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Article:	Child Marriage Indications a violation of International and National Laws
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ABSTRACT

More than 60 million women throughout the world are affected by adolescent marriage, which is defined as marriage before the age of 18. In low-income countries including, Pakistan, this is increasingly widespread. Despite the fact that the universal age for women to marry is 18, but girls are married earlier in poor countries, particularly in South Asian countries. Even in the twenty-first century, child marriage is common around the world. Early marriage is prohibited by national and international laws. Despite of it, child marriages are in practices because no punishment is given to those people who are involved in it. If the proper implement of laws, child marriage can be ended from the world. However, it failed to end child marriage because no legal action is given against involved people. The literature review endeavor to shed light on the law situation of child marriage, focusing legal aspects of violation of child marriage. The breach of international and state law by underage marriage is discussed in this study.

Keywords: Child Marriage; International Law; National Law

INTRODUCTION

“Child marriage is a violation of human rights. It compromises the development of girls and boys. Moreover, it often results in early pregnancy, poor health, and little education and social isolation. All these factors make it impossible to break the vicious circle of poverty particularly for girls”.

Osama Khogali

Amin, (2016) found that Early marriage can be defined as the marriage between two parties in which either both or one of the couple is too younger 18 or has not yet reached as puberty. Khawar, (2012) stated children are an important part of a society and the future of every country. Unfortunately, such many societies are present where a young child girl is married to an adult man and its effect most on girls, it refers to a social practiced. This is the reason for many girls face the problem and occur much earlier. In some developing countries, as young girls are forced to marry with too many elder men by their families. The marriage ceremony is stared and considered as one of the most important parts of life from the historic period till now. Marriage is basically a happiness and celebration time throughout the world but early marriage is not at all giving any type of reason for happiness and celebration.

Kunbhar, (2018) said that early marriage is generally one of the common practices in South Asian countries and most of the part in Pakistan. Many teenage young girls are got married in a pretext of social, cultural, old traditions and family practice in Pakistan and then they have to endure disadvantaged socially, physically, economically, psychologically, emotionally, and educationally. Thus, they keep on suffering for the whole of their life. Child marriage unduly and destructively has an emotional impact on girls than boys, are more likely to-be-married. As per report by UNICEF, (2017) majority of girls live below the poverty line in Pakistan they are married in their childhood. Poor parents put up for sale their daughters for only making some money, or break away from the poverty due to which they put into early on duties while some parent's belief that a girl must be married sooner which is better for them to secure their future. Early marriage brings poor parents in self-assurance that early marriage of their daughter rotates their poverty into being riches. In poor communities, parents could reduce a member, (or members) of their family giving a young girl to other families to get premature marriage by guaranteeing they would be less one person in their family to provide the food, clothe, and education. Anita, (2012) found that education is considered only for son as beneficiary that who could support his parents in their old age. Majority cases of early marriage is a mode to pay the loans, manage for disputing, or solve the social matters and economic issue and for those families a girl are seen as a bride price is paid either the price of dower or the price of girl. The small amount is paid to groom's family as the goods of dowry, if the girl will be so young. As per reported by World Bank, (2021) that more than 10 million teenager girls are compelled into marriage below the age of 18 in each year and then have to face vast encounter for long-time. It is a huge hazard to human rights and it also denies opportunities to grow and empower themselves. They must end getting a reasonable upcoming future for all. Due to this, it challenges for girls about their fundamental rights to education, health, safety and development. Mutyaba, (2021) discovered that early marriage is common all over the world and has caused devastating and perilous effects on children who are compelled to duty-

bound and tie the knot in many cases. Early marriage is generally forced marriage and doing such a kind of activity means that they are being stopped the rights and cutting the fundamental rights of the children. It is equivalent to cut the fundamental rights of the children and coercing them to a relationship that is against their wishes. The young girls is the one who suffers the most in such marriages. The marriage age of girls is very important to become physically and mentally strong, yet in the most cases, they are compelled to undertake responsibilities and obligations for which they are not physically or psychologically prepared. The practices of child marriage puts into dangerous life which makes cause a number of negative impact on girls' health regarding physically and mentally, and also the families that are part in it, and it also has a significant impact on society. Not only does this harm society and children, but it also violates the right. Early marriage, basically, is the violation of legal rights and moral rights that is a wrong act. What is wrong? John Salmond, (2007), who was a legal scholar, defined that "a wrong is simply a wrong act which is opposed to right. An act is contrary to the rules of rights and justice". There are two types of wrong.

The first is a legal wrong which is an act that is legally wrong which is contrary to the rule of legal justice and violation of the law, and the second is moral wrong which an act that is morally and naturally wrong. It goes against the natural justice rule. Fundamentally, right is an interest which is protected and recognized by a rule of right. It is an interest which means that a law in Jurisprudence, respect for which is a 'duty' and the disrespect of which is 'wrong'. Such interest as having received recognition and protection from the rules of right.

Research Question

Do a young girl violate of human rights due to early marriage?

Literature Review

As per UNICEF, (2017) child marriage is a key factor violation of human rights that occurs more frequently in developing countries than anywhere else in the world, accounting for approximately half of all child marriages worldwide. Despite the fact that several laws at national level which prohibit child marriage, in addition that international human rights treaties approved by developing countries including Pakistan, but unfortunately practice continues unrestricted. 46 percentage young girls were married before the age of 18 in developing countries; in 2010, this amounted to 24.4 million women. It is shown that 130 million more girls in the area would marry among 2010 to 2030. South Asian governments have a legal commitment to end child marriage. Girl child marriage has influential consequences that violation of constitutional obligations and international law to protect children's rights, as well as discrimination against the ability of girls to exercise a wide range of human rights. Anita, (2012) stated that the persistence of child marriage in developing countries reflects widespread inability of governments to address one of the most pressing human rights concerns facing women and girls, as well as the lack of official responsibility for violations of their human and constitutional rights. As members to UN human rights treaties, South Asian states have a duty under international law to guarantee that girls are safeguarded against underage marriage and the ensuing atrocities. These crimes are particularly horrific since they are committed against

children, whom governments are required to safeguard with specific safeguards. Government are liable for the violation of the rights of girls and women as a poor policy regarding child marriage, they must make such accessibility to legal remedies in case of violation of the rights of children. As signatories to United Nations Human Rights treaties, governments in South Asia are obligated under international law to protect girls against underage marriage and the consequences Gordon, (2012) divulged that child marriage put a risk the survival and well-being of women and girls by subjecting them to force orientation into sex, obstinate sexual assault, and early, unplanned, and frequent pregnancy. Additionally, girls and women who marry as minors are usually denied educational opportunities, are socially isolated, and experience economic hardship throughout their lives. When juvenile marriage and early childbearing are coupled, generations of women get trapped in poverty cycles. To establish responsibility for child marriage, officials must be held responsible for failing to implement anti-child marriage laws and regulations, as well as legal and cultural barriers that prevent married girls from escaping such marriages. It also necessitates the implementation of appropriate legislative procedures and remedies to satisfy the requirements of married women. When early pregnancy and adolescent marriage are combined, generations of women get confined in poverty. As a result of these destruction, girls

Early Marriage the violation of Legal Rights

National Legal Accountability for Child Marriage

Khawar, (2012) found that in Pakistan, child marriage is a continuing human rights violation on a vast scale. In terms of absolute numbers of child marriages, Pakistan is ranked sixth in the world. By the age of 18, 21% of Pakistani females are married. In Pakistan, both boys and girls are impacted by child marriage, although females are excessively affected. According to the Pakistan Demographic and Health Survey 2017-2018, 10% of girls currently aged 15 are married, as opposed to 2.4% of boys in the same age group. Kunbar, (2012) that the Child Marriage Restraint Act 1929 (CMRA) forbids the marriage of a boys under the age of 18 and a girl under the age of 16 in most Pakistan provinces. As a result, the legislation does not prohibit all child marriages, a child is considered as someone under the age of 18 in international law. Desk, (2018) divulged that Sindh which approved the Sindh Child Marriage Restraint Act 2013, is Pakistan's only province with separate laws against child marriage (SCMRA). The SCMRA establishes an 18 year old minimum marriage age for both girls and boys. Despite these and other laws outlawing child marriage, the practice continues to be common, with reports of girls as young as the age three being given away in marriage. Samar, (2006) stated that it means that many cases in Pakistan where many girls are to face early marriage. It, therefore, is a violation of legal right. This is a serious violation with girls' fundamental rights. They are deprived her education. Not only deprived of her education but in some cases, they are also sold otherwise education has been made compulsory as per to this act of "Right of Free and Compulsory Education Act 2012". According to section 3 stated that "Right of Child to Free and Compulsory Education" and according to section 8, parents has also been bound for legal duty of their children's care under this act means that the duty which is recognized by law, but was not fulfilled that's why the legal rights have been violated and

also the violation of Sindh and Punjab Child Marriage Restrain Act under this act the age limit of marriage 18.

International Legal Accountability for Child Marriage

Rights of the Child

Gaffney, (2011) Children have the right to special protection and care under international human rights law. This protection is included in the ICCPR, the ICESCR, and the CRC (ICESCR). International human rights law recognizes children's special needs and entitlement to special protection. This protection is contained in the CRC, as well as the ICCPR and ICESCR (ICESCR). According to the Human Rights Committee (HRC), which interprets and oversees conformity with the International Covenant on Civil and Political Rights (ICCPR), states parties must eliminate any cultural or religious practise that puts the freedom and well-being of female children at risk. Legislation and any other relevant means can fulfil this commitment. Any cultural or religious practise that puts the freedom and well-being of female children in peril must be eliminated by states parties, according to the Human Rights Council. The Human Rights Council has ruled that states parties have a duty to eliminate any cultural or religious practise that puts the freedom and well-being of female children at peril. Women and girls' position and dignity are lowered, their health, development, and capacity to fully enjoy their rights are negatively affected, and they are more likely to get pregnant at a young age if they are married at an early age, the Committee on the Rights of the Child (CRC) is concerned. Adolescents' health issues, such as HIV/AIDS, are exacerbated by early marriage and pregnancy, according to the UN Children's Committee in its General Comment on the Right of Adolescents to Health. In 2011, the Committee on the Rights of the Child (CRC) emphasised that states parties should consider married girls at danger of violence because of their gender. CRC Committee (2010) advised states parties organise and fund "physical and psychological rehabilitation programmes for child victims of harmful traditional practises" including child marriage.

Right to Equality and Nondiscrimination

Women's rights to equality and not being treated differently are protected by international human rights .As per CEDAW Committee, (2010) "Inherent to the principle of equality between men and women, or gender equality is the concept that all human beings, regardless of sex, are free to develop their personal abilities, pursue their professional careers, and make choice free of stereotypes, rigid gender roles, and prejudices". Radford, (2015) For the sake of preserving this right, the states have an obligation to make certain that women and girls are afforded equal treatment under the law as well as equal opportunities and outcomes. Furthermore, for the sake of preserving this right, the states have an obligation to make certain that women's unique biological capacity to reproduce does not lead to violations of their rights. That body known as the CEDAW Committee, (2008) recommends state parties to adopt temporary extraordinary measures, and also ongoing special measures to safeguard pregnant women to improve substantive equality. When Child marriage occurs despite legislative prohibitions, the Human Rights Committee has regularly expressed concern, and has

emphasized that state parties must ensure that child marriage does not occur with impunity. State parties who signed are not permitted to offer legal legitimacy to underage marriages. The registration of marriage should also be made mandatory, regardless of whether it is required by religious law, in order to promote marriage equality, discourage child marriage, and defend children's rights. Child marriage is expressly prohibited by article 16 of CEDAW, which addresses the maintenance of women's rights to equal rights within the context of marriage. It is essential for women in all marriages to have equal rights to both the right to marry and the obligations and responsibilities that come along with it. Legislation and customary law in states must both work together to ensure that a woman's personal permission is not misconstrued as a substitute for the assent of a male family member. Men and women's power dynamics are not guaranteed. States parties bear a special obligation to safeguard the girls who are most vulnerable to child marriage and the harm it can inflict. Rural area's women, poor women, and teenage girls are considered vulnerable groups of women under human rights legislation because they are most prone to marry as minors. Furthermore, the confluence of their gender, age, and socioeconomic or geographic circumstances renders them more vulnerable to reproductive health problems and domestic violence. As a result of underage marriage, these groups are subjected to even more human rights violations. States parties have been mandated to take extraordinary measures to ensure that the human rights of girls, particularly the right to reproductive health care and the right to live a life free of violence, are upheld in situations when they experience several types of discrimination.

Right to Health

According to the ICESCR, "everyone has the rights to enjoy highest attainable standard of physical and psychological health." States parties have responsible to fulfil its duties that the right to health is available without discrimination, especially adolescent girls and women. To ensure that women and children's health rights must not be violated, states parties shall work together to eliminate harmful customary practices. Child marriage has been characterized as a harmful traditional practice at the root of major violations of the right to health. According to the CEDAW committee, (2010), the right to health implies prohibiting child betrothal and marriage in order to "avoid the physiological and psychological harm that arises from early childbearing." The CEDAW committee has also observed the long-standing harmful impact of child marriage on women's enjoyment of their right to health and has said that "all women and girls must have access to sexual health information, education, and services." Underage marriage has resulted in even greater human rights abuses for these communities. Girls' human rights, including the right to access reproductive health care and to live a life free of violence, must be protected in situations when they are subjected to several forms of discrimination. States parties are required to take measures to prevent third parties from forcing women to participate in traditional practises. They are also required to ensure that "harmful social or traditional practises do not obstruct access to pre-natal and post-natal care and family planning." Finally, states parties are required to launch public awareness campaigns about harmful traditional practises and sexual and reproductive health.

Early Marriage the violation of Moral Rights

Rashida, (2012) that child marriage is not only a legal violation, but also a violation of moral rights because girls are so young, who have not received the age of maturity yet as they need more care. A little girl knows nothing about neither marriage nor relationships goals with their husband but then also they are entered into a double burden of which is directly impact on psychology of girls, education, health, and also affects their offspring, or may be death during delivery that is absolutely moral wrong. Due to that million girls are suffering from double burden by stereotype practice, totally destroys the life of young girls. As same they are to be dropped out from the school, also face serious health complications for both mothers and infants may be leading cause death and even that death during pregnancy, if teen mother are more likely to be anemia which may be affected before birth on the development of baby. Tania, (2017) stated that the age of 12 to 18 is considered so early under the law because due to early marriage they have to face such problems in their childhood. So, if they are married at an early age, then it will be definitely morally wrong. Early marriage deprives their rights which is most common to remove from education, rather education is their right, and to enjoy childhood is their right and not put problems into it through early marriage is to save their life. In Pakistan so many cases about it in which there is no legal action and moral action against her family and in-laws. Loeber, (2010) Child marriage goes against children's rights both girls and boys are affected, but more common are amongst girls, by it. Widespread and long term consequences have been effective for child owing to early marriage. As stated by a number of agencies of United Nation, such an occurrence can be prevented via 'comprehensive sexuality education' means that CSE is an instruction of sex education makes possible for young people in providing information and guidance to protect about their physical health, emotional phase, dignity, and well-being. The intention is behind that to make understanding from all aspect of sexual activity such as physical, psychological, legal, moral, social, financial, religious, etc., which will reduce and prevent people from contracting 'Sexually Transmitted Infection (STI), also referred to as 'Sexual Transmitted Diseases (STD)' including HIV and HPV.

Methodology

Data was obtained using mixed method approach comprising structured interviews based on open and closed ended questions interview schedule and used the quantitative method. The target population was girls who were made victim of oppression due to early marriage. The sample included 200 married girls selected for this research. Simple tabular analysis was used to draw meaningful.

Discussion

Girls are suffering from many threatening child issues throughout the world, including Pakistan. One of them is an early child marriage. The rights of girls and women to equality and non-discrimination are protected by national and international laws. However, child marriage leads negative impact on girls and women which cause the violation of human rights. As per reported by UNICEF (2017), explored that more than 130 million girls will be married by 2030. Marriage of a young girl has a direct impact on her education, well-being, psychological effects

and the health of their children. While, this research explores that despite of being law, they have been failed to provide the protection to young girls and women.

Table 1

Distribution of respondents according to girls face problems regarding their health and education due to early marriage

Face problem regarding health	Frequent	Percentage
Yes	200	100%
Total	200	100%

It is stated that the impact of early marriage is totally negative, the bulk of respondents faced adversely impact of marriage at very young age and also deprived from their school.

Chart no 1

Impact of Early Marriage on Health & Education

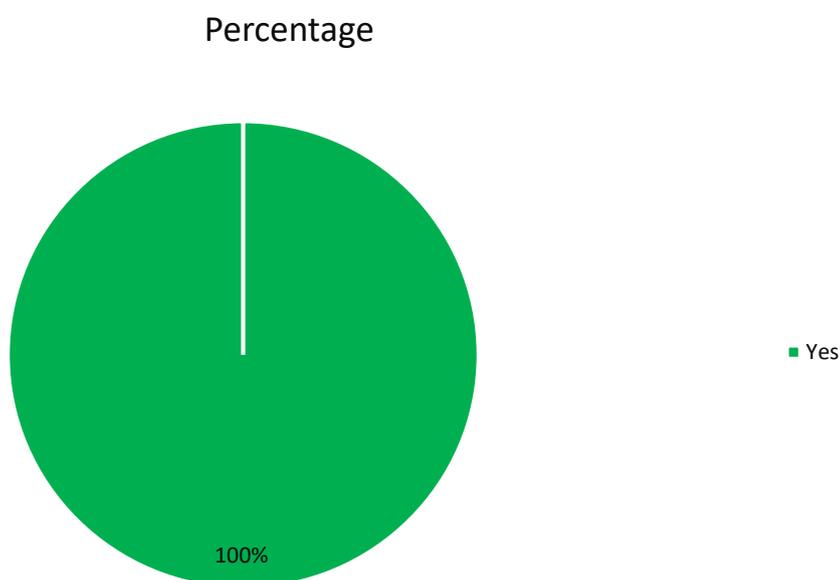
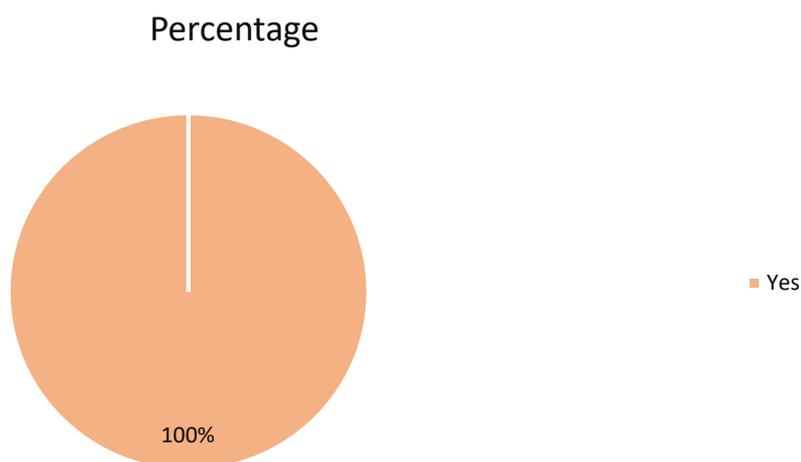


Table 2

Distribution of respondents according to a young girl is violated from their human rights due to early marriage

A Young Girl is Violated from their Human Rights due to Early Marriage	Frequent	Percentage
Yes	200	100%
Total	200	100%



The data discloses that the early marriage causes a violation of human rights, the bulk of respondents considered that their human rights is violated.

Chart no 2

Those above impact is a violation of Human Rights

Conclusion and Recommendations

International human rights conventions and treaties require the government to change or revise existing laws in the country that violate human rights, or to create a new legislation that protects, to address the issue of child marriage in compliance with international human rights laws. There are strong prohibitions in the CEDAW against underage marriages, as well as calls for member nations to reform their legislation in this regard. To put it differently, children, according to the CRC, are those less than 18 who are governed by local law, which states that if the legal age is achieved sooner, local law will take precedence. The government should impose an 18-year-old marriage age restriction to keep society as simple and uncomplicated as possible. State parties are obligated to take all reasonable steps to eradicate any practices that favor early marriages in accordance with the convention on marriage. Pakistan has failed to ratify this convention despite having signed a number of international human rights agreements and treaties. As a result, In order to comply with international human rights law and the requirements of the convention, Pakistan must ratify the treaty and amend its national legislation accordingly. All relevant recommendations from periodic reviews of the Convention on the Rights of the Child, the Convention on the Elimination of Radical

Discrimination, and the Convention on the Rights of the Child should be reviewed by the government in order to better deal with the situation on both a public and private level. Clauses in child marriage legislation should be inserted that require elders to meet with their wards prior to marriage since both parties have the fundamental right to engage in an arrangement that is completely and freely agreed upon. Marriage registrars must also be trained to guarantee that all legal marriage criteria are met in accordance with Islamic and state law.

Finally, this study discovered that child marriages are undertaken arbitrarily in society of Pakistan, Last but not least, this research found that Pakistani culture arbitrarily engages in child weddings, and that extraordinarily married families are unable to complete their studies after marriage. Pakistan's laws need not go far enough to ban the practice of early marriage, and women in particular are uninformed of their legal options. However, even though Islamic law prohibits it, a parent or guardian may marry their kid before she reaches puberty, even if international conventions condemn the practice.

In Pakistan, however, child brides are sometimes transported to their husband's home after the ceremony. Finally, this study suggests that the Pakistani government implement strong legislation with serious penalties, as well as ratify the Marriage Convention, in order to reduce such activities. More importantly, basic and secondary education are made obligatory for all children, as well as a countrywide campaign against child marriage to raise public awareness.

In Pakistan, however, following the wedding, young bridal are occasionally transferred to the home of their husband. Finally, in order to curb such practices, the report recommends that the government of Pakistan enact robust regulation with severe penalties, as well as ratify the Marriage Convention. More crucially, basic and secondary education are made mandatory for all children, as well as nationwide push to raise public awareness of child marriage.

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