage. The enactment of such a groundbreaking piece of legislation is not a stroke of luck but the result of gender-responsive, inclusive, sustained, evidence-based, strategic, and multi-stakeholder human rights-centric advocacy that evolved over several years. It adds to similar efforts to protect girls from religious minorities (hence girls who are not Muslims) from child marriage.

Moreover, reports highlighting the fact that the legality of the ICT CMRA 2025 had been challenged in the Federal Shariah Court (a similar legal recourse was filed with the Sindh Child Marriage Restraint Act) demonstrate the fragility of such a win and the need to pursue multi-sectoral dialogue, as well as further strategize to protect, consolidate, and eventually upscale those unprecedented achievements.

Within these complex advocacy efforts, UNFPA's component under AAWAZ II stands out. AAWAZ II was launched in 2018. The programme is a citizen engagement and accountability initiative funded by the UK's Foreign, Commonwealth & Development Office (FCDO). Operating across selected districts in Pakistan, the programme supports community-led initiatives to amplify the voices of marginalized groups, particularly women, youth, and persons with disabilities. AAWAZ II aims to strengthen inclusive governance by enabling citizens to raise concerns, influence decision-making, and improve access to services. It is implemented by a consortium comprising UN Women, UNICEF, UNFPA, and the British Council, and through partnerships with local organizations. The programme also fosters dialogue between communities and authorities, promoting transparency, social cohesion, and responsive governance. Adjusted in 2022, one of its salient features is the UNFPA's component focusing on ending GBV and harmful practices including child marriage.

Furthermore, under the AAWAZ II programme, UNFPA partnered with Group Development Pakistan (GDP) and focused on evidence-based law and policy reform, collaboration with state actors to upskill the social and justice workforce as well as nikah khwans, nikah registrars, and village secretaries so that they could prevent child marriage and adequately respond to such cases, and raising awareness to end child marriage in Pakistan.

Hence, this advocacy brief intends to inform and subsequently support the next contextualised interventions to end child marriage in Pakistan by providing a summarised and updated situation of the advocacy landscape related to child marriage in the country.

GDP's leadership played a central role in shaping Pakistan's contributions to the Congress, showcasing the country's legislative breakthrough with the Islamabad Capital Territory Child Marriage Restraint Act 2025 and highlighting grassroots innovations in legal literacy, restorative justice, and digital access to legal aid. Pakistan's prosecutorial reforms - such as the GBV Tracker, child courts, anti-rape crises cells, and digital testimony systems - were presented as replicable models for child-sensitive and gender-responsive justice, garnering international recognition. Justice Shah's powerful advocacy for applying the "best interest of the child" as a binding legal principle, and Mr. Farhad Ali Shah's presentation of Punjab's multi-agency justice reforms, positioned Pakistan not just as a reforming state, but as a thought leader on rights-based, child-friendly jurisprudence.

The Congress concluded with the adoption of the Global Declaration on Preventing Violence in Child Justice Systems and the 2025–2030 Global Strategy on Justice with Children - frameworks that emphasize prevention, participation, protection, and rehabilitation. Pakistan's engagement with these frameworks was timely and strategic, reflecting not only its GSP+ obligations and commitments under the UN Convention on the Rights of the Child and CEDAW, SDGs and CPD, but also its aspiration to regional leadership on justice reform. However, the Congress also underscored challenges ahead, including the need for interprovincial harmonization, youth participation mechanisms, resource commitments, a mindset shift, resources, and a national implementation roadmap. While legislative and pilot successes were applauded, speakers cautioned that without institutional ownership and coordinated national action, progress risks remaining fragmented and unsustainable.

Nonetheless, the narrative that emerged from the Congress was one of hope and resolve. Pakistan's reforms were seen as part of a larger global movement to "decriminalize childhood" and embed justice systems with empathy, dignity, gender equality, diversity and social inclusion, and accountability. Restorative practices, trauma-informed care, and youth-led monitoring emerged as the new standard, not the exception. GDP's role in steering the national conversation and shaping global dialogue was widely acknowledged, especially its call to institutionalize restorative justice, scale access to legal aid, and ensure child protection systems are holistic, gender responsive and inclusive.

2. CONTEXT

Child marriage remains a deeply entrenched issue in Pakistan, disproportionately affecting girls and violating their rights to health, education, protection, participation, and overall agency. In fact, child marriage threatens girls' lives and health, limits their future prospects, and leads to harmful outcomes for their well-being, quality of life, and right to life.

Despite years of advocacy and reform efforts, progress has been slow and uneven. At the current pace, it could take fifty-five more years to eliminate child marriage. Legal and policy gaps persist across provinces and territories. Until now, the Islamabad Capital Territory (ICT) lacked a legal framework setting the minimum age of Muslim marriage at 18 for both genders, leaving girls unprotected against a practice that carries lifelong adverse consequences. The scale of child marriage in Pakistan remains alarming. According to UNICEF (2020), nearly 18% of girls in Pakistan are married before the age of 18, with significant provincial and rural-urban disparities. Child marriage is a leading cause of school dropout among adolescent girls, contributing to a cycle of limited opportunity, early pregnancy, and poverty. Only 13% of girls remain in school by 9th grade, according to the Pakistan Education Statistics 2021–22 (Ministry of Federal Education and Professional Training).

While child marriage entails many risks, perhaps the most important of all is related to health. Girls pressed into child marriage are usually stuck in a subservient reproductive role, limited to the four walls of the domestic sphere, and consequently often become pregnant while still adolescents. The PDHS 2017-18 survey shows that 8 percent of adolescent women aged 15–19 in Pakistan are already mothers or pregnant with their first child, increasing the risk of complications in pregnancy or childbirth, which is a major cause of death and disability among older adolescent girls.

In addition to the above, Pakistan is witnessing a sharp rise in sexual violence against children, with over 4,200 reported cases in 2022 alone (Sahil, Cruel Numbers 2022). The true scale is likely much higher due to stigma and weak accountability mechanisms. Among the most pervasive yet overlooked forms of sexual abuse is child marriage. Often disguised as tradition, child marriage denies girls any agency and can expose them to repeated sexual violence, early and forced pregnancy, and domestic servitude.

It also intersects with trafficking. Some girls are sold, exchanged, or moved under coercive arrangements, increasing their vulnerability to further exploitation. As described earlier, the health impacts are severe. Girls who are victims of child marriage face higher risks of maternal mortality, childbirth complications, and untreated reproductive infections. Beyond the physical harm, many endure long-term trauma, including depression, anxiety, and post-traumatic stress. These patterns reflect a deep, systemic failure to protect children's rights, safety, and well-being, and they feed an intergenerational cycle of violence.

Girls' vulnerability to child marriage and subsequent abuse, including sexual violence, is further intensified by multi-dimensional crises. Climate-related disasters, such as floods and droughts, push families into distress and increase the risk of early marriage as a perceived solution. Internal displacement disrupts already fragile child protection systems and exposes girls to heightened violence and discrimination. Lastly, worsening economic hardship leads families to adopt maladaptive coping strategies under financial strain. In many of these situations, child marriage is seen as a protective strategy, a way to manage perceived threats to girls' safety, family honour, or economic survival, despite the long-term harm it causes. Around 44.7% of Pakistan's population is now considered to be living below the poverty line, according to the World Bank's newly updated global poverty threshold set at \$4.20 per person per day and released this week.

These risks are especially acute for adolescent girls from marginalised and minority communities, who face multiple layers of discrimination and targeted victimisation, including on the basis of religion. For example, the Human Rights Commission of Pakistan (HRCP) documented around 60 cases of forced conversion in 2021, with approximately 70% of the victims being girls under the age of 18. In 2022, 21 cases were reported from Sindh.

The enactment of the ICT Child Marriage Restraint Act 2025 reflects UNFPA and its implementing partner's capacity to adapt, strategise, and engage multiple stakeholders to turn words into tangible results despite major obstacles. This reform has occurred in a challenging political climate, marked by growing extremism, polarised public discourse, and tense institutional dynamics. Actions to protect adolescent girls' rights have faced fierce opposition from some religious political parties that promote patriarchal and discriminatory narratives, using religion to justify harmful practices and resist legal reforms. These groups have not only undermined legal change but also contributed to a broader environment that fuels gender-based violence and discrimination. In several cases, change-makers, especially women parliamentarians, civil society leaders, and human rights defenders, have been subjected to harassment, defamation campaigns, and direct threats.

Despite this resistance, UNFPA, its implementing partner (GDP), and all public and private collaborators have made important gains that suggest a growing political will to challenge regressive narratives and reassert Pakistan's commitment to women and girls' rights.

Moreover, the enactment of this law coincides with a critical moment when Pakistan is under international scrutiny, particularly in relation to the GSP+ renewal process with the European Union, which places clear human rights benchmarks at its core. The reform also supports Pakistan's broader effort to project a rights-based and progressive image internationally, especially amid escalating tensions with India, where Pakistan's domestic policies are often challenged in diplomatic forums. Finally, it reinforces Pakistan's crucial obligations under international human rights instruments such as the United Nations Convention on the Rights of the Child (UNCRC), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and the International Conference on Population and Development (ICPD).

3. LEGAL AND POLICY FRAMEWORK ON CHILD MARRIAGE IN PAKISTAN

3.1. International Human Rights Instruments

Pakistan has ratified several international laws that serve as a binding framework to protect children's rights, including preventing and responding to child marriage. Key provisions from the UNCRC emphasize the right to health and education, protection from harm, participation, and the best interests of the child — all of which are violated by child marriage. Additionally, the CEDAW, the International Covenant on Civil and Political Rights (ICCPR), and International Labour Organization (ILO) conventions address gender discrimination, forced labour, and the importance of free consent in marriage. The Convention on the Rights of Persons with Disabilities (CRPD) further highlights the need to protect children with disabilities from discrimination and harmful practices, including child marriage.

3.2. International Human Rights Instruments

Several national initiatives in Pakistan — including the National Education Emergency, Pakistan Vision 2025, the National Gender Framework, the National Action Plan on Business and Human Rights, the Climate Change Gender Action Plan (CCGAP), and the 2019–2024 Action Plan for Implementing CCI-Approved Recommendations on Alarming Population Growth in Pakistan — hold significant potential to end child marriage. These initiatives aim to address the root causes and adverse consequences of child marriage and promote gender equality, education, climate financing, family planning and reproductive rights, resilience, and economic empowerment.

Notably, Pakistan Vision 2025 emphasizes improvements in education and healthcare, along with strengthened legal protections, to help delay marriage and reduce its prevalence. The National Gender Framework supports the rights of women and girls and raises awareness about the harms of child marriage. The National Action Plan on Business and Human Rights highlights decent work and poverty alleviation, both essential for empowering families and communities to combat child marriage.

Moreover, the NCRC's Strategic Plan 2023–2026 prioritizes awareness-raising and legal and policy reforms, focusing on improving birth registration, access to health and education, and child protection to counter child marriage. The Banking on Equality framework promotes financial inclusion for women, fostering economic independence and decision-making power that can help prevent child marriage. The Pakistan Human Resource for Health 2018–2030 plan seeks to expand healthcare access and support community awareness programs, further empowering women and girls to make informed choices about their health and marriage.

Lastly, the recent notification of the Sindh Child Protection Case Management and Referral System (CP-CMRS), as well as the approval by the Punjab Cabinet of the first-ever child protection policy in Pakistan, provide the foundation for an adequate gender-responsive and child-centric response to child marriage. It is hoped that other provinces will follow these leads and notify their own respective child protection policies and CP-CMRS, along with multi-sectoral GBV case management frameworks.

3.3. Domestic Laws

The Constitution of the Islamic Republic of Pakistan (1973)

- **Article 4:** Right of individuals to be dealt with in accordance with law
- **Article 9-A:** Right to a clean, healthy, and sustainable environment
- **Article 11(3):** Prohibition of employment of children and slavery
- **Article 14(2):** Protection of human dignity and prohibition of torture

- **Article 25:** Equality before the law and non-discrimination on the basis of sex
- **Articles 25(3) and 26(2):** Allow the state to make special provisions for the protection of women and children
- **Article 25-A:** Right to free and compulsory education
- **Article 26(2):** Non-discrimination in respect of access to public places
- **Article 35:** Protection of family
- **Article 37(e):** Promotion of social justice and eradication of social evils

Overall, Pakistan's legal framework offers a degree of protection against child marriage. The Constitution upholds the right to free and compulsory education for children aged 5 to 16, as well as the rights to dignity, non-discrimination, and a healthy environment. It mandates the State to legislate for the protection of families, marriage, women, and children. Additionally, both the Constitution and the Pakistan Penal Code (PPC) include provisions that criminalize forced marriages, sexual violence, trafficking, and technology-facilitated gender-based violence (GBV). Provincial child marriage restraint acts set the minimum marriage age at 16 for girls and 18 for boys in Muslim marriages — except in Sindh and the Islamabad Capital Territory (ICT), where the minimum age is 18 for both sexes. For Christian and Hindu marriages, both parties must be at least 18 to marry. In Punjab, this minimum age also applies to the Sikh community. Each province and territory also has specific child protection laws and laws ensuring access to free and compulsory education.

Although some protections require improvement, effective enforcement and public awareness are essential to combat child marriage, promote gender equality, and advance child rights.

Some more details information underneath depict the legal framework for Muslim Marriage in each province and the current reform opportunities to align the law with constitutional, Islamic and international best practices:

- **Balochistan:**

The Child Marriage Restraint Act 1929 is still applicable. A draft Balochistan Child Marriage Restraint Act, setting the minimum age at 18 for both sexes, has been vetted by the Balochistan cabinet. However, the current draft contains an exception clause that undermines the objective of ending child marriage and renders the law ineffective under international principles.

- **Khyber Pakhtunkhwa (KP):**

The 1929 Act is still in force. A draft KP Child Marriage Restraint Act was vetted by the previous cabinet and recently sent to the Council of Islamic Ideology (CII). The CII has declared that setting 18 as the minimum age of marriage for girls is "against the injunctions of Islam," disregarding the al-Azhar Fatwa and recent jurisprudence by the Federal Shariah Court (FSC) and the Lahore High Court.

- **Islamabad Capital Territory (ICT):**

The ICT Child Marriage Restraint Act 2025, which sets the minimum age at 18 for both sexes, has been enacted. Reports indicate that this law has been challenged in the Federal Shariah Court.

- **Punjab:**

The Lahore High Court has ordered the Punjab Government to raise the minimum marriage age to 18 for both sexes, mandating an amendment to the Punjab Child Marriage Restraint Act 2015. Three draft bills have been submitted to the Punjab Cabinet's sub-committee on business and legislative affairs, but all remain pending. Meanwhile, a contempt petition has been filed against the Punjab Government for non-implementation of the LHC order.

- **Sindh:**

The Sindh Child Marriage Restraint Act 2013 sets the minimum age of marriage at 18 for both sexes. However, implementation remains poor.

4. JURISPRUDENCE THAT CONTRIBUTES TO ENDING CHILD MARRIAGE IN PAKISTAN

4.1. What does Islamic jurisprudence say about child marriage?

■ *Shariah Perspective on Child Marriage*

In this section, we will focus on the capacity of the parties and consent, with a focus on child marriage through Shariah. The Shariah's stance on childhood marriages is illuminated through the lenses of Maqasid-e-Shariah (the objectives of Shariah) and Maslaha (public interest). Maqasid-e-Shariah is a branch of Islamic knowledge that delves into the underlying intentions and purposes of Islamic law, aiming to ensure its application aligns with its intended outcomes. This doctrine, initially outlined by Imam Al-Ghazali, emphasizes the preservation of essential aspects of human welfare, including religion, life, intellect, lineage, and property. It serves as a vital tool in Islamic jurisprudence, particularly in evaluating contemporary issues. Coupled with Maslaha, which prioritizes common social welfare, it guides the determination of Shariah rulings concerning emerging matters.

Applying the Maqasid-e-Shariah doctrine reveals Shariah's opposition to childhood marriages. Preservation of life is paramount, and any practice endangering individuals' well-being is inherently contradictory to this principle. The detrimental effects of early marriages on the physical, psychological, and socioeconomic aspects of young girls' lives underscore the prohibition stance. Moreover, childhood marriages impede the preservation of intellect and property, depriving girls of educational opportunities and economic empowerment.

Islamic jurisprudence underscores the holistic approach to health and well-being, prohibiting self-harm and harm to others. This principle, derived from Quranic verses and Hadiths, prohibits any actions leading to destruction or harm. Consequently, the Shariah position unequivocally opposes childhood marriages, considering their adverse impact on individuals' health, well-being, and dignity.

While there is ongoing debate among Islamic scholars regarding the age of majority and signs of maturity, it is unanimously agreed that marriage should occur when an individual achieves both sexual and mental maturity (Imran, 1994). Notable early Islamic scholars like Ibn Shubruma, Abu Bakr al-Asamm, and Uthman al-Batti were staunchly opposed to child marriage, a stance supported by Ibn Hazm and Al-Sarakhsi from the Hanafi perspective (Oyesi, 2018).

In line with child rights and equity in Islam, marriage before puberty and mental maturity, typically around 18 years of age, is deemed impermissible. This perspective acknowledges that although girls may reach sexual maturity early, they often lack the physical, cognitive, and psychological readiness for the responsibilities of marriage and motherhood (Ghamdi, 2016).

Furthermore, in June 2019, the Deputy Grand Imam of Al-Azhar, Sheikh Dr. Salah Abbas, issued a fatwa against child marriage during a conference in Dakar, Senegal. Al-Azhar, considered the foremost authority in Sunni Islamic law, decreed that both girls and boys must be at least 18 years old to marry, with any marriage below this age deemed forbidden (The Guardian, 2019).

From a purely religious point of view, the Quran does not state a particular age for the marriage of an individual. A general view is that marriage is permissible on the attainment of puberty.

The idea of puberty, according to the classical school, refers to signs of physical maturity such as the emission of semen or the onset of menstruation (Buchler, 2013). In the absence of such signs, the Hanafi school assumes that puberty will occur no later than at eighteen years for males and seventeen years for females (Bakhtiar, L., 1996). However, in Surah Al-Nisa verse 6, when giving guidance on the inheritance of orphans, the Quran uses the term Nikkah to define an age when the wealth of an orphan is to be returned to him:

“Test the competence of the orphans until they reach a marriageable age. Then if you feel they are capable of sound judgment, return their wealth to them. And do not consume it wastefully and hastily before they grow up to demand it. If the guardian is well-off, they should not take compensation; but if the guardian is poor, let them take a reasonable provision. When you give orphans back their property, call in witnesses. And sufficient is Allah as a vigilant Reckoner.”

This verse, when using Nikkah instead of puberty, presupposes puberty. Abul A'la Maududi, in Tafheem-ul-Quran, explains that the reason for using the term Nikkah is two-fold. The first is the assumption of puberty (Balughati) and the second is the assumption of mental maturity (Rushd). On the other hand, Imam Abdullah Muhammad bin Ahmad bin Abubakar Qurtabi, in his book Tafseer Qurtabi Maruf b Aljamagh La Hukum Al Quran, assesses the usage of the term 'until marriage' as one where marriage is referred to as a formal institution, excluding any implication of premarital sexual intimacy, which is not permissible in Islam. The word until implies that marriage serves as a milestone indicating mental maturity.

In accordance with these sources, it can be seen that while there is no explicit bar on early marriages, they are seen as unfavored as per juristic opinion. Abd Al Ati, in his book on the family structure in Islam, states that the marriage of a minor stems from pre-Islamic practices. In the early Muslim community, women were scarce and there was a diversity of races, due to which social integration was necessary, and Islam chose to preserve certain aspects of the existing societal norms.

■ **Consequences and Violations of Islamic Principles**

Furthermore, the Maqasid emphasizes the preservation of intellect and property, both jeopardized by childhood marriages. Girls subjected to such unions experience profound psychological harm, curtailed personal liberty, and limited educational and career opportunities, perpetuating cycles of poverty and gender inequality. Notably, early marriage substantially impedes girls' educational attainment, exacerbating societal disparities.

Early childhood marriages contravene three fundamental Maqasid: preservation of life, intellect, and property, as well as the overarching goal of preserving dignity. Islamic jurisprudence, rooted in holistic well-being, prohibits actions that cause harm or destruction. Quranic verses and Hadiths reinforce this principle, emphasizing the sanctity of life and the imperative to avoid harm.

In Islam, the protection of life is considered paramount, as it establishes a legal framework and ethical code designed to ensure the security and well-being of individuals within society (Ustarūshānī, 1982). Shariah, or Islamic law, encompasses a set of principles aimed at safeguarding the rights of individuals, including children, even before their birth and in the process of selecting marriage partners (Bough, 2017).

Children, according to Islamic teachings, are entitled to comprehensive protection, including basic necessities such as food and clothing, as well as shelter from physical violence and harm (Al-Bukhari, 846). Moreover, Islamic texts set stringent standards for the protection of children, emphasizing their right to equal treatment regardless of gender and freedom from exploitation, such as child labor (Ustarūshānī, 1982). Neglecting a child's protection is considered a major sin in Islam, as parents are entrusted with the prime responsibility of ensuring the well-being and security of their children (Al-Bukhari, 846).

The Quran explicitly emphasizes the sanctity of life, prohibiting the termination of pregnancies due to financial concerns and emphasizing trust in God as the Provider and Sustainer of all life (Quran 6:151). Child marriage, however, contradicts these fundamental principles, exposing young girls to physical and psychological harm, including early sexual activity and pregnancy complications (Munir D. M., 2017).

Education is regarded as a fundamental right for children in Islam, with knowledge and upbringing being holistic responsibilities for parents (Ustarūshānī, 1982). Neglecting education, as often happens with child marriage, not only hinders personal development but also perpetuates cycles of poverty and deprivation (Australian Aid, 2016). Therefore, while Islam advocates for the protection and education of children, practices like child marriage undermine these principles, perpetuating cycles of harm and poverty (UNICEF, 2018).

4.2. Historical Court Decisions

The recent years of advocacy against child marriage have been marked by a series of court decisions that have shed light on why child marriage constitutes a harmful practice, and why ending child marriage and setting 18 as the minimum marriageable age aligns with Islamic principles, constitutional provisions, and international obligations.

i 2022 PCr.LJ 953: Abdul Razaq v The State

(Order passed in relation to bail for the accused under section 365-B of the Pakistan Penal Code. Accused granted bail.)

The accused and Mst. Alya, aged 16 years and 5 months, entered into a marital contract and the matter was presented before the Magistrate as one of forced marriage. While the Child Marriage Restraint Act 1929 was not applicable, Justice Aamer Farooq commented on the case facts citing legal and Islamic jurisprudence to highlight current law on child marriage in ICT. The IHC found that under the Child Marriage Restraint Act 1929, a girl under 16 years cannot be given in marriage. However, as per Hanafi Law (applicable to the majority in Pakistan), a girl may enter a marital contract at 17 years, whereas D.F. Mulla in Muhammadan Law contradicts this by stating that a girl may be 15 years of age to enter into a marital contract. According to PLD 2004 SC 219, a girl must be 18 years old to enter into a marital contract without a wali. The Quran has not prescribed a set age; however, Surah An-Nisa verse 6 speaks about returning the property of an orphan when he attains a marriageable age. Abul A'la Maududi in Tafheem-ul-Quran explains this using two conditions: first, attainment of puberty, and second, attainment of rushd (maturity to form reasonable judgement).

ii Azka Wahid v Province of Punjab & others (Approved for Reporting)

The petitioner challenged the definition of 'child' in the Child Marriage Restraint Act, 1929 (as amended by the Punjab Child Marriage Restraint (Amendment) Act, 2015). Specifically, sections 2(a) and (b) of the 1929 Act, which define a child as someone under eighteen if male and under sixteen if female, were found unconstitutional as they violate the equality clause in the Constitution of Pakistan. The petitioner argued that this distinction based on gender is unjust. The Court, in agreement with the petitioner, declared sections 2(a) and (b) of the 1929 Act to be without lawful authority and of no legal effect. It directed the Government of Punjab to issue a revised version of the 1929 Act within the next fifteen days and to upload the revised version on its website for public information.

iii 2012 PCr.LJ 11: Muhammad Aslam v The State

The learned Federal Shariat Court, contrary to the suggestion that puberty alone determined a girl's capacity to marry, dwelled on the meaning of consenting adults for the purposes of marriage and held that such a consenting adult is a person who has come of age and is responsible enough to understand the consequence of marriage and the responsibilities that it entails.

iv Shariah Petition 1/2020: Farooq Omar Bhoja v Federation

The Federal Shariat Court dismissed a challenge to sections 4, 5 and 6 of the Child Marriage Act, 1929, for being in contradiction with principles of Islamic Law. It observed that amongst Islamic jurists there was disagreement over whether or not the nikah of a minor girl is permissible. However, it held that it was not un-Islamic for the state to determine the permissible age for entering into a contract of marriage.

v 2021 SCMR 1401: Yar Muhammad Khan v Sajjad Abbas (Competence of a Minor)

To safeguard minors and their interests, it is established that minors cannot enter into agreements or grant powers of attorney. Section 11 of the Contract Act, 1872 specifies that only those who have reached the age of majority, which is eighteen according to the Majority Act, 1875, are competent to contract. The court in Abdul Ghani v Yasmeen Khan clarified that minors are incompetent to enter into contracts, rendering such contracts void from the beginning and not just voidable. Therefore, any contract involving a minor has no legal standing and cannot be validated or confirmed.

Regarding the question of timing, in the case of Hamida Begum v Murad Begum, it was determined that if a deed or instrument is null and void from the outset, it can be treated as such without the need for formal cancellation or setting aside. However, if the instrument is merely voidable, it must be formally set aside or canceled to remove any legal obstacles.

vi PLD 2007 FSC 1: Muhammad Fayyaz and another v Islamic Republic of Pakistan through Secretary, Ministry of Religious Affairs, Islamabad and 4 others
(Section 3 of the Majority Act, 1875, was challenged before the learned Federal Shariat Court.)

Section 3 was not deemed contradictory to Islamic principles. The Federal Shariat Court noted that physical signs of puberty alone do not signify attainment of majority or maturity. Other mental, emotional, and psychological factors are also essential. The Quran addresses these aspects in verses like Surah An-Nisa, verse 6, and Surah An-Nur, verse 59. Furthermore, the court highlighted the variability of puberty onset among individuals and regions, making it difficult to establish a precise age. This variability has led to differing opinions among Muslim scholars regarding the age of puberty.

vii PLD 2022 Islamabad 288: Mumtaz Bibi v Qasim & others

The IHC focused on addressing the issue of the minor's custody, presently held in Dar-ul-Aman, and whether said minor was to be released to the custody of her mother or the petitioner, her husband, without going into details of the validity of the marriage contract involving a minor. Determining the minor's age conclusively would necessitate evidence collection beyond the purview of this Court's constitutional jurisdiction. The IHC held that consistency in legal standards is pivotal for upholding the rule of law. The laws and statutes, notably sections 375 and 377A of the Pakistan Penal Code (PPC), highlight the imperative of shielding children from sexual exploitation and abuse. These legal provisions, in conjunction with international conventions such as the United Nations Convention on the Rights of the Child (UNCRC), define a child as an individual below 18 years of age and categorically prohibit any sexual conduct involving minors. Marriage contracts involving minors are deemed void due to their contravention of these legal mandates. The State bears the responsibility of safeguarding the rights of children and ensuring their well-being. It acknowledges that minors lack the capacity to consent to marriage or engage in sexual activities. Consequently, parents or guardians cannot legally consent on behalf of a child to such activities. In light of these legal principles, the Court directed the release of the minor into the custody of her mother, in adherence to the Islamabad Capital Territory Child Protection Act, 2018.

PLD 2023 FCS 265: Ali Azhar v Province of Sindh & others

The petitioner challenged the Sindh Marriage Restraint Act 2018, stating that setting the age of marriage at 18 was against the injunctions of Islam. The Federal Shariat Court found the Government of Sindh to be the competent authority to legislate on the matter. Furthermore, the court stated that puberty alone could not be the sole criterion. Rather, this is a two-fold requirement where first comes the attainment of puberty and second comes the attainment of *rushd* (maturity to form reasonable judgement), as this minimum age not only safeguards the child but also ensures attainment of mandatory education.

5. RECOMMENDATIONS

In view of the above, the following advocacy recommendations to end child marriage in Pakistan are proposed:

5.1. Expand Informed Legal Reform Nationally

- Encourage provinces to adopt similar laws as the ICT Child Marriage Restraint Act 2025
- Harmonize the minimum marriage age (18 for all) across Pakistan, regardless of religion

5.2. Engage Religious Leaders

- Partner with informed, gender-responsive, child-centric Islamic scholars to promote faith-based messages against child marriage
- Pursue the training of *nikah* registrars and clerics to recognize and prevent underage marriages
- Organize additional visits to the fistula centers

5.3. Mobilize Communities and Shift Social Norms

- Support community-based awareness campaigns and adolescent-led initiatives
- Use creative media, schools, and madrassas to educate on the harms of child marriage

5.4. Improve Law Enforcement and Accountability

- Train police, judiciary, and social workers to enforce child marriage laws
- Strengthen birth and marriage registration systems to prevent this harmful practice

5.5. Strengthen Data and Evidence-Based Advocacy

- Collect and use disaggregated data to identify high-risk areas and track progress
- Share research such as UNFPA's Political Economy Analyses showing the health, economic, and social costs of child marriage
- Further disseminate informed Islamic jurisprudence and court decisions that contribute to ending child marriage

5.6. Link Prevention to Economic Support

- Integrate child marriage prevention into poverty reduction and social protection programs like BISP
- Offer incentives to families for girls' education and delayed marriage

6. CONCLUSION

All the above recommendations intersect with several policies, but most importantly are included in the National Framework to End Child Marriage and its related upcoming provincial action plans. Finalising and notifying these are essential to ensure a healthy and dignified life for the younger generation. Our children demand it. Pakistan deserves it.