

Causes And Impacts Of Forced Marriages In Pakistan (A Case Study Of District Mandi Bahauddin, Punjab, Pakistan)

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Abstract

Forced marriage is recognized as a heartless act, even when there is no sexual assault or oppression is involved and the convention against slavery perceives such type of marriage as practiced slavery in which individual has no freedom to join or leave the marriage. The lack of knowledge in families is one of the primary roots of early and forced marriages. According to Pakistani sources, the Pakistani court has failed to provide justice or begin legal procedures in situations involving claims of forced marriages. In Islam, forced marriage is prohibited. No one can be coerced into marriage against their choice, and this practice is prohibited by the religion. The research aimed to trace forced marriages in District Mandi Bahauddin. The main aims of the research were; to find out the reasons behind forced marriages, to study the impacts on the individuals, and to examine the domestic violence against females where a forced marriage has taken place.

Keywords: Forced marriage, Sexual assault, Oppression, Justice, Legal procedures, Shari'ah, Prohibited

Introduction

Pakistan has validated the International Covenant of the civil and political rights of every Pakistani citizen. Most importantly Pakistan has ratified a law for the sake of minimizing gender discrimination for Pakistani women known as the Convention on the Elimination of Discrimination against women (CEDW).

In Pakistan's constitution, article 16 affirms that every Pakistani woman has the right of choice for marriage. They are free and have full consent over their decision to enter into marriage.

The term Marriage can be defined as:

“Marriage is well-defined as “a partnership among a male and a female in which the female's kids are recognized as legitimate offspring of both partners” (Institute, 1951).

“When one or both parties join a marriage without their complete and free permission, it is referred to as a forced marriage” (ORCHR, 2022).

Forced marriage is a form of marriage in which there is no consent of both individuals and they are bound by social, emotional and religious pressure. Both men and women get deprived of their fundamental rights, resulting in disturbing and upsetting consequences therefore it is strictly prohibited by many international agencies and in national law.

Forced marriage is viewed as many different perspectives as possible by different agencies and in which the main issue that is the consent to marriage is highlighted. The Council of Europe in 2005 studied European forced marriages and came up with an umbrella term definition in which it covers marriage as slavery, marriage without individual consent, traditional marriage, custom based marriage, child marriage, undesirable marriage, premature marriage, assumed marriage, and an agreement marriage for the sake of acquiring nationality (Anitha, 2011). Furthermore, forced marriage is recognized as a heartless act, even when there is no carnal abuse or slavery is involved and the convention against slavery perceive such type of marriage as practiced slavery in which individual has no freedom to join or leave the marriage (Dauvergne & Millbank, 2010).

The lack of knowledge in families is one of the key factors for early and forced marriage. Individuals from such households were enslaved to their ancestor's traditions. In many parts of the world, a boy's marriage is contingent on his basic schooling and with job. Girls, on the other hand, do not require any education.

According to Ackerman, 2018, Pakistan reports that the judiciary of Pakistan has failed to give justice or initiate any proper procedures in cases that have allegations of forced marriage. The fear of revenge by the fanatical and judicial officers' own beliefs influences them to claim that the woman/girl was willfully involved in all the acts, while the families are forced to accept this falsely and to take their case back and never return. The ignorance and arrogant behavior of police towards the reports of abduction and forced marriages are the main cause of the freedom of heartless culprits. Furthermore, in all the processes, the woman/girl involved suffers the most by facing the threats to accept the conversion and rape because she stays in the custody of the kidnapper throughout the trial process.

Forced marriage is classically illustrated as a problem that solely touches women's from South Asia; though this is not the incident. Forced marriage affects a diverse group of people, including Irish Travelers, Turks, Roma, Afghans, South Asians, Kurds, Iranians, Arabs, and Africans. Forced marriage is not supported or recommended by any religion. Any person from any background, regardless of social class, financial circumstance, or sexual orientation, including those who classify as lesbian, bisexual, homosexual, or transgender, or who are perceived to be lesbian, bisexual, gay, or transgender, is susceptible to being married off against their will (Forced marriage and the law, 2014).

The Sustainable Development Goals (SDGs), in particular Goal 5.3, which aims to abolish all destructive practices like child marriage, early marriage, forced union, and female genital mutilation, are being specifically linked to and monitored by these activities (Child marriage and the SDGs, 2015).

Review of the Literature

Ouattara, et al, (1998), said that childhood is often a time of peril and potential suffering for females, far from being a time of innocence, pleasure, and freedom. Many girls in the worldwide are victims of forced marriage and forced sex inside marriage. Young girls and mature women share the same weaknesses. But because they are still youngsters and lack knowledge about what are typically thought of as adult matters, marriage and sex, girls encounter them in a unique way. The use of force in this situation is a violation of girls' human rights. Current customary law must be reviewed, along with who creates and upholds it, if women's rights are to be properly implemented. This should involve the women and girls who are affected by these laws. These evaluations should consider both the negative and positive effects of existing customs and practices in order to allow for a process of radical transformation that will lead to the

repeal of outdated laws and the adoption of ways suitable for contemporary society.

Clark and Richards (2008), concluded that there are many approaches that deal with the problem of forced marriage. The intensification of individualism is one of them. This factor brings change in the traditions. The issue of choice is the most important differentiating aspect, yet it is influenced by learning, development, and parental effect. Paternities of such youngsters must recognize that they will face significant challenges if they seek to raise their children in an English or French civilization and educational system while maintaining all aspects of their own traditions and aspirations. The most viable answer is for young people in such communities to catch a means to establish a position of self-identification with authority that is acknowledged by their parents and the public. Due to the connection between honor and forced marriage, those who oppose the practice have two options: either criminalize the practice in an effort to undermine its importance within the community, or try to change the communal definition of honor to take into account potential victims' personal autonomy as well as their economic and social contributions to the community.

Enright (2009), explored the liberal legal theory is about "the right of exist". The right of exit refers to the belief that a cultural practice that does not adhere to the liberal ideal is not inherently problematic; rather, it is only a valid subject for governmental action if individuals who are impacted by the practice refuse to participate in it. They also tell us that forced marriage is an exit problem. It shows that forced marriage is linked to the exit problem in two different ways. The focus on culture as the basis of forced marriage obscures the various other variables - social, economic, and political - that collide at the time of forced marriage's termination. Exit becomes into a one-way road. While the state seeks to support a right of exit, it does not go far enough to assist a right of admission' to some protected place,

implicitly assuming a public sphere "beyond culture" in which all choices are free. Second is the "duty of exit" responsibility to leave off culture as the pre-condition of complete subject hood.

Becker, et al, (2017), concluded that kidnap-based marriage has a detrimental effect on newborns' birth weights. When we contrast kidnap-based weddings with love marriages, the effect is minimal and statistically insignificant; but, when we contrast kidnap-based marriages with planned marriages, the effect is quite high and significant. When all other factors are equal, babies born after marriages based on kidnapping weigh between 80 and 190 g (2 and 6 percent of the average birth weight) less than babies born after marriages arranged. This distinction is not insignificant. It is consistent with the scant empirical data on the relationship between birth outcomes and violence against women.

Objectives of the study

Objectives and goals are keeping the research on track. The current study is to inspect the phenomena of Forced Marriage from the Sociological perspective.

The main objectives of the research are:

1. To find out the reasons behind forced marriages.
2. To study the impact and consequences of forced marriage on their life.
3. To examine the domestic violence against females where forced marriage has taken place.

Significance of the Study

Forced marriages are one of the major issues in Pakistan. The rate of forced marriages in Pakistan is becoming very high. The area where research is conducted is Mandi Bahauddin and most of the people in Mandi Bahauddin have ignored the fact that forced marriages are a threat to the lives of the spouses. The Research highlights numerous forced marriages that creates problem for our society. The research

also raises consciousness among individuals of forced marriage and its detrimental effects on children and society.

Methodology

The research was qualitative in nature. Further utilized the case study method to understand the nature of the work. The respondent was selected by purposive sampling technique. Thirty interviews were conducted in this research. Rapport building is the first step of the fieldwork. In this step, researcher makes friendly relationships with the members of the village and of the city. He or she will follow their dress and food patterns. He or she gives respect to their custom and traditions. It can be a state of harmonious knowledge with another person or community. In qualitative research, key informants play an important role during fieldwork. Focused group discussion and in-depth interviews were conducted during the research. After the collection of information, it was analyzed by thematic analysis.

Results and Discussions

The outcomes are the reporting of what you discovered, without speculation as to why you revealed these outcomes. The discussion discusses the significance of the results, interprets them, and puts them in context. In Qualitative research results and discussions are mostly combined.

The results of the research are written in the themes.

Poverty often drives Child Marriage

Parents face the problem of poverty. To give a good life to their children, parents usually take help from their friends and family members. However, some family members and friends are loyal to them and some change their behavior negatively. These deals have different consequences. Usually, they give their children to them as labor and mostly they marry their innocent children without consent. These reasons also lead to divorce due to the financial condition of the family.

Marriage is the uniting of two people, usually a man and a woman. It is a consensual agreement in which a mature man and woman agree to live as one for the rest of their lives. Because of poverty, most rural communities compel young and underage girls to marry men who are old enough to be their fathers. Parents are their children's sole caregivers, yet they confront several challenges. The ratio of child marriage is high in developing countries and in those countries that have low GDPs.

Child marriage is most widespread in the world's poorest countries, where it is concentrated among the poorest households. It's linked to poverty and a lack of progress in the economy. In low-income families, child marriage is frequently seen as a way to secure a daughter's future. Girls who marry young, on the other hand, are more likely to be impoverished and remain poor (Montgomery, 2005).

Endogamy Rule

Some case studies revealed another determinant “**Endogamy Rule.**” Endogamy custom enjoining one to marry within one's own group. In Pakistan, endogamous marriages are performed on the basis of social groupings and castes.

Caste refers to a social class that is distinguished from others by inherited position, occupation, or money. Endogamy by social class is also practiced in our culture, with people choosing to marry within their own social class. Social endogamy is also known as social hoarding.

During the research many cases have been found in which forced endogamous marriages are occurred. Family owners do not allow their young ones to marry outside the caste or the social group. They usually think that if they allow their daughters or sons to marry outside the family than their personal family information's does not remain secure. Also they have a risk of the loss of property. Mostly in the villages they especially think that

if they give their daughter outside the family than in future she demands to take the share in the property. People favor endogamous marriages because they preserve social links. Along with a feeling of identity, the personal bond is preserved through conducting endogamous marriages. Because they are familiar with their caste and family's rituals, traditions, family values, and origins, people prefer to marry within their caste and family. People in traditional civilizations usually protect and hold property within their own social group through endogamy, which also provides financial security for their offspring. Because of the fear of impurity in their blood, they are not allowed to marry outside their caste group. Endogamy is a tradition in which one is obligated to marry within one's own tribe.

To Gain Nationality

Many of the case studies showed that people marry with Europeans, Americans and with their relatives who are living in other countries. The only aim of marriage is **to gain nationality** of that country. Across nations, customs, ethnicities, and faiths, forced marriage happens. A young lady or girl is persuaded to fly to South Asia by her immediate relatives, either for a vacation or to visit a sick cousin. She subsequently fails to return to the United Kingdom on time, and loses touch with her friends, classmates, and coworkers. She is brought to her family's house in the receiving nation, which is generally in a distant rural and often conservative location. Shortly after her marriage she comes to know that plan are being made by their family members to conduct her marriage with their cousins.

In recent years, several personal experiences have been published in British newspapers and publications of British teens that have been tricked by their families, taken away from their homes and friends, and detained against their will. These women have been subjected to physical and emotional abuse, including rape, and have been coerced into marriages against their will (Corbin, 2015).

Norms and Traditions of Family:

Norms and traditions of Family is another key reason behind forced marriage. In Pakistan, the elder in the family has the authority of taking all the decisions in the family. All the Younger's are forced to follow the decisions which are usually without the consent of the children. However, the dominancy and leadership of men and their norms lead them to be superior in their family. Elders are not willing to change their norms and traditional patterns with the passage of time. Many of the cases show that families ignore the age and education differences between the girl and boy. They think that these differences does not matter for marriage. So they decide marriages without the consent of their girl and boy. The consequences of such decisions lead to divorce, health issues, and loneliness for entire life.

Consequences of Forced Marriage:

Research indicates that forced marriage has a strong and long lasting impact on the lives of the spouses. They face many psychological as well as physical and economic issues. Girls suffer from marital rape, unwanted pregnancies, and from domestic violence. As many other previous studies describe the consequences of the forced marriages. They results of the current study much similar to the previous researches.

Forcible marriage has social, psychological, economic, and political consequences. For starters, forced marriages put women's physical and mental health at risk. Forced marriage is frequently associated with forced sex (rape) and sexual abuse, which can result in serious health issues such as genital damage and injuries, as well as long-term mental issues. It has also been found that women who marry in their childhood have higher rates of seeking mental diagnosis and support than other married women (Le Strat, et al, 2011).

Unwanted pregnancies are another issue created by forced marriages. Pregnant

females who have not completed their physical development are at a higher risk of lifelong physical and psychological harm, as well as maternal-child mortality (Malatyali, 2014). Childhood marriage exposes girls to higher rates of HIV 15 infection and postnatal depression (Kidman, 2016). While it is thought that early marriage protects girls from AIDS, (Kasim, et al, 2015) show that HIV infection is increased by pre-marital marriage. Marriage is widely believed to prevent children from continuing their education, hence married boys and girls regularly drop out of school (Ouattara, et al, 1998). Furthermore, both boys and girls find it difficult to finish their education due to financial constraints and domestic responsibilities.

Domestic Violence

Many cases have been found during the research in which the ratio of domestic violence is very high. Many of the case studies revealed that parents and other family members forced their Children for marriage if they deny they face physical violence, and they were mentally tortured by their parents. Domestic violence also exists after the forced marriage happens. Violence done or created by the husband and other family members.

Abuse in relationships can be expressed physically, emotionally, sexually, verbally, or mentally. When someone is being controlled, their sources of support are taken away, their skills are used for one's own gain, they are denied the resources they require for independence, resistance, and escape, and their everyday actions are dictated. (Forced marriage and the law, 2014).

Conclusion

The problems of forced marriages is complicated, this research has attempted to deconstruct and analyze three major parts of it. Numerous reasons have been found of forced marriages. It varies according to the social, legal, political and economic spheres. Parents utilize forced or arranged marriage to "position"

their daughters because they are still considered children in some families and hence susceptible to parental power. Parents feel they must marry their children, preferably at a young age, in order to protect them. They do this in order to give their daughters a secure future by marrying them to man that they think the best matches for her. They are confident that their daughter will be protected because they are aware of the suitor's family or relatives.

More is that marriage is the most important institution for preserving family honor, and it is through marriage that a person's and families social standing is maintained. Another method of controlling women's sexuality is by forcing them to get married. Few parents have faith that by pushing their daughters to get married is a method to protect them from the risks of romantic relationships and, more significantly, their sexual interactions before marriage.

Some Muslim families mistakenly thought that it is a religious mandate to marry their children without their consent. And few of the Muslim population regard arranged and forced marriages. Social and economic issues are typically present when forced marriage occurs. It may enable the formation of a union between two families or clans, as well as the solidification the group connections and unity.

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