



Committee on the Rights of the Child  
Human Rights Treaties Division  
Office of the United Nations High Commissioner for Human Rights  
Palais Wilson – 52, rue des Pâquis  
CH-1201 Geneva, Switzerland

July 1, 2015

Re: Supplementary Information on Pakistan, scheduled for review by the Committee on the Rights of the Child during its Pre-sessional Working Group

Dear Committee Members:

The Center for Reproductive Rights (the Center) has prepared this letter to assist the Committee on the Rights of the Child (the Committee) in its review of Pakistan’s Fifth Periodic Report (State Party Report) on compliance with the Convention on the Rights of the Child (the Convention) and formulation of the list of issues during the 72<sup>nd</sup> session. This letter focuses on the continuing prevalence of child marriage in Pakistan, which despite being raised as an issue of concern in prior Concluding Observations by the Committee to the State Party, remains a significant impediment to the full enjoyment of girls’ rights in Pakistan.

The Committee and other treaty monitoring bodies (TMBs) have repeatedly expressed concerns about the persistence of child marriage in Pakistan and the lenient punishments often given to adults who enter into or facilitate child marriages.<sup>1</sup> In its 2009 review of Pakistan’s third and fourth periodic reports (the State Party Report), the Committee expressed concern about inconsistencies in the definition of “child” at federal, provincial and territorial levels and in secular and religious law.<sup>2</sup> For example, contrary to the Convention, a girl is defined as a “child” in the Zina and Hadood Ordinances (1979) until 16 years of age or puberty.<sup>3</sup> The Committee recommended Pakistan “strengthen its efforts to effectively implement the Child Marriages Restraint Act (1929) [the CMRA] and amend it to raise the minimum age of marriage for girls to 18 years.”<sup>4</sup> The Committee also encouraged Pakistan to address the “poverty-related parental pressure placed on girls to marry at an early age, and continue to undertake awareness-raising campaigns concerning the negative consequences resulting from early marriages in order to fully prevent this practice.”<sup>5</sup> Finally, the Committee called on Pakistan to “[p]roperly investigate complaints of early and forced marriages, provide adequate protection measures to girls and women who resist such marriages, [and] duly prosecute and adequately punish perpetrators.”<sup>6</sup>

Since Pakistan’s 2009 review, it has signed on to the Regional Action Plan to End Child Marriage in South Asia, a regional initiative against child marriage coordinated by an apex body of the South Asian Association for Regional Cooperation.<sup>7</sup> The State Party should be

commended for this step, which commits to recognizing and upholding the best interest of the child standard articulated in the Convention, emphasizes clear recognition of 18 as the minimum age of marriage, and calls for harmonization of national laws including customary laws with international standards.<sup>8</sup>

Notwithstanding these Concluding Observations and its commitments under the Regional Action Plan, the State Party Report does not address adequately the steps taken to address the recommendations or the implementation of any measures relating to the prohibition of child marriage. The State Party Report mentions that a consultative process is underway to consider amendments to certain personal laws as well as to the definition of “child” in the CMRA,<sup>9</sup> but there have been no concrete outcomes yet. The State Party Report similarly indicates that the Child Marriage Restraint (Amendment) Bill 2009 proposes “strict penalties and sentences against [child marriage] perpetrators,”<sup>10</sup> but the bill has yet to be approved or enacted. The State Party asserts that the “police and judiciary take actions” against perpetrators of child marriage,<sup>11</sup> but fails to provide any further information on these reported actions. This letter provide supplementary information on the legal and other barriers that leave girls at risk of child marriage or trapped in such marriages.

### **I. Right to Freedom From Child Marriage (Arts. 3, 4, 12, and 19)**

Child marriage is recognized as a form of violence against children, prohibited under Article 19 of the Convention.<sup>12</sup> As a signatory to the Convention, Pakistan has an obligation to protect the rights of women and children,<sup>13</sup> and to ensure girls’ freedom from child marriage through effective legal prohibition of the practice and sufficient legal remedies.<sup>14</sup> Girls who are given away in marriage as children would often prefer to delay marriage, yet they are wed without consideration of their preference,<sup>15</sup> violating their right under Article 12 to express their views and be heard.<sup>16</sup> Girls who are married as children often are denied educational opportunities,<sup>17</sup> face barriers to developing income-generating skills,<sup>18</sup> and are isolated from society,<sup>19</sup> resulting in complete dependence on their husbands and perpetuating their low status in society.<sup>20</sup> A state party’s failure to eliminate the practice violates the best interest of the child principle established in Article 3,<sup>21</sup> which General Comment 14 affirms includes ensuring children’s well-being, education, and freedom from violence.<sup>22</sup> The role of child marriage in perpetuating gender inequality constitutes a discriminatory interference with girls’ enjoyment of their human rights.<sup>23</sup>

Under Article 4 of the Convention, states must “undertake all appropriate measures to implement all the rights in the Convention,”<sup>24</sup> including those related to ensuring the definition of “child” as every person below the age of 18<sup>25</sup> and a minimum legal age for marriage of 18.<sup>26</sup> International conventions and consensus documents adopted by governments worldwide have recognized the failure to eliminate child marriage as violating a broad range of human rights, and that states are accountable for the severe pain, anguish, and even death that girls suffer as a consequence of child marriage.<sup>27</sup> The Committee has stated that states parties must take steps to eliminate child marriage, including by enforcing a legal age of marriage of 18, with or without parental consent, outside of exceptional circumstances.<sup>28</sup> The recent Joint General Comment/Recommendation issued by the Committee and the Committee on the Elimination of Discrimination against Women (CEDAW) on harmful practices affirms that governments have a “due diligence” obligation to ban child marriage through legislation and supplement legal bans “with a comprehensive set of measures to facilitate its implementation, enforcement and follow-up and monitoring and evaluation of the

results achieved.”<sup>29</sup> The Committee specifically states that governments must “repeal without further delay all legislation which condones, allows or leads to harmful practices, including traditional, customary or religious laws,”<sup>30</sup> require birth and marriage registration, and ensure effective enforcement of laws prohibiting child marriage.<sup>31</sup> Further, governments must ensure that women and girls affected by harmful traditional practices have access to legal remedies and appropriate reparations, “including by addressing legal and practical barriers to initiating legal proceedings, such as the limitation period [for initiating legal procedures], and that the perpetrators and those who aid or condone such practices are held accountable.”<sup>32</sup>

### **A. Scope of the Problem**

According to the 2012-2013 Pakistan Demographic and Health Survey (PDHS), the age of marriage for women is rising in Pakistan,<sup>33</sup> for which the State Party should be commended. Nonetheless, the issue of child marriage remains substantial: according to the PDHS 2012-2013, 14.2% of girls currently aged 15-19 have already been married,<sup>34</sup> which translates to approximately 1.4 million married girls aged 15-19.<sup>35</sup> Child marriage disproportionately impacts girls—a UNICEF report found that 16% of adolescent girls are either married or in union, while the number of adolescent boys married is not statistically significant.<sup>36</sup> Child marriage is significantly more prevalent among girls with less wealth and education.<sup>37</sup>

### **B. Current Gaps in and Poor Implementation of Pakistan’s Laws Prohibiting Child Marriage**

Child marriage violates the fundamental rights of women and girls protected by the Constitution of Pakistan (the Constitution), which provides that the state shall eliminate all forms of exploitation,<sup>38</sup> that all citizens are equal before the law and entitled to equal protection of the law,<sup>39</sup> that special measures may be enacted for the protection of women and children,<sup>40</sup> and that women are entitled to full participation in all spheres of national life.<sup>41</sup> Significant shortcomings in Pakistan’s laws allow child marriage to persist with impunity, including lack of clarity concerning the legal status of child marriage born from inconsistencies between national, provincial and personal laws, discriminatory age standards for marriage, and inadequate birth registration. Further, implementation and enforcement of the laws remain weak.<sup>42</sup>

#### **1. National and Provincial Law**

Pakistan’s CMRA, which prohibits child marriage, provides that the legal age for marriage is 16 for women and 18 for men.<sup>43</sup> This Act purports to apply to all citizens of Pakistan, wherever they may be.<sup>44</sup> Under the Special Marriage Act (SMA), which governs civil marriages not occurring under religious laws, however, marriage is permitted with parental consent for girls as young as 14.<sup>45</sup>

TMBs, including the Committee, recommend 18 as the minimum legal age of marriage with limited exceptions, not 16 as established in Pakistan’s CMRA.<sup>46</sup> Additionally, the Committee has repeatedly criticized gender disparities in minimum ages of marriage as discriminatory and emphasized the need for the same legal age of marriage for girls and boys.<sup>47</sup> As noted by the Committee, the causes of child marriage and conflicting minimum ages of marriage include “stereotyped sex- and gender-based roles, the presumed superiority or inferiority of either of the sexes, attempts to exert control over the bodies

and sexuality of women and girls, social inequalities and the prevalence of male-dominated power structures.”<sup>48</sup>

Since the authority to legislate on matters concerning the child (save criminal legislation, which is still the prerogative of the federal government)<sup>49</sup> was delegated to the provinces in 2010,<sup>50</sup> several provinces have drafted bills amending the CMRA by either increasing punishments for child marriage or eliminating the gap in marriageable age between males and females. For example, Balochistan and Khyber Pakhtunkhwa have drafted such bills,<sup>51</sup> and Sindh and Punjab passed legislation regarding child marriage. The Sindh Child Marriage Restraint Act of 2013 (the Sindh Act) defines “child” as any man or woman under 18 years of age, and provides for “rigorous imprisonment” for males 18 or older who engage in child marriage, or any party that arranges or solemnizes a child marriage.<sup>52</sup> Similarly, the Punjab Child Restraint Act of 2015 (the Punjab Act)<sup>53</sup> increased punishments for those who solemnize, arrange or participate in child marriage.<sup>54</sup> The Punjab Act, however, leaves the disparity in legal age for marriage in place (18 for males, 16 for females).<sup>55</sup>

#### **a. Voidability of Child Marriages under National and Provincial Laws**

There are limited protections for those opting to leave or repudiate a child marriage. The CMRA enables courts to issue injunctions against child marriages that have been arranged or are about to be solemnized, and provides punishments for disobeying the injunctions, but nothing in the Act provides for the dissolution of a child marriage that has already taken place.<sup>56</sup> The CMRA does not make any provision for shelter, legal aid, or assistance for girls leaving child marriages.<sup>57</sup> These severely limited protective measures and punishments contravene the Article 3 duty to protect children and the Article 4 obligation to implement the rights recognized in the Convention.<sup>58</sup> The lack of protective measures also undermines girls’ ability to use the judiciary or to seek police protection, thereby undermining any positive provincial amendments outlined in the State Party Report.

The Special Marriage Act (SMA) provides that civil nonreligious marriages may be declared null and dissolved under the Divorce Act of 1869 (the Divorce Act) if they contravene the age and consent limitations prescribed in Section 2 of the SMA (no younger than 14 for girls; consent of a guardian required for any party to the marriage under 21).<sup>59</sup> While the Divorce Act does not by its terms provide that child marriage is grounds for either divorce or nullification, its applicability through the SMA seems to provide means to nullify a child marriage for girls under 14 or a child marriage without consent of the guardian.<sup>60</sup>

#### **b. Weak Punishments and Penalties in National and Provincial Laws**

The CMRA contains punishments for those who arrange or solemnize a child marriage as well as for males 18 or older that marry girls younger than 16.<sup>61</sup> However, this punishment is only imprisonment for one month, a fine of 1,000 rupees (USD 10), or both.<sup>62</sup> Recognizing the weak punishments under this law, limited positive reform has occurred at the provincial level. The Sindh Act presumes that a guardian of a child who has been married failed to prevent the marriage, and absent rebuttal of the presumption, the guardian is subject to imprisonment and/or a fine.<sup>63</sup> The Punjab Act increased punishments for those who solemnize or arrange a child marriage and for adult males

engaging in child marriage from one month imprisonment and a fine of 1,000 rupees to six months' imprisonment and a fine of 50,000 rupees (USD 500).<sup>64</sup>

As discussed in the State Party Report<sup>65</sup> in 2011, Pakistan enacted the Prevention of Anti-Woman Practices (Criminal Law Amendment) Act of 2011, which provides punishments for certain traditional practices that amount to forced marriage, deeming these arrangements “anti-social practices.”<sup>66</sup> These practices include *wanni*, *swara*, and *budla-i-suhl*, arrangements between individuals, families, or tribes in which women or girls are traded as a means of dispute resolution.<sup>67</sup> While this is a step forward, child marriage continues to not be recognized as a form of violence against women or forced marriage under this law.

## **2. Personal Laws**

The Committee has expressed concern under Article 1 where the existence of multiple legal systems, including religiously-based laws, leads to inconsistent regulation of child marriage, including conflicting minimum ages of marriage.<sup>68</sup> The Committee has paid particular attention to cases in which guardians have the legal authority to consent to marriage of girls in accordance with customary or statutory law and in which girls are thus married contrary to the right to freely enter into marriage.<sup>69</sup>

In Pakistan, personal laws, which may be codified or uncodified, set forth the requirements for marriage for individual religious communities, including the age at which marriages may be performed.<sup>70</sup> These personal laws often conflict with general laws, and there is little clarity as to which law governs. For example, the Muslim Family Laws Ordinance of 1961 specifically provides that its provisions “shall have effect notwithstanding any law, custom or usage.”<sup>71</sup> It also provides that boys must be at least 18 to be married, but girls need be only 16.<sup>72</sup> The Dissolution of Muslim Marriages Act provides that girls married under Muslim law below the age of 16 can repudiate the marriage before the age of 18, but only if they have not consummated the marriage<sup>73</sup> – a condition that is often outside of the girls' control. In contrast, the Christian Marriage Act of 1872 states that consent of a father or guardian, if such guardian exists, is required for the marriage of any party under 21 (unless that party is a widow); however, no minimum legal age for marriage is provided.<sup>74</sup> There have been reforms proposed to bring certain personal laws in line with the minimum legal age of marriage established by the Committee, but further information is needed on the current status of these proposals.<sup>75</sup>

The conflicting nature of the personal laws as they stand currently—in legal age of marriage and in different registration and consent requirements – make it difficult for girls to understand their rights with regards to child marriage. Whether a marriage in violation of a personal law is void, voidable, or legal is not always clear. These barriers create serious obstacles for girls to understand the law and to utilize the legal system for their protection.

### **C. Registration of Births**

The Committee has emphasized that birth registration is an essential step in eliminating child marriage.<sup>76</sup> Article 7 of the Convention explicitly requires registration immediately after birth.<sup>77</sup> General Comment 7 noted that the lack of a functional registration system can lead to a child being denied health care, social services, and education, which can

negatively impact a child's development.<sup>78</sup> The Committee recommended that states develop a thorough management system for ensuring that registration.<sup>79</sup>

In Pakistan, the failure to register a birth carries no penalties, effectively meaning that birth registration is not required.<sup>80</sup> Pakistan's National Database and Registration Authority (NADRA), a federal agency established in 2000 to oversee registration of the population,<sup>81</sup> works with local governments to register births, deaths, marriages, and divorces through use of an online program.<sup>82</sup> Individual provinces have also enacted initiatives to encourage birth registration, some in partnership with UNICEF.<sup>83</sup> Despite these efforts, formal birth registration is not widely practiced in Pakistan.<sup>84</sup> Only approximately 30% of children under the age of 2 have been registered.<sup>85</sup> The disparity between urban and rural registration is significant: nearly 60% in urban areas, and under 23% in rural areas.<sup>86</sup> This lower registration in rural areas correlates with a lower age at first marriage: the age at first marriage for women is consistently lower in rural areas than in urban areas, regardless of province.<sup>87</sup>

## **II. Continuum of Violations of Married Girls' Rights Under the Convention (Arts. 2, 3, 6, 19, 24)**

Recognizing that child marriage often sets in motion a continuum of violations of girls' rights, each of which individually constitute a violation of the Convention, the Committee repeatedly has affirmed the need to protect girls from early pregnancy, maternal mortality and morbidity, and gender-based violence.<sup>88</sup> The Committee stated that where child marriage persists, states parties must ensure that married girls continue to receive protection of their human rights.<sup>89</sup>

### **A. Violations of Girls' Reproductive Rights**

States parties to the Convention are obligated to ensure girls' reproductive rights, including protection from negative reproductive health outcomes as well as access to reproductive health services. Article 6 provides that each child has an inherent right to life and requires states to ensure, "to the maximum extent possible the survival and development of the child."<sup>90</sup> Article 24 further recognizes the right of children to enjoy the highest attainable standard of health and requires states parties to "take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children."<sup>91</sup> General Comment 4 concerning adolescents' right to health recognizes that "early marriage and pregnancy are significant factors in health problems related to sexual and reproductive health, including HIV/AIDS."<sup>92</sup> The Committee has expressed concern that the persistence of child marriage undermines girls' dignity;<sup>93</sup> has a negative impact on girls' health, development, and full enjoyment of their rights; and exposes girls to adolescent pregnancy.<sup>94</sup> Under the Convention, Pakistan must eradicate harmful traditional practices like child marriage that negatively affect the health of children.<sup>95</sup>

#### **1. Early Pregnancy and Adolescent Maternal Mortality and Morbidity**

Child marriage is linked to early pregnancy, which has serious implications for girls' rights to life and health.<sup>96</sup> General Comment 4 affirms that states parties must address adolescent maternal mortality and morbidity that stems from early pregnancy.<sup>97</sup> The Committee has recognized the harm from early pregnancy and has stated that adolescents who become pregnant must "have access to health services that are sensitive to their rights

and particular needs.”<sup>98</sup> In its 2009 Concluding Observations, the Committee specifically recommended that Pakistan take “immediate action” to reduce maternal mortality rates.<sup>99</sup> Moreover, the Committee recommended that Pakistan “elaborate clear policies and, when applicable, legislation addressing the prevention of adolescent health-related issues, in particular early marriage and pregnancies.”<sup>100</sup>

Pakistan has incomplete maternal mortality data, making it difficult to identify the prevalence of maternal mortality among adolescents in the country. However, according to the World Health Organization (WHO), Pakistan is one of ten countries that comprise 58% of the global maternal deaths reported in 2013.<sup>101</sup> The maternal mortality ratio in Pakistan is 276 maternal deaths per 100,000 live births which, according to the PDHS, indicates “the dire state of reproductive health care and women’s rights.”<sup>102</sup> However, maternal deaths in and of themselves do not provide the full picture: “[f]or every woman who dies of pregnancy-related causes, 20 or 30 others experience acute or chronic maternal morbidity, often with permanent [conditions] that undermine their normal functioning.”<sup>103</sup>

One major life-threatening complication is obstetric fistula, a condition where prolonged obstructed labor causes a tear between the vagina and rectum or bladder.<sup>104</sup> This tear may cause women to leak urine and feces, and as a result, they may face exclusion and abandonment by their families and communities. Approximately 5,000 new cases of obstetric fistula occur in Pakistan every year, with young girls disproportionately affected.<sup>105</sup> Direct causes of fistula include child-bearing at too early an age, malnutrition and limited access to emergency obstetric care.<sup>106</sup> According to the United Nations Population Fund (UNFPA), “[o]bstetric fistulas are virtually unknown in places where early marriage is discouraged, women are educated about their bodies, have access to family planning and skilled medical care is provided at childbirth.”<sup>107</sup> UNFPA has stated that postponing marriage and pregnancy for young girls as significantly reducing the risk of obstructed labor.<sup>108</sup>

Although the adolescent birth rate decreased from 16% in 1990-91 to 8%, as reported in the 2012-2013 PDHS, it is still high in some parts of the country.<sup>109</sup> For example in Khyber Pakhtunkhwa, adolescent birth rate is 10.3%,<sup>110</sup> as opposed to 6.5% and 6.8%, the lowest rates, in Gilgit Baltistan and Balochistan.<sup>111</sup> The percentage of women age 15-19, who have begun childbearing is significantly higher in lower wealth quintiles than higher wealth quintiles.<sup>112</sup> Similarly, less than 5% of women age 15-19 with a high school education had given birth while about 13% of women the same age without any education had given birth.<sup>113</sup> Additionally, about 12% of teenagers from the poorest households in Pakistan had begun childbearing as compared to only 3% of teenagers from the wealthiest households.<sup>114</sup>

## **2. Lack of Access to Sexual Education and Contraceptive Information and Services**

In General Comment 4, the Committee called on states’ parties to reduce adolescent maternal mortality and morbidity by providing sexual and reproductive health services, including contraception, safe abortion services, and obstetric health care and counseling.<sup>115</sup> The Committee stated in General Comment 15 that state parties are obligated to “ensure that health systems and services are able to meet the specific sexual and reproductive health needs of adolescents, including family planning and safe abortion services.”<sup>116</sup> Further, General Comment 15 establishes that “[s]hort-term contraceptive methods . . . should be made easily and readily available to sexually active

adolescents.”<sup>117</sup> In its 2009 Concluding Observations, the Committee noted that “adolescent health and in particular adolescent reproductive health has still gained little acceptance in the Pakistani society.”<sup>118</sup> The Committee specifically recommended that Pakistan “increase its efforts to establish more programmes and confidential services in the area of adolescent health.”<sup>119</sup> The Committee also recommended that Pakistan provide “access to information on reproductive health and family planning with [a] view to improving practice in these areas, including avoiding the recourse to abortion as a method of family planning.”<sup>120</sup>

Despite these obligations, according to a 2015 report by the Population Council, “Pakistan has one of the highest fertility rates in Asia, and lowest rates of contraceptive use, resulting in poor reproductive health (RH) indicators for women and high neonatal mortality.”<sup>121</sup> Girls age 15-19 exhibit the lowest contraceptive use of any age group: the contraceptive prevalence rate among ever-married adolescent mothers age 15-19 is only 10.3% whereas the rate rises to 47.9% for ever-married women ages 35-39.<sup>122</sup> The Pakistani women’s rights organization, Shirkat Gah, has reported that “huge gaps exist in terms of rights and services delivery” to adolescent girls.<sup>123</sup> A Shirkat Gah study found that “[d]iscussions around these issues are also not very common due to political and cultural conservatism, which leads to misconceptions and fears about the purpose of reproductive health services for adolescents and young people.”<sup>124</sup> Further, female community health workers organized through the National Program for Family Planning and Primary Health Care are often reluctant to talk to adolescent girls about reproductive health issues.<sup>125</sup>

### **3. Lack of Access to Safe Abortion**

The Committee has affirmed in General Comment 4 that unsafe abortions contribute to adolescent maternal mortality<sup>126</sup> and called on states parties in General Comment 15 to “ensure access to safe abortion and post-abortion care services, irrespective of whether abortion itself is legal.”<sup>127</sup> The Committee repeatedly expressed concern where adolescent girls face barriers to legal, safe abortions,<sup>128</sup> and has recommended that abortions be performed with “all due attention to minimum standards of health safety.”<sup>129</sup>

In 1990, Pakistan revised the Penal Code of 1860 with respect to abortion, making the penalties for illegal abortions dependent upon the fetus’ developmental stage at the time of the abortion.<sup>130</sup> Before formation of the organs of the fetus (recognized as approximately four months into the pregnancy), abortions are permitted to save the woman’s life or to provide “necessary treatment.”<sup>131</sup> After organs are formed, abortions are permitted only to save the woman’s life.<sup>132</sup> Abortion remains criminalized on all other commonly recognized grounds including in cases of rape, incest and fetal impairment.

Since almost all abortions take place illegally and in secret, information about abortion in Pakistan is limited.<sup>133</sup> There is a lack of publicly available data on adolescent access to abortion, including demand for and availability of safe services as well as complications suffered due to the clandestine nature of the procedures.

### **B. Violations of Girls’ Right to Be Free from Violence**

Article 19 prohibits all forms of violence against children.<sup>134</sup> The Committee has recognized that states parties must regard girls who were married as children as being in a potentially vulnerable situation because of the likelihood that they will be exposed to gender-based violence.<sup>135</sup> States parties must “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of

physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.”<sup>136</sup> Despite the obligation to prevent violence against children, Pakistan continues to be complicit in physical and sexual violence through its failure to protect married girls.

### **1. Physical Violence**

According to the PDHS, 18% of ever-married women have experienced physical violence by a husband in the past 12 months.<sup>137</sup> The PDHS confirms that the same girls who are most at risk of child marriage—women with less education and in the lowest income bracket—are also most at risk of physical violence.<sup>138</sup> The incidence of physical violence within marriage is highest for adolescent girls, with 21.8% of girls age 15-19 reporting violence in the past 12 months from their spouse, as compared to 17.3% of women age 20-24 and 15.5% of women age 40-49.<sup>139</sup> In terms of violence during pregnancy, the PDHS has found that “young women (age 15-19) are more likely than older women to report having experienced violence during pregnancy.”<sup>140</sup>

### **2. Sexual Violence**

Article 34 of the Convention obliges states to protect children from all forms of sexual exploitation and abuse.<sup>141</sup> Statutory rape is also punishable by law: sex with a girl under 16 years of age is considered rape.<sup>142</sup> The punishment for rape is imprisonment for ten to twenty-five years and an unspecified fine.<sup>143</sup> Marital rape is arguably recognizable as a crime in Pakistan, as the penal code does not provide that marriage is a defense to rape.<sup>144</sup> However, the failure to clearly enumerate marital rape as a crime has meant that courts in Pakistan continue to allow evidence of marriage to be a bar to a finding of rape.<sup>145</sup> National data on marital rape is lacking, including specifically the incidence of marital rape experienced by married girls and women who were married as children.

## **III. Recommendations**

1. What steps has the State Party taken to fulfill its “due diligence” obligation to ensure the effective implementation of the Child Marriage Restraint Act, as required under General Comment 18, including to facilitate prevention of child marriage, enforcement of the law, follow-up, monitoring and evaluation of the results achieved?
2. What measures is the State Party taking to amend the Child Marriage Restraint Act to comply with human rights standards, including ensuring that the minimum legal age of marriage is 18 years for both girls and boys and clarifying that this law has primacy over any personal laws?
3. What measures has the State Party taken to increase birth registration? Is the State Party taking steps to legally require birth registration as mandated under the Convention as a means to end child marriage?
4. What measures are being taken to specifically enable married girls to postpone pregnancy and access quality reproductive health-related information and services, including contraceptive information and services, maternal health care, and safe abortion services? What steps is the State Party taking to address the data gap on

adolescent girls' need for reproductive health services as well as on unplanned pregnancies, maternal mortality and morbidity, and unsafe abortion experienced by married girls? Are there steps being taken to destigmatize the provision of reproductive health services to adolescent girls?

5. What specific steps are being taken by the State Party to protect girls from sexual violence both within and outside of marriage? Is the State Party taking measures to criminalize marital rape? What steps is the State Party taking to address the data gap on sexual violence experienced by women married as children and married girls?

We hope that this information is useful to the Committee as it prepares to review the Government's compliance with the provisions of the Convention. If you have any questions or would like further information please do not hesitate to send an email to [pshah@reprorights.org](mailto:pshah@reprorights.org).

Sincerely,



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<sup>1</sup> CRC Committee, *Concluding Observations: Pakistan*, para. 70, U.N. Doc. CRC/C/PAK/CO/3-4 (2009); CEDAW Committee, *Concluding Observations: Pakistan*, para. 44, U.N. Doc. CEDAW/C/PAK/CO/3 (2007).

<sup>2</sup> In particular, the Committee noted the difference between the minimum legal age for marriage of boys (18 years) and that of girls (16 years) and the definition of a girl child contained in the Zina and Hadood Ordinances (1979) (until 16 years or puberty). See CRC Committee, *Concluding Observations: Pakistan*, para. 26, U.N. Doc. CRC/C/PAK/CO/3-4 (2009).

<sup>3</sup> CRC Committee, *Concluding Observations: Pakistan*, para. 26, U.N. Doc. CRC/C/PAK/CO/3-4 (2009).

<sup>4</sup> CRC Committee, *Concluding Observations: Pakistan*, para. 71, U.N. Doc. CRC/C/PAK/CO/3-4 (2009). CEDAW Committee, *Concluding Observations: Pakistan*, para. 45, U.N. Doc. CEDAW/C/PAK/CO/3 (2007).

<sup>5</sup> CRC Committee, *Concluding Observations: Pakistan*, para. 71, U.N. Doc. CRC/C/PAK/CO/3-4 (2009).

<sup>6</sup> *Ibid.*

<sup>7</sup> South Asia Initiative to End Violence Against Children (SAIEVAC), Core Partners, *available at* <http://www.saievac.org/about-saievac/core-partners/>.

<sup>8</sup> SOUTH ASIA INITIATIVE TO END VIOLENCE AGAINST CHILDREN (SAIEVAC), REGIONAL ACTION PLAN TO END CHILD MARRIAGE IN SOUTH ASIA 2015-2018 (2015) *available at*

[http://www.saievac.org/download/Thematic%20Area%20Resources/Child%20Marriage/RAP\\_Child\\_Marriage.pdf](http://www.saievac.org/download/Thematic%20Area%20Resources/Child%20Marriage/RAP_Child_Marriage.pdf).

<sup>9</sup> Government of Pakistan, *Consideration of reports submitted by States parties under article 44 of the Convention on the Rights of the Child: Fifth periodic reports of States parties: Pakistan*, paras. 69-71, U.N. Doc. CRC/C/PAK/5 (2015) [hereinafter Pakistan Government Report (2015)].

<sup>10</sup> *Id.* at para. 182.

<sup>11</sup> *Id.*

<sup>12</sup> Committee on the Rights of the Child, *General Comment No. 13: The right of the child to freedom from all forms of violence*, (56<sup>th</sup> Sess.), paras. 1, 29, U.N. Doc. CRC/C/GC/13 (2011) [hereinafter Committee on the Rights of the Child, *Gen. Comment No. 13*].

<sup>13</sup> Convention on the Rights of the Child, *adopted* Nov. 20, 1989, arts. 3, 4, 7, 12, 14, G.A. Res. 44/25, annex, U.N. GAOR, 44<sup>th</sup> Sess., Supp. No. 49, U.N. Doc. A/44/49 (1989) (*entered into force* Sept. 2, 1990) [hereinafter CRC].

<sup>14</sup> CRC, art. 3, para. 2; art. 19; Committee on the Rights of the Child, *General Comment No. 12: The right of the child to be heard*, (51<sup>st</sup> Sess., 2009), para. 120, U.N. Doc. CRC/C/GC/12 (2009) [hereinafter Committee on the Rights of the Child, *Gen. Comment No. 12*].

<sup>15</sup> Committee on the Rights of the Child, *Gen. Comment No. 12*, para. 59 (A child “must have the opportunity to give free and voluntary consent and must be given the opportunity to obtain legal and other advice . . .”).

<sup>16</sup> CRC, *supra* note 13, art. 12.

<sup>17</sup> CEDAW Committee, *Concluding Observations: Pakistan*, para. 27, U.N. Doc. CEDAW/C/PAK/CO/4 (2013) (expressing concern about the high number of child marriages and the link to pervasive gender inequality in the field of education).

<sup>18</sup> CENTER FOR REPRODUCTIVE RIGHTS, CHILD MARRIAGE IN SOUTH ASIA: INTERNATIONAL AND CONSTITUTIONAL LEGAL STANDARDS AND JURISPRUDENCE FOR PROMOTING ACCOUNTABILITY AND CHANGE 20 (2013) [hereinafter CHILD MARRIAGE IN SOUTH ASIA].

<sup>19</sup> For example, child marriage may result in separation of a child from her parents without consideration of her best interests in violation of Article 9 of the Convention. CRC, *supra* note 13, art. 9.

<sup>20</sup> UNITED NATIONS POPULATION FUND (UNFPA), MARRYING TOO YOUNG: END CHILD MARRIAGE 11 (2012); INTERNATIONAL PLANNED PARENTHOOD FEDERATION, UNFPA, THE GLOBAL COALITION FOR HIV/AIDS, ENDING CHILD MARRIAGE: A GUIDE FOR GLOBAL POLICY ACTION 14-15 (2006) [hereinafter ENDING CHILD MARRIAGE].

<sup>21</sup> “Article 3 . . . applies to children as individuals and places an obligation on States parties to assess and take the child’s best interests as a primary consideration in individual decisions.” Committee on the Rights of the Child, *General Comment No. 14: On the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration*, para. 22, U.N. Doc. CRC/C/GC/14 (2013) [hereinafter Committee on the Rights of the Child, *Gen. Comment No. 14*]; see also CRC, *supra* note 13, art. 3.

<sup>22</sup> Committee on the Rights of the Child, *Gen. Comment No. 14*, paras. 1-7.

<sup>23</sup> CRC Committee, *Concluding Observations: India*, para. 32, U.N. Doc. CRC/C/15/Add.115 (2000); CRC Committee, *Concluding Observations: Bangladesh*, paras. 32-33, U.N. Doc. CRC/C/BGD/CO/4 (2009); CRC

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Committee, *Concluding Observations: Sri Lanka*, para. 57, U.N. Doc. CRC/C/LKA/CO/3-4 (2010); CRC, *supra* note 13, art. 2.

<sup>24</sup> Committee on the Rights of the Child, *Gen. Comment No. 13*, para. 65.

<sup>25</sup> CRC, *supra* note 13, art. 1.

<sup>26</sup> CRC Committee, *Concluding Observations: Pakistan*, para. 71, U.N. Doc. CRC/C/PAK/CO/3-4 (2009).

<sup>27</sup> CRC Committee et al., FIRST UN INTERNATIONAL DAY OF THE GIRL CHILD, THURSDAY 11 2012 FORCED CHILD MARRIAGE, SLAVERY LIKE REALITY IN EVERY SINGLE REGION OF THE WORLD 4 (2012) *available at* <http://www.un.org/en/events/girlchild/2012/hrexper.html>; see also CEDAW, *Concluding Observations: Pakistan*, para. 23-24, U.N. Doc. CEDAW/C/PAK/CO/4 (2013) (expressing concern about potential links between internal and international trafficking of children and child marriage).

<sup>28</sup> CRC Committee, *Concluding Observations: Pakistan*, para. 71, U.N. Doc. CRC/C/PAK/CO/3-4 (2009); CRC Committee, *Concluding Observations: Afghanistan*, para. 24, U.N. Doc. CRC/C/AFG/CO/1 (2011); CRC Committee, *Concluding Observations: Angola*, para. 27, U.N. Doc. CRC/C/AGO/CO/2-4 (2010); CRC Committee, *Concluding Observations: Sri Lanka*, para. 57, U.N. Doc. CRC/C/LKA/CO/3-4 (2010).

<sup>29</sup> Committee on the Rights of the child and Committee on the Elimination of Discrimination Against Women, *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment no. 18 of the Committee on the Rights of the Child on harmful practices*, paras. 20-23, 40-41, U.N. Doc. CEDAW/C/GC/31-CRC/C/GC/18 (2014) [hereinafter CRC Committee and CEDAW Committee, *Joint Comment Nos. 31 and 18*].

<sup>30</sup> CRC Committee and CEDAW Committee, *Joint Comment Nos. 31 and 18*, para. 55(c).

<sup>31</sup> *Id.*, para. 55(g)-(h).

<sup>32</sup> *Id.*, 55(o).

<sup>33</sup> National Institute of Population Studies, *Pakistan Demographic and Health Survey 2012-13* [hereinafter PDHS 2012-13], at 64.

<sup>34</sup> *Id.*

<sup>35</sup> Pakistani women ages 15-19 make up 11.3% of the female population, whereas men ages 15-19 make up 11.2% of the male population. All persons aged 15-19 make up 11.3% of the total population. Assuming, conservatively, that Pakistani women constitute 5.5% of the entire population of Pakistan, reported as 184.5 million for 2012-2013, there are over ten million women in Pakistan ages 15-19. The 14.8% of these women married by age 19 is over 1.48 million women married by age 19. PDHS 2012-13, *supra* note 33, at 3, 17, 64. A 2014 UNICEF report found that from 2005-2012, 7% of Pakistani children were married by age 15, and 24% of Pakistani children were married by 18. UNICEF, STATE OF THE WORLD'S CHILDREN 2014: EVERY CHILD COUNTS 81 (2014) [hereinafter UNICEF, STATE OF THE WORLD'S CHILDREN (2014)].

<sup>36</sup> *Id.* at 93. See also PDHS 2012-13, *supra* note 33, at 64, reflecting a similar disparity: although 31.5% of Pakistani women presently 20-49 years of age were married by age 18, only 6.2% of men the same age were married by age 18.

<sup>37</sup> The median age at first marriage for women age 25-49 with no education is 18.3 years, as compared with 22.3 years for women with at least a secondary education. Women in the highest wealth bracket marry more than four years later than those in the lowest bracket. PDHS 2012-13, *supra* note 33, at 64-65.

<sup>38</sup> PAKISTAN CONST. art. 3.

<sup>39</sup> PAKISTAN CONST. art. 25, sec. 1.

<sup>40</sup> PAKISTAN CONST. art. 25, sec. 3.

<sup>41</sup> PAKISTAN CONST. art. 34.

<sup>42</sup> Though recently increased in certain provinces, punishments for child marriage remain weak. The Child Marriage Restraint Act of 1929, No. 19 of 1929, art. 4-7 (Pak.); The Sindh Child Marriages Restraint Act of 2013, No. 15 of 2014, art. 3-5 (Pak.); The Punjab Marriage Restraint (Amendment) Act of 2015, No. 15 of 2015, art. 4-6 (Pak.). Even the increased fine of 50,000 rupees is equivalent to US \$500. Waqar Mustafa, *Second Pakistan Province cracks down on child marriage*, REUTERS (Mar. 10, 2015), <http://www.reuters.com/article/2015/03/10/us-pakistan-law-child-marriage-idUSKBN0M619F20150310>.

<sup>43</sup> The Child Marriage Restraint Act of 1929, No. 19 of 1929, art. 2(a) (Pak.).

<sup>44</sup> *Id.* at art. 1(2).

<sup>45</sup> The Special Marriage Act of 1872, No. 3 of 1872, art. 2(2)-(3) (Pak.). This same Act provides that the youngest legal age for males to be married is 18, and that consent of a guardian is required when any party is married under the age of twenty-one.

<sup>46</sup> CRC Committee, *Concluding Observations: Pakistan*, para. 71, U.N. Doc. CRC/C/PAK/CO/3-4 (2009); CRC Committee, *Concluding Observations: Afghanistan*, para. 24, U.N. Doc. CRC/C/AFG/CO/1 (2011); CRC Committee, *Concluding Observations: Angola*, para. 27, U.N. Doc. CRC/C/AGO/CO/2-4 (2010); CRC Committee, *Concluding Observations: Sri Lanka*, para. 57, U.N. Doc. CRC/C/LKA/CO/3-4 (2010).

<sup>47</sup> CRC Committee, *Concluding Observations: Afghanistan*, paras. 23-24, U.N. Doc. CRC/C/AFG/CO/1 (2011); CRC Committee, *Concluding Observations: Bahrain*, paras. 28-29, U.N. Doc. CRC/C/BHR/CO/2-3 (2011); CRC Committee, *Concluding Observations: Ukraine*, paras. 25-26, U.N. Doc. CRC/C/UKR/CO/3-4 (2011).

<sup>48</sup> CRC Committee and CEDAW Committee, *Joint Comment Nos. 31 and 18*, , para. 17; see also ENDING CHILD MARRIAGE 18.

<sup>49</sup> The federal Government retains criminal authority, and attendant legislative competence. Pakistan Government Report (2015), *supra* note 9, para. 6.

<sup>50</sup> The 18th Amendment to the Constitution, passed in 2010, provides that all legislation regarding the subject of the child is delegated to the provinces; therefore, the federal Government can only legislate on child-related issues in the federal territories and those areas not part of a province. The federal government retains criminal authority, and attendant legislative competence. See Pakistan Government Report (2015), *supra* note 9, paras. 6-7.

<sup>51</sup> Pakistan Government Report (2015), *supra* note 9, para. 70; Pakistan's Fifth Periodic Report to the UN Committee on the Rights of the Child ("State Party Report"), p. 21; SHIRKAT GAH, SUBMISSION ON CHILD, EARLY AND FORCED MARRIAGE 4 (2010).

<sup>52</sup> The Sindh Child Marriages Restraint Act of 2013, No. 15 of 2014, art. 2-5 (Pak.).

<sup>53</sup> Waqar Mustafa, *Second Pakistan Province cracks down on child marriage*, REUTERS (Mar. 10, 2015), <http://www.reuters.com/article/2015/03/10/us-pakistan-law-child-marriage-idUSKBN0M619F20150310>.

<sup>54</sup> The Punjab Marriage Restraint (Amendment) Act of 2015, No. 15 of 2015, art. 4-6 (Pak.).

<sup>55</sup> *Id.* at art. 2.

<sup>56</sup> The Child Marriage Restraint Act of 1929, No. 19 of 1929, art. 12 (Pak.).

<sup>57</sup> *Id.* Similarly, the Sindh Act does not contain any procedures for invalidating a child marriage or protections for those attempting to leave a child marriage. The Sindh Child Marriages Restraint Act of 2013, No. 15 of 2014 (Pak.).

<sup>58</sup> CRC, *supra* note 13, art. 3, 4.

<sup>59</sup> The Special Marriage Act of 1872, No. 3 of 1872, art. 17 (Pak.).

<sup>60</sup> The Divorce Act of 1869, No. 4 of 1869 (Pak.). The SMA provides that "The Divorce Act shall apply to all marriages contracted under th[e] SMA." The Special Marriage Act of 1872, No. 3 of 1872, art. 17 (Pak.).

<sup>61</sup> The Child Marriage Restraint Act of 1929, No. 19 of 1929, art. 2(a)-(b), 4-7 (Pak.).

<sup>62</sup> *Id.* at art. 4-7.

<sup>63</sup> The Sindh Child Marriages Restraint Act of 2013, No. 15 of 2014, art. 5 (Pak.).

<sup>64</sup> The Punjab Marriage Restraint (Amendment) Act of 2015, No. 15 of 2015, art. 4-6 (Pak.); see also Waqar Mustafa, *Second Pakistan Province cracks down on child marriage*, REUTERS (Mar. 10, 2015), <http://www.reuters.com/article/2015/03/10/us-pakistan-law-child-marriage-idUSKBN0M619F20150310>.

<sup>65</sup> Pakistan Government Report (2015), *supra* note 9, para. 76.

<sup>66</sup> *Id.* at para. 19.

<sup>67</sup> *Id.* at para. 19, 76, 180.

<sup>68</sup> CRC Committee, *Concluding Observations: Pakistan*, para. 27, U.N. Doc. CRC/C/PAK/CO/3-4 (2009); CRC Committee, *Concluding Observations: Bangladesh*, paras. 13, 26-27, U.N. Doc. CRC/C/15/Add.221 (2003); CRC Committee, *Concluding Observations: Bangladesh*, paras. 30-31, U.N. Doc. CRC/C/BGD/CO/4 (2009).

<sup>69</sup> CRC Committee and CEDAW Committee, *Joint Gen. Comment Nos. 31 and 18*, para. 21.

<sup>70</sup> See, e.g., Muslim Family Laws Ordinance of 1961, No. 8 of 1961 (Pak.).

<sup>71</sup> Muslim Family Laws Ordinance of 1961, No. 8 of 1961, art. 3(1) (Pak.).

<sup>72</sup> *Id.* at art. 12.

<sup>73</sup> The Dissolution of Muslim Marriages Act of 1939, No. 8 of 1939, art. 2(vii) (Pak.).

<sup>74</sup> The Christian Marriage Act of 1872, No. 15 of 1872, art. 3, 19 (Pak.).

<sup>75</sup> See Pakistan Government Report (2015), *supra* note 9, para. 26; Terence J. Sigamony, *Amendment to Christian wedlock law proposed*, THE NATION (Aug. 31, 2014), <http://nation.com.pk/islamabad/31-Aug-2014/amendment-to-christian-wedlock-law-proposed>.

<sup>76</sup> CRC Committee, *Concluding Observations: Afghanistan*, para. 34, U.N. Doc. CRC/C/AFG/CO/1 (2011).

<sup>77</sup> CRC, art. 7, para. 1.

<sup>78</sup> Committee on the Rights of the Child, *General Comment No. 7: Implementing child rights in early childhood*, (40<sup>th</sup> Sess., 2005), para. 25, U.N. Doc. CRC/C/GC/7/Rev. 1(2006).

<sup>79</sup> CRC Committee and CEDAW Committee, *Joint Gen. Comment Nos. 31 and 18*, para. 55(g).

<sup>80</sup> The Birth, Deaths and Marriages Registration Act of 1886, No. 6 of 1886 (Pak.) (no penalty for failing to register births).

<sup>81</sup> PDHS 2012-13, *supra* note 33, at 21.

<sup>82</sup> Pakistan Government Report (2015), *supra* note 9, para. 86-93.

<sup>83</sup> *Id.*

<sup>84</sup> PDHS 2012-13, *supra* note 33, at 20.

<sup>85</sup> *Id.* at 21.

<sup>86</sup> *Id.*

<sup>87</sup> *Id.* at 65.

<sup>88</sup> Committee on the Rights of the Child, *Gen. Comment No. 4*, para. 6; Committee on the Rights of the Child, *Gen. Comment No. 13*, para. 72(b)-(f); Committee on the Rights of the Child, *General Comment No. 15: The right of the child to the enjoyment of the highest attainable standard of health (art. 24)*, para. 56, U.N. Doc. CRC/C/GC/15 (2013) [hereinafter Committee on the Rights of the Child, *Gen. Comment No. 15*].

<sup>89</sup> CRC Committee, *Concluding Observations: Turkmenistan*, para. 26, U.N. Doc. CRC/C/TKM/CO/1 (2006).

<sup>90</sup> CRC Committee, *Concluding Observations: Turkmenistan*, art. 6, paras. 1-2, U.N. Doc. CRC/C/TKM/CO/1 (2006).

<sup>91</sup> CRC, *supra* note 13, art. 24, para. 3.

<sup>92</sup> Committee on the Rights of the Child, *Gen. Comment No. 4*, para. 20.

<sup>93</sup> CRC Committee, *Concluding Observations: Cameroon*, para. 59, U.N. Doc. CRC/C/CMR/CO/2 (2010).

<sup>94</sup> CRC Committee, *Concluding Observations: Afghanistan*, para. 53, U.N. Doc. CRC/C/AFG/CO/1 (2011); CRC Committee, *Concluding Observations: Togo*, para. 55, U.N. Doc. CRC/C/TGO/CO/3-4 (2012).

<sup>95</sup> CRC, *supra* note 13, art. 24, para. 3.

<sup>96</sup> CRC Committee, *Gen. Comment No. 4*, para. 20.

<sup>97</sup> The Committee specifically provided that “[s]tates parties should take measures to reduce maternal morbidity and mortality in adolescent girls, particularly caused by early pregnancy and unsafe abortion practices, and to support adolescent parents.” CRC Committee, *Gen. Comment No. 4*, para. 31.

<sup>98</sup> CRC Committee, *Gen. Comment No. 4*, para. 31.

<sup>99</sup> Committee on the Rights of the Child, *Concluding Observations: Pakistan*, para. 61(c), U.N. Doc. CRC/C/PAK/CO/3-4 (2009).

<sup>100</sup> Committee on the Rights of the Child, *Concluding Observations: Pakistan*, para. 65, U.N. Doc. CRC/C/PAK/CO/3-4 (2009).

<sup>101</sup> WORLD HEALTH ORGANIZATION ET AL., TRENDS IN MATERNAL MORTALITY: 1990 TO 2013. ESTIMATES BY WHO, UNICEF, UNFPA, THE WORLD BANK AND THE UNITED NATIONS POPULATION DIVISION 21 (2014), *available at* <http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2013/en/> [hereinafter TRENDS IN MATERNAL MORTALITY].

<sup>102</sup> PDHS 2012-13, *supra* note 33, at 130.

<sup>103</sup> TABASSUM FIROZ ET AL., WORLD HEALTH ORGANIZATION, MEASURING MATERNAL HEALTH: FOCUS ON MATERNAL MORBIDITY, 91 BULLETIN OF THE WORLD HEALTH ORGANIZATION, 794-796 (2013),

<sup>104</sup> ENDING CHILD MARRIAGE, *supra* note 20, at 55.

<sup>105</sup> *Id.* (citing Zofeen Ebrahim, *Fistula – Another Blight on the Child Bride*, INTER PRESS SERVICE (2012), *available at* <http://www.ipsnews.net/2012/04/fistula-another-blight-on-the-child-bride/>). Elsewhere the UNFPA estimates that 6,000 more Pakistani women develop this condition. See UNITED NATIONS POPULATION FUND, *Pakistan: Activists call for intensified efforts to end Fistula*, PRESS RELEASE (Mar. 11, 2011), *available at* <http://www.unfpa.org/news/pakistan-activists-call-intensified-efforts-end-fistula> (last visited June 25, 2015).

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<sup>106</sup> UNITED NATIONS POPULATION FUND, OBSTETRIC FISTULA. NEEDS ASSESSMENT REPORT: FINDINGS FROM NINE AFRICAN COUNTRIES 4 (2003), *available at* <http://www.unfpa.org/sites/default/files/pub-pdf/fistula-needs-assessment.pdf> [hereinafter OBSTETRIC FISTULA NEEDS ASSESSMENT REPORT].

<sup>107</sup> *Id.* at 5.

<sup>108</sup> *Id.* at 6.

<sup>109</sup> The age at first birth for women ages 25-49 also differs across regions. The highest median age is in the Islamabad Capital Territory (24.5 years), followed by Punjab (22.5 years), Sindh (21.0 years), Khyber Pakhtunkhwa (21.7 years) and Balochistan (21.3 years). The lowest median age is in Gilgit Baltistan (21.2 years). The median age at first birth for women ages 25-49 is 22.2 years and is largely influenced by region, class and education levels. Over 40% of women aged 25-29 had their first child by age 22, and 60% had their first child by age 25. PDHS 2012-13, *supra* note 33, at 77-79.

<sup>110</sup> PDHS 2012-13, *supra* note 33, at 79.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> *Id.* NATIONAL INSTITUTE OF POPULATION STUDIES ET AL., PAKISTAN DEMOGRAPHIC AND HEALTH SURVEY 79 (2013), *available at* <https://dhsprogram.com/pubs/pdf/FR290/FR290.pdf>.

<sup>115</sup> Committee on the Rights of the Child, *Gen. Comment No. 4*, para. 31.

<sup>116</sup> Committee on the Rights of the Child, *Gen. Comment No. 15*, para. 56; Committee on the Rights of the Child, *Gen. Comment No. 4*, para. 31.

<sup>117</sup> Committee on the Rights of the Child, *Gen. Comment No. 15*, para. 70.

<sup>118</sup> CRC Committee, *Concluding Observations: Pakistan*, para 64, U.N. Doc. CRC/C/PAK/CO/3-4 (2009).

<sup>119</sup> *Id.* at para. 65.

<sup>120</sup> *Id.*

<sup>121</sup> IRAM KAMRAN ET AL., THE POPULATION COUNCIL, INVESTIGATING THE LOW PATTERNS OF MODERN CONTRACEPTIVE USE IN PAKISTAN 1 (2015), *available at*

[http://www.popcouncil.org/uploads/pdfs/2015RH\\_LowContraUsePakistan.pdf](http://www.popcouncil.org/uploads/pdfs/2015RH_LowContraUsePakistan.pdf).

<sup>122</sup> PDHS 2012-13, *supra* note 33, at 94.

<sup>123</sup> SHIRKAT GAH, COUNTRY PROFILE ON UNIVERSAL ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH 8 (2014), *available at* <http://shirkatgah.org/wp-content/uploads/2014/06/Country-Profile-SRH-Pakistan-2June2014.pdf>.

<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

<sup>126</sup> Committee on the Rights of the Child, *Gen. Comment No. 4*, para 31.

<sup>127</sup> Committee on the Rights of the Child, *Gen. Comment No. 15*, para 70.

<sup>128</sup> CRC Committee, *Concluding Observations: Kyrgyzstan*, para. 45, U.N. Doc. CRC/C/15/Add.127 (2000); CRC Committee, *Concluding Observations: Venezuela*, paras. 60-61, U.N. Doc. CRC/C/VEN/CO/2 (2007).

<sup>129</sup> CRC Committee, *Concluding Observations: Mozambique*, para. 47(b), U.N. Doc. CRC/C/15/Add.172 (2002).

<sup>130</sup> Act XLV of 1860. Pak. Penal Code (1860). *See also* GUTTMACHER INSTITUTE, *Abortion in Pakistan*, IN BRIEF 2 (2009), *available at* [https://www.guttmacher.org/pubs/IB\\_Abortion-in-Pakistan.pdf](https://www.guttmacher.org/pubs/IB_Abortion-in-Pakistan.pdf) [hereinafter IN BRIEF]. Accordingly, before formation of the fetus' organs (approximately 4 months into pregnancy), abortions are permitted to save the woman's life or to provide necessary treatment; after, abortion is permitted only to save the woman's life. IN BRIEF at 2.

<sup>131</sup> IN BRIEF, *supra* note 130, at 1.

<sup>132</sup> *Id.* at 2.

<sup>133</sup> *Id.* at 1-2.

<sup>134</sup> CRC, *supra* note 13, art. 19.

<sup>135</sup> Committee on the Rights of the Child, *Gen. Comment No. 13*, para. 72(g); CRC Committee, *Concluding Observations, Bangladesh*, para. 67, U.N. Doc. CRC/C/BGD/CO/4 (2009).

<sup>136</sup> CRC, *supra* note 13, art. 19(1).

<sup>137</sup> PDHS 2012-13, *supra* note 33, at 231.

<sup>138</sup> *Id.* at 65, 231.

<sup>139</sup> *Id.*

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<sup>140</sup> Girls, aged 15 to 19, are also less likely to seek help to stop violence. 32% of 15-19 year-old girls sought help, 33% of 20-25 year-old women, 40.5% of 25-29 year-old women, 33.1% of 30-39 year-old women and 36.1% of 40-49 year-old women sought help. Furthermore, physical violence against women increases with the number of living children a woman has. Only 21% of women with no children report having ever experienced physical violence, compared to 38% of women with five or more children. PDHS 2012-13, *supra* note 33, at 223.

<sup>141</sup> CRC, *supra* note 13, art. 34.

<sup>142</sup> Pak. Penal Code, §375.

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*; *see also* Allah Nawaz v. Station House Officer, Police Station Mahmood Kot Dist., Muzaffargarh, (2013) PLD (Lahore) 243 (Pak.); PBS Frontline, *The Stigma of Reporting a Rape in Pakistan*, (May 28, 2013, 9:31 PM), *available at* <http://www.pbs.org/wgbh/pages/frontline/afghanistan-pakistan/outlawed-in-pakistan/the-stigma-of-reporting-a-rape-in-pakistan/> (last accessed April 10, 2015).