

Forced Marriages in Pakistan: A Critical Legal Analysis of Legislative Frameworks and Their Effectiveness in Addressing Socio-Cultural Practices Within a Patriarchal Context

Hiba Aqeel¹, Shah Muhammad Zarkoon²

Abstract

Forced marriages is a very serious human rights issue in Pakistan, particularly affecting women and girls across different social, cultural and economic backgrounds. Although, many laws have been enacted at provincial and federal level that aimed to prevent forced and child marriages, this study argues that the existence of legislation has not translated into meaning protection at grass-root level. Through a doctrinal and socio-legal methodology, the research critically analyse the Child Marriage Restraint Act 1929 alongside Sindh Child Marriage Restraint Act 2013, the Balochistan Child Marriage Restraint Act 2025, and the Punjab Child Marriage Restraint Act 2026 and examine their consistency with the Article 25 of the Constitution of Pakistan and Pakistan's obligations under CEDAW and the CRC. This research, further examines how deeply rooted customary practices such as vani, watta-satta, walwar and Jirga based decisions hinders the effective implementation of these laws. By using socio-legal theoretical framework the study also examines the relationship between law and gender based structures that contribute to the continuation of forced marriages. Judicial decisions including Mumtaz bibi v Qasim and Mst Bakhshi v Bashir Ahmad show judiciary response to forced and underage marriages. The recent cases highlights that legislative and judicial progress does not align with practical reality. The study concludes that uniform legislation, strong enforcement mechanisms, and engagement with socio-cultural structures are important to tackle this problem and therefore recommends reform in these areas.

Article History

Received 15 June 2026
Revised 24 July 2026
Accepted 24 August 2026
Published 29 September 2026

OPEN ACCESS

Corresponding Author *

Keywords

Forced marriages, child marriages, Pakistan, CMRA, CEDAW, CRC, vani, watta-satta, patriarchy, socio-legal analysis, constitutional rights.

Introduction

Forced marriages is a very serious human rights issue in Pakistan. It particularly affects women and girls across different social, cultural, and economic backgrounds. Article 16 of the Universal Declaration of Human Rights 1948 clearly recognizes that the marriage should take place only with free and full consent of both parties. Similarly, the Convention on the Elimination of All Forms of Discrimination Against Women, to which Pakistan is a signatory consider it a responsibility of the state to address discriminatory practices in marriage and family life. Despite these international commitments the practice of forced and child marriages continues to persist in Pakistan. According to UNICEF around 18% of girls in the country are married before the age of eighteen, with the prevalence being considerably higher in some parts of Sindh and Balochistan. The Human Rights Commission of Pakistan has documented many cases in which tribal jirgas are primarily involved in arranging forced marriages, often through informal mechanism operating outside the formal legal system.

¹ (Corresponding Author) 10th semester student at University Law College, University of Balochistan, Quetta (hiba.aqeel12@gmail.com)

² Professor at University Law College, University of Balochistan, Quetta. smzarkoon@gmail.com

The legal response to this problem has been slow and uneven, and, as this research paper argues, the significant difference in provincial laws have created an imbalance that has weakened the protection available to women and girls. At Federal level, the Child Marriage Restraint Act 1929 remains the primary legislation, but it sets the minimum age of marriage at sixteen for girls and eighteen for boys, creating a clear distinction between two sexes. Since then, the provinces have taken different approaches and have introduced reform at different times. Sindh raised the minimum age for marriage to eighteen for both sexes, followed by Islamabad Capital Territory and Balochistan in 2025 and Punjab in 2026. Khyber Pakhtunkhwa, however, continues to apply 1929 Act. It is pertinent to notice the significant gap between these legislations which shows how late the issue was addressed and the level of legal protection available to a girl now vary depending upon on the province in which she lives. This difference raises important questions about the equality before law under Article 25 of the Constitution of Pakistan.

This leads to an important question: does in reality the growing body of legislation dealing with forced marriages in Pakistan provide meaningful protection, or does the increasing number of laws hides deeper problems of fragmentation, inconsistency and weak enforcement? Many gaps in the current legal framework also add to this concern. At the Federal level, the different minimum ages prescribed for girls and boys reflects an outdated distinction which also undermines the constitutional guarantee of equality. At the same time, customary practices such as *vani*, *watta-satta* and decision-making through *jirgas* continue to exist in different parts of the country, despite being prohibited by the law. In many parts of the country, women who refuse or resist forced marriages face serious consequences, including the threat to honour-based violence. This research paper examines Pakistan's legal framework on forced marriages, including federal and provincial legislation, relevant provisions of criminal law, and the country's commitment under CEDAW and the CRC. Through a doctrinal and socio-legal approaches this study evaluates how effective these laws are in addressing the social and patriarchal structures that continue operate outside the legal system. This study treats child marriage as a particularly serious form of forced marriage because a child cannot give free and full consent under international human rights law. However, forced marriage is not only limited to children it can affect adult women as well through family expectations, customary practices and violence. Therefore, this study explains both the sides with relevant laws.

Objectives of the study

Following are the main objectives of the study

1. To what extent is the current legal framework of Pakistan at both federal and provincial level is adequate in preventing and handling forced marriages.
2. How does the growing provincial agreement in favour of eighteen as minimum age of marriage reflects the failure of federal government to introduce similar reforms at national level.
3. What socio-cultural barriers continue to hinder the meaningful and effective implementation and enforcement of laws relating to forced marriages at grass root level and even in provinces where more progressive approaches had been taken.

4. To what extent Pakistan's domestic laws conform to its international obligations under CEDAW and CRC regarding forced marriages.
5. What legal and institutional reforms are required for protection against forced marriages throughout Pakistan.

Theoretical Framework

This research is established on a socio-legal theoretical framework, that basically see law not just as a collection of legal rules but something a lot more than that. It views how law actually operate within more extensive social, cultural and power structures. The main theoretical perspective that guides this study is the law and society perspective.

The law and society perspective basically analyze the relationship between legal rules and social behavior. This perspective helps explain that despite the existence of laws that prohibit forced marriages, there is still the continuation of such practice in many parts of the country. It emphasizes on the fact that the effectiveness of law not only depends on the legislation but there are many factors involved such as cultural values, social norms and the ability to enforce these protections.

Literature Review

This chapter highlights the work done so far on forced marriage and child marriage in Pakistan. The literature is not covered source by source but rather thematically with the goal of highlighting common ground, coherent aspects and aspects that leave fundamental questions unresolved.

Socio-Economic and Cultural Drivers

The prospective social-economic environment of household decision making on marriage is interwoven with the drivers of forced marriage in Pakistan. In one of the more detailed examinations of the issue (Nawaz, 2022) considers under-age and forced marriage together, and based on the three waves of the Pakistan Demographic and Health Surveys, concludes that poverty and educational attainment are significant drivers that determine at which age girls are married. Early marriage can be brought about through poverty in the following ways: Daughters with ill-health, physical unattractiveness or various economic pressures can be treated as a financial liability and early marriage considered a means of lessening that liability, especially in poor households. In poor families, daughters might be seen as a burden, and early marriage as a method to "save" one. Financial hardship can also strengthen traditional exchange practices of customary marriage like vani, sawara and badla-e-sulh in which girls are exchanged as part of a marriageable settlement. The girl's own wishes are usually ignored in such circumstances and an agreement is reached with the family. This is an economic pressure very closely linked to cultural and social norms. According to (Nawaz, 2022), parents in poor and rural families who are less likely to have opportunities to educate themselves or to hear outside voices may feel more inclined towards traditional practices and religious beliefs. In such contexts, the role for women is likely to be traditional, the ideals of family honour to be linked to a girl's purity and conduct. An unmarried daughter may also be seen as a liability or bojh which puts pressure on parents to marry off their daughters sooner rather than later. Decisions of marriage are then often decided by fathers or other family members

and girls are taught to take orders and be submissive. This means that they may end up to giving consent for treatment decisions when they dislike the parent's wishes. This puts their consent after the will of the family.

The issue of forced marriage can also be intergenerational, as indicated by the existence of these practices. Norms can further perpetuate from one generation to the next when girls encounter them in their childhoods as natural or inevitable. Often the decision to marry a forced partner is not made by one wife in one family, but is strongly entrenched in the social and cultural expectations of a family or community over an extended period. Yet, although this type of macro-level analysis can help to identify the larger picture factors related to forced marriage, it does not provide a complete picture of what these pressures actually mean to the girls and families affected. Patterns revealed in statistics of age at marriage, poverty, and educational level are more likely to help explain how individuals think about, encounter, and negotiate those pressures than are they in themselves.

(Rid, 2016), cultural values too can be significant factors as to the persistence of forced marriages. A qualitative study conducted on the four cases on rural Sindh revealed that these lawful situations have a greater impact on individuals' behavior than the law itself, regarding the social customs that influence marriage within the tribe. The 2011 Anti-Women Practices Act had penalized some harmful practices, but as in the past, marriage decisions are subject to local customs and the decisions of biradaris. These customs are also upheld by the jirgas and the sardari authority in some of the communities, where the state institutions are inefficient.

If a girl wants to marry someone from the other tribe, she can be subjected to tremendous social stress within her tribe, according to (Rid, 2016). This marriage may be viewed as discrediting the honor, respect and standing of the family in the community. In fact the family might be even being feared of being excluded or treated like a 'cunt abandoned' outcast. In rural Sind the situation is that, in the eyes of the father of a girl who marries outside the tribe, a social fault is committed, whether the father has actually faulted or not. Due to this fear, families can initiate marriage for their daughters in the tribe even if the girl is not in agreement with the marriage.

From the most recent policy comments it is clear that the implementation of the law is still not a well-functioning. This study, conducted by the (EST Think Tank, 2025), focuses on the dichotomy between Law and practice of Pakistan's rights protection framework with the collaborative assistance from a human rights due diligence framework. It notes that there are constitutional guarantees of equality in Article 25 and legislative measures have been taken to curb child marriages including Sindh Child Marriages Restraint Act, which exist alongside local customs especially vani, that have an impact on handling of the disputes and marriages in some communities. The commentary states that this situation is not in the formal justice system as many instances of vani remain unresolved when the tribal justice system handles it as a normal method of dispute resolution. This allows for local tribal culture to supersede rights under national law. In this way, the primary issue is not only the lack of laws but that they are not enforced effectively at the community level. Thus, the gap in law and practice would not be addressed by strengthening the legislation alone but with an increase in community participation and wider social and institutional practices.

Legal Failure and the Justice System

From 2016 to 2018, (Ali, 2025) analysed the decision of superior courts in Pakistan and Afghanistan and the same challenges faced in providing justice in forced marriage cases were observed in this study. Her results suggest that in Pakistan, out of 83 cases of forced marriage that were heard in the courts during this period, 65% of the cases were found not guilty. Worse still, in all these cases no court has considered the special nuptial dowry conditions of sections 498-B and 498-C of the Pakistan Penal Code (PPC). For the most part, however, the marriages that made it to court were cases filed under section 365-B (kidnapping) and in most of the cases the ultimate court ruling was that the marriage was entered into voluntarily. Ali attributes this trend to the consent of the victim, society's attitudes and judicial leniency. The results reveal a significant issue in the prosecution of forced marriage: it is by no means an easy matter to get forced marriage offences into the courts and even if they do, it is difficult to ensure that they are prosecuted and convicted.

A Handful of Justice examines the issue of forced marriage from a justice of access point of view (slam, 2021). She differentiates forced marriage from arranged marriage, and suggests that forced marriage is a violence against women and should be beyond the sphere of family and culture. She notes too that while there are police desks to report crimes, and many have women officers, and there is legal aid and counselling in this country, it is still not available for women who need to seek help to file a rape case and here it is not 360. She also points to the lack of support services for women, including women police officers, legal aid, and counselling services, in particular, in many parts of the country. Another significant problem, according to Islam, is that women's freedoms of decision are associated with family honour. This can dissuade women to even report forced marriage and to seek justice due to such stigma attached to the system.

(Ahmad et al., 2020) came to a similar conclusion, but from a different perspective. They examine the social, cultural and religious factors that facilitate forced marriage and the challenges that may exist for victims of forced marriage in obtaining legal protection. The same family and community that puts pressure on the girl to marry often manage the rights available for a girls' family if she does marry. The family and community that exerts pressure on the girl to marry, may also be determining what rights she can have for her family if she marries. Because of this, it may be difficult for victim to contest the marriage or prescribe a remedy. The family can thus come to serve as one of the sources of the pressure and the primary impediment to justice.

Constitutional and Human Rights Scholarship

The scholars' contributions to gender in the Pakistani Constitution have been very recent, therefore it is a useful tool to look at the constitution questions regarding forced marriage and gender-differentiated marriage laws in Pakistan. (Khan, 2023) pointed out in her text analysis that Article 25 of the Bill of Rights guarantees equality and bars discrimination based on sex, but other provisions in the Bill make an abstract notion of equality somewhat complicated. The reference to women and children in Article 25(3) and 35, for example, with respect to protective measures, implies a stereotypical perception of vulnerability. In the words of

(Khan, 2023) those provisions have been read to sometimes identify women's 'inability' to provide, yet at the same time it expressly allows for an exception to protect women. On her part, she believes that constitutionally the situation is already taken care of, and one doesn't necessarily have to change the Constitution to do that. But it does bear relevance to the present study, since under the CMRA (1929), the marriage age is divided into two categories: Male and female. It is relevant for the present study because this means the age of marriage is split up between men and women, which poses the question whether the marriage age is equal for both under the Constitution. The framework not only assumes equal treatment, but also allows for actions to tackle structural disadvantages of women and girls.

(Weiss, 2003) looks at the conflict between the CEDAW commitments and the perceptions of local Islamic norms at the international level. She maintains that how to implement CEDAW is affected not only by the nature of the CEDAW but also by the way the rights of women are discussed at the national level among the religious, political and social components of society. This study gives a lot of weight to the argument, although it is not recent, but it would appear that international standards are added to domestic law in a bumpy manner, based on the differences between the federal and provincial level approaches to minimum marriage dating.

Religion, Islamic Law and Reform Debates

(Akhter and Munir, 2017) explore this contradiction and explain that customary practices like *vani* and *watta-satta* are not part of Islamic law, but have been established in some tribal and patriarchal communities. They highlight the central role of free and voluntary consent in the validity of marriage according to Islamic jurisprudence and the difficulty that may arise in reconciling such marriage with the Islamic principles. In addition, it is observed that the issue of parental authority relevant to forced marriage is sometimes stretched beyond limits of family law in Islam, serving as justifications for forced marriage. This argument is extended further in a recent study on women's participation as Islamic jurists in Pakistan (Jamil, 2026), where responsibility to interpret Islamic law is investigated. It is a claim that the exclusions of women in Islamic law are not scriptural, but instead the result of the structure of religious authority that emerged over time. Thus, the involvement of more women in the interpretation of the Islamic law could help bridge between the constitutional equality and its application, in the event of forced marriage.

Legal Framework Governing Forced Marriages in Pakistan

1. Constitutional Provisions

Article 25 of the Constitution of Pakistan 1973 guarantees that everyone is equal before the law, which in turn prevents any difference or discrimination based on sex. Article 25(3) of the constitution of Pakistan 1973 provides a special provision for women and children. Article 35 also mandates the state to protect the family, and mother and child. The constitutional protections have led to questions as to whether the existing separation in minimum marriage ages for males and females in the federal Child Marriage Restraint Act 1929 should remain in effect.

2. Federal Legislature: The Child Marriage Restraint Act 1929

The only national law relating to marriage age is the CMRA, 1929, which is being applied in Khyber Pakhtunkhwa by default. It defines the minimum age of marriage for girls as sixteen and for boys as eighteen. It also criminalise a person who contracts, facilitates and solemonise

a marriage under that age, with liability falling on the adult male party, parent or guardians, and the person conducting the marriage. Two weaknesses have been prevalent throughout the literature: the Act in itself does not invalidate the underage marriage and so the protections depends whether the child or the guardian is able or is willing to file a case and the underage legal age is mystical and is now divided between women and men, with four of five of the provincial units having the same age of eighteen.

3. Provincial Legislature

Progress towards provincial reform has been less than even. The Sindh Child Marriages Restraint Act 2013 was the first legislation in Sindh in case of child marriages. Next, came Islamabad Capital Territory on 2025, and Balochistan on 2026 with Child Marriage Restraint Act followed by Punjab in 2026 when it declared child marriage as cognizable, non-bailable and non-compoundable offence with maximum of 7 years prison term for child marriage facilitators. The province of KPK is the only province which still does not have equivalent legislation.

4. Criminal provisions

The Pakistan Penal Code contains provisions that directly tackles the issue of forced marriage. These provisions were added through the Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011. Section 498-B of PPC consider it an offence to force or compel women to enter into a marriage, punishment provided for it is at least three years of imprisonment and fine of Rs 500,000. Section 310-A addresses practices like *vani* and *swara* where women is given or forced into a marriage for *badal-e-sulh* or to settle a civil or criminal dispute, the punishment for this offence is three to seven years of imprisonment and the same fine, regardless of the fact whether the women consented to marriage. Section 498-C makes it a serious crime to force, arrange or help arrange marriage of a women to the Holy Quran, a practice in which a woman is prevented from marrying a real person in order to keep property within the family.

5. International Obligations

Pakistan is a state party to both CEDAW and the CRC, which clearly states that the marriage should take place with free and full consent and it is the responsibility of the state to protect women and children from harmful practices. The persistence of the practice of forced marriage in Pakistan raise a very alarming question that whether the Pakistan's legal framework taken as whole satisfies these obligations.

Recent Contemporary Cases and Case Law Analysis

The Hina Zareef Case

On 13 August, 2026, Hina Zareef, a 25- year old woman, was brutally shot and killed by her father in Islamabad in the name of honour. Hina had been forcefully married to a man named Naveed Hassan. She refused to tolerate the abuse from her husband and went to Lahore, and ultimately obtained *khula* through court. Upon her return to home, she was allegedly killed by her father. The case illustrates how the absence of effective protection can leave women vulnerable even after they have successfully accessed the legal remedy.

The case of a 3-year old Girl Married to a 60-year old Man

A recent case reported in Khuchlak, Balochistan on September 2026, involves the marriage of a 3-year old toddler to a 60-year old man. This arrangement was reportedly made under custom called walwar (brides price) in which groom's family pays the bride's family. The case is significant in the context of Pakistan's forced and child marriages because it shows how customary and economic considerations can intersect with the vulnerability of children. It also raises questions about the practical effectiveness and implementation of recently enacted Balochistan Child Marriage Restraint Act, 2025. This shows that legislation alone may not eliminate the practices that are deeply embedded within the social and economic structures.

The Shukria Bibi Case

A young girl named shukria bibi who was to be around 14 to 15 and was married at the age was 13 was brutally beaten and killed by her husband in Blochistan. It was discovered that she was the sister of a 3-year old girl who was married to a 60-year old man. Shukria was killed because she was looking outside the house at people passing by. During the marriage she was subjected to extreme physical torture. Shukria was only 13 when she was married off, in a province where the legal age of marriage is eighteen. This raises many questions because this is not merely a domestic abuse but it is a direct outcome of a system that normalizes forced and child marriages. It is the vary system that treats young girls as a mere object and leaves them completely vulnerable behind closed doors. How many young girls we must lose before the laws are rigorously implemented.

Case Law Analysis**Mst Bakhshi v Bashir Ahmad (1970)**

For many years, Pakistani courts followed the approach taken by Supreme Court in Mst Bakhshi v Bashir Ahmad (1970). In this case it was basically held by the court that the marriage conducted in violation of CMRA, 1929 was not deemed invalid. It was held that in underage marriage, the adults involved will be prosecuted for violating the law, but the marriage itself remains valid as long as the basic requirements of valid nikkah were satisfies. This clearly highlights few difficulties in practice, a girl who had been married forcefully or underage now have to take a separate legal action to end her marriage and the marriage won't be considered cancelled just because the law was violated. This again places more burden on the very person the law wants to protect.

Mumtaz Bibi v Qasim

In Mumtaz v Qasim, justice Babar Sattar of the Islamabad High Court took alternative approach from the previous Bakhshi line of cases. In this case the court held the marriage involving a girl or child below eighteen was unlawful and void ab initio. In order to reach this conclusion, the court basically distinguished the earlier Bakhshi precedent, following Pakistan's ratification of the CRC and then the subsequent changes in domestic law comply

with the international child-protection standards. It also includes the addition of section 375 and 376 to the PPC. This decision is very significant because it addresses the major gap between treating underage marriage as a criminal offence and also recognizing its civil implications.

Socio-Cultural Barriers to implementation

Vani, Watta-Satta and Jirga-based Adjudication

Vani also known as swara, is a practice that basically involves giving a girl or woman in marriage to a rival family in order to settle a dispute which often involves cases of murder or serious injury. Such decisions are usually made through a Jirga or panchayat, which function outside the formal justice system. On the other hand, watta-satta is another practice where a sister and brother from one family marry a brother and sister from another, such marriages are arranged usually without the consent of a woman. Since the two marriages are arranged in such a way that it becomes quite difficult for a woman to leave an abusive marriage because doing so would mean that it could create consequences for their other married relative. So, most of the times women stay in these forced marriages and it also very pertinent to note here that both these practices that treats women as a tool to settle family or tribal disputes rather than treating them as an individual with the right to freely choose their partner. This is against the provisions of PPC but it is still the reality of many women in Pakistan.

Religious Authority and Resistance to Reform

Efforts to form a uniform marriage age across Pakistan have often encountered pushbacks expressed in religious terms, including objections raised before the council of Islamic Ideology. Islam generally recognizes free and voluntary consent as an essential element of a valid marriage. From this we can understand that practices like vani, watta-satta are more of tribal customs which operate under the façade of religion. This distinction is very important to understand when considering legal reform, because this approach can actually help to address some of the religious concerns.

Honour Based Violence as an Enforcement Deterrent

Another major barrier that appears at the enforcement stage itself is when women who resist a forced marriage or try to have one dissolved face serious threats of violence from family members in the name family honour. This prevents many women and girls from reporting their cases, even when the remedy is available. It also explains the high acquittal rate identified by (Ali, 2025), due to the fear many victims withdraw their complaint or choose not to testify because they know if they did they will suffer dire consequences. Therefore, honour based violation acts not merely as an offence, but it also prevents forced marriages laws from working efficiently in practice.

Research Methodology

The methodology used in this study is qualitative as well as doctrinal and socio-legal. These approaches together are used to analyze the legal framework related to forced marriages in Pakistan and its effectiveness within a patriarchal socio-cultural context.

Research Design

This research adopts a qualitative research method. It combines both doctrinal legal research with a socio-legal approach. The doctrinal aspect of this research consists of detail examination of legal sources including legislation, constitutional provisions, judicial decisions and other relevant human rights instruments. Through this analysis the study seeks to recognize legal principles governing forced marriages and also highlights the flaws.

In addition, the socio-legal aspect of the research basically examines how these law usually function in reality and how social, cultural and institutional factors influence its implementation. These two approaches together are very important particularly in cases of forced marriages because this issue cannot be fully understood by only looking into the legal side of it. Analyzing the socio-cultural aspect is important because the effectiveness of these laws is often shaped by social realities. In short, this research adopts both descriptive and critical perspective.

Sources of Data

The research is based mostly on secondary sources which are provided by the Constitution of Pakistan, particularly Article 25 and 35, Child Marriage Restraint Act 1929, the Sindh Child Marriage Restraint Act 2013, the Balochistan Child Marriage Restraint Act 2025, the ICT Child Marriage Restraint Act 2025, the Punjab Child Marriage Ordinance 2026, the Pakistan Penal Code, the Criminal Law Amendment Acts, judicial decisions, various national and international reports on forced and child marriages. It also includes various scholarly works like research papers, journals articles that discuss forced marriages, family laws, women's rights and gender equality in Pakistan.

Study Area

This study's scope is Pakistan, examined at both federal and provincial level. This research does not confine itself to any single province in its analysis. Particular attention will be given to rural areas where customs such as vani, watta-satta and walwar continue to exist in the literature and reported cases.

Sampling

As this research is based entirely on secondary sources, traditional method of sampling does not apply here. Instead material from different legal sources, judicial decisions, reports which are most relevant to the topic will be used here in order to give a deep analysis of the issue. This method is more appropriate for qualitative legal research because it ensures to give a meaningful insight into the issue under investigation.

Data Analysis

This research will attempt to do detailed examination relevant legislation, constitutional provisions, case laws and international legal instrument. It will also identify legal inconsistencies and gaps by critically analyzing both federal and provincial laws relating to forced and child marriages. A very important emphasis will be given to the differences between federal legislations and more recent legislative developments introduced by various

provinces. A systematic analysis will be done in order to identify the key themes including weak enforcement of laws, socio-cultural obstacles, patriarchal traditions and customary practices that affects the meaningful implementation of laws at grass root level.

Discussion

This section bring together the findings discussed in the earlier chapters and demonstrates what they reveal when examined together.

1. Federal-Provincial inconsistency and Article 25

The comparison of the current law demonstrates that, as of 2026, four of Pakistan major provinces have adopted eighteen as the minimum age of marriage. Khyber Pakhtunkhwa still follows the old act of 1929. This clearly shows that this difference is no longer an issue of administrative insufficiency. It points out a very important constitutional question because this clearly tells the level of protection available to a girl now depends on where she lives. It can result in a situation where a girl of the same age may be considered legally protected from marriage in one jurisdiction but remained subject to older federal legislation in another jurisdiction. This raised question about the constitutional guarantee of equality under Article 25.

2. Persistence Despite Legislation

The chaman cases and the killing of Hina Zareef, discussed earlier, are the live examples that shows having laws does not necessarily mean that it will prevent or stop forced marriages. The practice still continues to persist even in situation where the minimum age is already eighteen and criminal provisions such as sec 498 B and 310 A of PPC is available. We can clearly see that the problem is not the absence of legislation but difficulty of making these law effective in practice. These cases also support the socio-cultural findings discussed above and highlights that legal reform on its own cannot fully address the issue of forced marriages unless it is backed by the effective enforcement and changes in social conditions.

3. Compliance with CEDAW and CRC

By examining Pakistan's legal framework against the backdrop of CEDAW and the CRC it is observed to be very inconsistent. While on one hand the provincial reform (2013-2026) demonstrates a progressive step towards establishing 18 as minimum marriageable age, approach of the importance of the expression of free and full consent, on the other hand, a number of marriages may remain legitimate despite the criminalization of child marriage. This leads to "gap in the legal lawfulness-legality" structure. This also comes in tandem with the weak enforcement of the law recently. As a group, the fundamental problem is that, Pakistan has made efforts to meet the standards but implementation is a big problem.

4. What the Legal Framework Alone Cannot Achieve

The existence of strong laws does not automatically mean that they will ensure effective enforcement. Effective protection can be made possible only when it is attached with stronger enforcement mechanisms, access to justice and meaningful engagement with the social and customary structures that influence the decision of marriage. Legislative reform will be of no use if we do not address these practical and social practices.

Recommendations

1. Legislative Reform

The CMRA, 1929 should be amended to set eighteen as the minimum age of marriage for both males and females in whole Pakistan. This would also help to remove the existing difference of ages in federal law and would also address the constitutional concern of equality. It would also bring Khyber Pakhunkhwa in conformity with the reforms introduced in other parts of the country.

2. Enforcement and Institutional Reform

Having a law is not enough if forced marriage can still take place without adequate checks. To handle this problem, marriage registration should be made compulsory with the verified age before nikkah can be registered. This would definitely make it very difficult for the marriage below the age to be arranged so easily and openly and will fill the gap between law and practice.

3. Addressing Socio-Cultural Barriers

Legal changes also need support of the efforts made at community level. Religious scholar plays a very vital role in this, if they start explaining the importance of free and voluntarily consent for making a marriage valid more openly and clearly then this can challenge the use of religion to justify customary practices. By doing this we can reinforce the idea and strengthen this argument at grass root level that a girl's consent should not be ignored due to family and societal pressure.

Conclusion

This study explored whether Pakistan's growing body of forced-marriage legislation has rendered into meaningful protection for women and girls. The findings suggest that the answer is no because there has been a significant gap between law and practice. Although, reforms introduced since 2013 have made most jurisdictions to move towards eighteen as the minimum age of marriage but still the practice persists in many parts of the country. *Mumtaz v Qasim* marked that the courts took a very important shift from the older *Mst Bakhshi v Bashir Ahmad* approach by considering underage marriage as void ab initio and not merely criminal. However, the study also highlights a very major point that legal reforms alone are not enough to tackle the issue of forced and child marriages. The alleged marriage of a three-year-old girl to a sixty-year-old man and the killing of Hina Zareef after she exercised her right to end forced marriage through khula, tells us the realities of these formal legal protection. Closing this gap requires more than just legislation. Uniform legal protection across Pakistan, effective enforcement, access to justice, and continued interaction with customary and social practices discussed in this study are all needed to make sure that the protection provided by law is also experienced in practice and reality.

References

Ahmad, R. N., Bakhsh, F., Habib, R. I., & Khan, M. D. (2020). Social, cultural and religious factors of forced marriages in Pakistan and its legal concerns. *Pakistan Journal of Social Sciences*, 40(2), 1119–1128.

- Akhter, N., & Munir, A. (2017). Islam, forced marriages and Pakistani culture (An analytical overview). *Research Journal Al Baṣīrah*, 5(2), 29–41.
- Akhtar, J. (2026, May–June). Reinterpreting religious authority: Women as Islamic jurists for addressing gender justice in Pakistan. *Women's Studies International Forum*, 116, 103300.
- Ali, R. N. (2025). Offences of forced marriage, rape, and honour killing: A comparative study of Pakistan and Afghanistan. *Advance Social Science Archives Journal*, 3(1), 1270–1282.
- Child Marriage Restraint Act, 1929 (Pakistan).
- Constitution of the Islamic Republic of Pakistan, 1973.
- Convention on the Elimination of All Forms of Discrimination Against Women, December 18, 1979, 1249 U.N.T.S. 13.
- Convention on the Rights of the Child, November 20, 1989, 1577 U.N.T.S. 3.
- Criminal Law (Amendment) Act, 2004 (Pakistan).
- Criminal Law (Second Amendment) Act, 2016 (Pakistan).
- Dawn. (2026, August 25). Women's trauma. *Dawn*. <https://www.dawn.com/news/2025146>
- EST Think Tank. (2025, December 2). *From paper to practice: How grassroots norms undermine gender rights in Pakistan*. <https://esthinktank.com/2025/12/02/from-paper-to-practice-how-grassroots-norms-undermine-gender-rights-in-pakistan/>
- Human Rights Commission of Pakistan annual report*. (Various years).
- Islam, S. (2021). *Forced marriage: Law and practice in Pakistan*. SSRN. <https://ssrn.com/abstract=3892076>
- Islamabad Capital Territory Child Marriage Restraint Act, 2025 (Pakistan).
- Khan, M. (2023). *Textual mapping of gender in Pakistan's Constitution* [pide.org.pk]. Pakistan Institute of Development Economics. <https://pide.org.pk/research/textual-mapping-of-gender-in-pakistans-constitution/>
- Mst. Bakhshi v. Bashir Ahmad*, PLD 1970 SC 323.
- Mumtaz Bibi v. Qasim*, Islamabad High Court (Feb. 9, 2022).
- Nawaz, A. (2022). Under-age and forced marriages: An anathema of the Pakistani society. *Journal of Public Policy Practitioners*, 1(1), 67–98. <https://doi.org/10.32350/jppp.11.02>
- Our Correspondent. (2026, September 18). Govt moves against toddler marriage to elderly man. *The Express Tribune*. <https://tribune.com.pk/story/2629989/govt-moves-against-toddler-marriage-to-elderly-man>
- Pakistan Penal Code, 1860 (Pakistan).
- Punjab Child Marriage Restraint Act, 2026 (Pakistan).

Rid, S. A. (2016). The cultural stigma attached with inter-tribal marriages encourages forced marriages: Four selected case studies from rural Sindh. *Pakistan Journal of Applied Social Sciences*, 4, 75–94.

Sindh Child Marriages Restraint Act, 2013 (Pakistan).

UNICEF. (2022). *Child marriage country profile: Pakistan*.

Universal Declaration of Human Rights, G.A. Res. 217 (III), U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

Weiss, A. M. (2003). Interpreting Islam and women's rights: Implementing CEDAW in Pakistan. *International Sociology*, 18(3), 581–601.

<https://doi.org/10.1177/02685809030183007>