



OBSTACLES TO WOMEN'S ECONOMIC EMPOWERMENT

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*In Nigeria, Pakistan, and
Sudan*

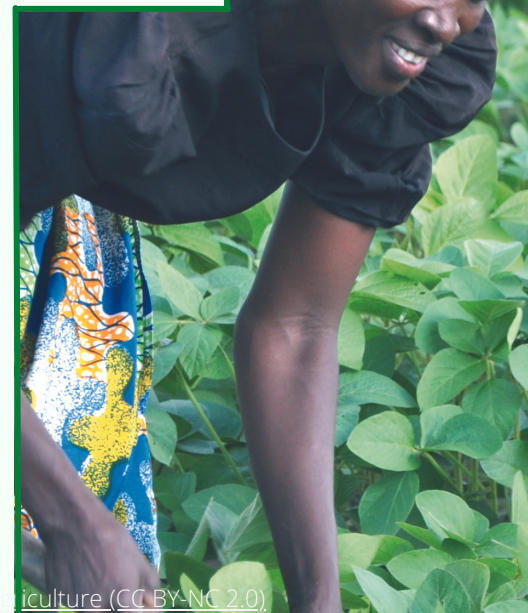


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INTRODUCTION

Numerous national and international organizations have increasingly made it their goal to advance women's economic empowerment, notably the United Nations Entity for Gender Equality and the Empowerment of Women, the Global Banking Alliance for Women, and the International Center on Research for Women, among many others. Gates Foundation defines women's economic empowerment as "the transformative process that helps women and girls move from limited power, voice, and choice at home and in the economy to having the skills, resources, and opportunities needed to compete equitably in markets as well as the agency to control and benefit from economic gains".^[1]

Jubilee Campaign works closely with women of faith minority communities around the world who have revealed how patriarchy and majority religion often work in tandem against women's economic empowerment, and in this report we will be focusing on three countries where such is regrettably the case: Nigeria, Sudan, and Pakistan. In these three countries, patriarchal societal views alone present obstacles to women's attempts to become equitably involved in the economic sector. World Economic Forum's Global Gender Gap Report 2020 ranks 153 countries with regards to economic participation and opportunity, educational attainment, health and survival, and political empowerment; Nigeria ranks 128th and Pakistan 151st, and Sudan is excluded from the list

altogether.^[2] Meanwhile, the Georgetown University Institute for Women, Peace and Security in its Index 2021/22 measuring women's economic and social empowerment in 170 countries ranks Nigeria 130th, Sudan 162nd, and Pakistan 167th.^[3]

In these three nations in which women are already suffering great inequalities in the public and private sectors, faith minority women often face unique hardships when religious freedom is curtailed. The Religious Freedom & Business Foundation has previously found that religious freedom is positively correlated with multiple aspects of socioeconomic development, most notably political stability, economic development, gender equality, and income equality. As such, it is reasonable to deduce that curtailment of freedom of religion or belief can be associated with gender inequality and economic stagnation.^[4]

In Nigeria, Sudan, and Pakistan, faith minority women and girls who already face obstacles to empowerment due to patriarchal values, insufficient legal protection, and even legal constraints, are doubly persecuted by strict interpretation of religious customs and laws and harmful practices such as child marriage. In this report, we will be discussing how these social and legal problems directly and indirectly prevent women's realization of full economic empowerment and equality.

CHILD MARRIAGE

As an Impediment to Economic Empowerment



It has been a widely known and uncontested observance that child marriage has a direct negative effect on a girl's eventual realization of economic empowerment as a woman. World Bank research conducted in 2017 recorded that "girls who marry as children are less likely to complete secondary education: every year of marriage before the age of 18 reduces the likelihood of girls' secondary school completion by four to six percentage points". As such, not only is education a preventive and protective measure against child marriage (as girls in school are less likely to be married off in childhood and adolescence), but also, the discontinuance of education is one of the most salient negative effects of child marriage; not to mention that in Nigeria, as will be discussed more in depth in the following section, educational institutions are one of the primary targets of mass abductions leading to child marriage. The

World Bank report also notes that child marriage directly impacts a girl's future potential earnings and productivity; "this is because child marriage curtails education attainment which in turn reduces women's expected earnings in adulthood. It can also curb their influence within the household and limit their bargaining power".^[5] Finally, girls who marry before the age of 18 are likely to have more children in their lifetime than older mothers, and thus, are more likely to face welfare and financial hardships as they have more children to feed, clothe, and educate; this is only exacerbated in situations in which husbands prohibit their wives from leaving the home, returning to school to finish their pre-marriage education, and kickstarting a career to help earn a family-sustaining income.

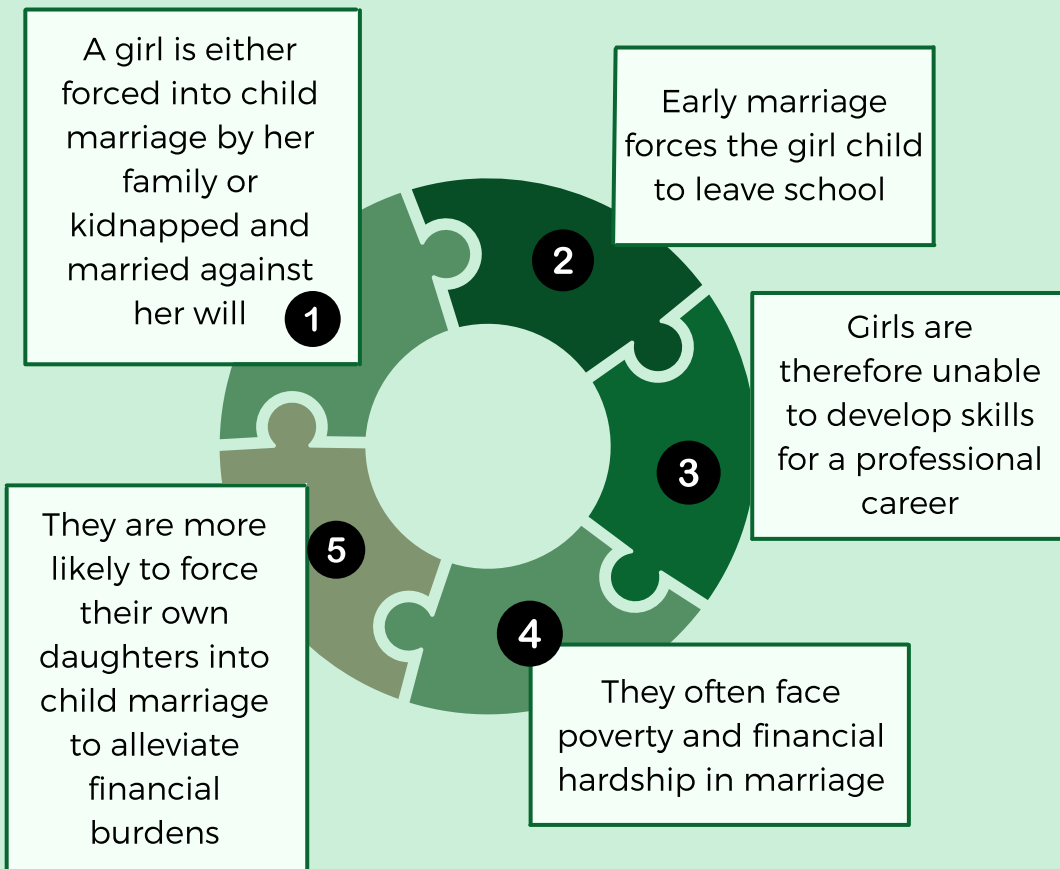
Human Rights Watch further explains the multitude of effects child marriage has on a woman's physical and social health. First, girls who are married off at young ages often report higher rates of miscarriages and stillbirths as the young mothers' birth canals are not yet fully developed at the time of pregnancy and labor. Second, girls who are forced into child marriage are more likely to face lifelong poverty, especially when they are cut off from their original families (and thus financial support) to move into their new husbands' homes. Finally, as already mentioned, husbands of young girls exert total control over their wives' education and employment, typically restrain their wives to the home where they are forced to engage in housework, and sometimes even threaten to withdraw financial support and food from their wives if they do not completely obey their husbands.[6]

Human Rights Watch interviewed 16 married Nigerian girls between the ages of 14 and 19, and one 18-year-old girl Rachel who was married at the age of 15 stated, "I discussed going back to school with my husband, but the way he is feeling, he is not interested in that. He says that if I find anything good for me [in the job market], I should go ahead and do it. [But] he thinks that if I am educated or if I have degrees, I will start to insult him".

Alyssa Cadice (2015) explains that, additionally, "mothers with little education are less likely to keep their own children in school, because they themselves are less likely to be aware of benefits of school or the value of education if they have not completed it themselves". In such cases, withdrawing children from the school thus further exposes them - especially the girl child - to higher risks of child marriage.

[7]

The Cycle of Child Marriage



“There is a strong link between girls’ staying in school, educational outcomes, and eradicating child marriage. When girls are supported to stay in school, and complete necessary secondary school, they are less likely to be forced into early marriages, are empowered to shape their life choices, and are more likely to access employment options that enable them to secure their financial futures”.[8]
– Rita Nketiah, Human Rights Watch

NIGERIA

Patriarchy and Culture

Researchers and activists alike have noted that patriarchal attitudes pervade Nigerian culture, and that gender roles uphold that men are to be the financial and directorial heads of the family while women are responsible for obeying male relatives, raising children, and performing household duties.^[9] Laws and social practices in Nigeria distinctly derive from these cultural patriarchal values and, in combination with strict religious interpretations, have solidified gender roles and thwarted progress in women's economic empowerment. For example, women are often denied inheritance rights and land ownership. Despite that Islamic laws and Quranic teachings identify women as economic rights-

holders and actually promote their right to inherit from their fathers, these provisions are weakened by gender-specific guidelines such as that a daughter's inheritance amounts to just half of her brother's. In predominantly-Muslim Northern Nigeria, women own on average only 4% of all land, and married women often have no direct ownership of her and her husband's shared land. In cases in which Nigerian men divorce their wives – sometimes due to their inability to produce a child – divorced women are often left in poverty as property which was previously jointly owned and operated was registered solely in the husband's name “with no legal or acceptable evidence of the woman's contribution”. Regrettably,



these women are often left with only their personal belongings such as clothing and jewelry. While the issue of Nigerian women's negligible property ownership may appear to be a singular or one-dimensional problem, it is important to note that lack of land/property ownership directly negatively affects a woman's ability to access credits and loans and engage on any level with financial institutions, and it also places women in a position of financial dependence upon their husbands and male relatives.^[10] Moreover,

“Gender differentials in inheritance rights [...] set the framework for structural gender inequality in families and society where men are trained for leadership activities and women are constrained to [often unpaid] domestic activities which affect their self-worth and confidence later in their adult life and career”.^[11]



Legislative Barriers

Legal hurdles also prevent women's equitable engagement and progress in the economic sector in Nigeria. For example, despite that many Nigerian women have reported facing sexual harassment in the workplace, the Sexual Harassment Bill passed by the National Assembly outlines what acts constitute sexual harassment and prescribes punishments ranging from two to 14 years in prison, yet it only applies to harassment that takes place in tertiary educational institutions and therefore does not extend protections to women in formal work settings. The Violence against Persons (Prohibition) Act (VAPP) of 2015 increased protections of Nigerian women against economic, physical, psychological, and sexual violence, and expanded the definition of rape to include all acts of non-consensual sexual penetration; however, as the issue of sexual harassment falls outside of the legislative jurisdiction of the National Assembly, it requires individual states to domesticate the law for it to have any effect across the country.^[12] As of June 2020, only 13 of Nigeria's 36 states have domesticated VAPP, with the remaining 23 who have rejected ratifying the act often citing religious or cultural reasons, and often being located in the predominantly Muslim and Sharia-legislated North.^[13] The Nigerian Criminal Code differentially classifies acts of violence against civilians based on the victims' genders; any violent act against or assault of a man is a felony punishable by up to three years' imprisonment, whereas whereas a violent act against or assault of a woman is a misdemeanor punishable by up to two years' imprisonment.

Some legislations have been introduced to debate which would greater protect women from sexual violence and expand their participation in the economy – for example, the Gender and Equal Opportunities Bill of 2010 and the Labour Amendment Bill of 2016 which would quash proscriptions of women from night jobs – have either been outright rejected or have been held up for years in the National Assembly awaiting debate or ratification. Even the Convention on the Elimination of All Forms of Discrimination against Women, which was ratified by Nigeria in 1985, has offered little protection to women as states have failed to domesticate the convention.

Other laws regulating Nigerian women’s employment include Labour Act 198 of the Laws of the Federation of Nigeria (1990), which prohibits women – with the exception of registered nurses – from participating in any and all night agricultural and industrial work, and the Police Act (2004) which relegates women in the police force to secretarial positions, prohibits them from marrying during their first three years of service, and provides for the dismissal of single mothers from their job.^[14] According to Okongwu (2021), “lawmakers have [...] expressed that religion and culture are the primary reason they opposed gender equality laws because [they are] a challenge to God and the Nigerian way of life”.^[15]

In certain states dominated by Sharia jurisprudence, arbitrary laws restrict women’s rights to travel and even engage in social events outside of the home, which further infringe upon their economic potential as contributing members of the society and economy. For

example, in Gusau, Zamfara State, Muslim women are prohibited from operating or riding motorcycle taxis. In Kano State, all women are prohibited from participating in sports and “public recreation” activities. It is important to note, however, that the Sharia law in itself is not necessarily discriminatory; rather, it is the interpretation of Sharia law by police authorities and state judicial systems that determines whether the law is used to oppress women or, alternatively, further gender equality and women’s rights.^[16]

Participation of women in the economy is essential to Nigerian society and development; more than half of all food processing and agricultural work in Nigeria is performed by women, in addition to merchant and trading jobs. Even within the context of the household, domestic work is undertaken by women, and numerous scholars have opined that the Nigerian economy and society as a whole would flounder if women were to go on strike from these essential duties.^[17]

Child Marriage

One major determinant of Nigerian women and girls’ future economic opportunities is their vulnerability to kidnapping and child marriage, which usually forces them to abandon their education and traps them in a cycle of unpaid informal domestic work; child marriage will be discussed in below sections. Nigeria’s Child Rights Act (CRA) of 2003 prohibits child marriages and child domestic labor; however, as children’s issues generally fall outside of

the legislative discretion of the National Assembly of Nigeria they therefore require ratification of individual states. Only 25 out of Nigeria's 36 states have adopted the act, with 11 of the abstaining states being predominantly Muslim. These states justify their rejection of the Act by referencing Islamic scripture and law which permits the marriage of girls after they reach their first menstrual cycle. Some researchers, however, believe that the Constitution protects a girl child from early marriage

Implementation in the states that have domesticated it continues to be a problem due to lack of awareness, lack of funds and conflict with the cultural values and customs of the people.[18]

Nigeria regrettably has some of the highest rates of child marriage on the African continent. Surveys of Nigerian girls between the ages of 20 and 24 years reveal that 43% of girls are married at least once by the age of 18,[19] statistics from



whether the CRA has been domesticated or not because an Islamic marriage can be deemed unconstitutional if it encroaches on her fundamental rights. The Supreme Council of Sharia protested against the CRA on the grounds that it is against the Muslim faith and culture and that it is unacceptable for a law to seek to establish equal inheritance rights between boys and girls and to accord legitimate and illegitimate children the same rights.

2020 show that more than 3.5 million Nigerian girls under the age of 18 are currently married.[20] In 2021, Human Rights Watch interviewed 16 married Nigerian girls between the ages of 14 and 19 years old residing in Imo and Kano states; they found that the respondents reported being “denied their fundamental rights to education, a safe dwelling, and freedom from violence, and often do not have access to adequate health care”.[21]

The surveys also revealed the primary and secondary reasons for child marriage in these two states. Married girls residing in Imo State, home to predominantly Igbo Christians, reported that their families were the ones who forced their hands into marriage; this is a common occurrence among families in poverty, as they see marrying off their daughters as a way to alleviate the financial strain on the household, and because they – often mistakenly – believe that the daughters will be better cared for in marriage. The reasons for underaged marriage of girls in predominantly Muslim Kano State are similar, though traditional religious practice also play a role. Sharia law and Islamic jurisprudence dictate that a girl can be legally married after she has experienced her first menstrual cycle, and such child marriages are therefore permitted by Shariah courts.

The prevalence of child marriage across certain regions of Nigeria is also dependent upon the intersection of geography and religion. A 2020 cross-sectional study of child marriage in Nigeria revealed that rates of child marriage in the predominantly Muslim north range between 39% to 67.6%, whereas the rates of child marriage in the predominantly Christian south are much lower, - though still statistically significant and cause for concern – ranging from 13.9% to 21.6%.^[22] Moreover, Nigerian girls from Muslim and other traditionalist communities face an approximately nine-fold higher risk of being forced into child marriage. The researchers note in their study that “it is interesting, for example, to note that the 12 states with the highest prevalence of girl-child marriage in Nigeria are all Muslim-dominated states that have

instituted Sharia laws and have so far refused to domesticate the Child Rights Act”.

A final major determinant of child marriage in Nigeria is the activity of Islamic jihadist militant groups such as Boko Haram which have increasingly engaged in mass abductions of schoolchildren – mostly female – from their educational institutions. While many of the kidnapped students are later releases by the militants in exchange for hefty ransom payments, many schoolgirls are retained in militant captivity to this day where they are forced into domestic servitude and child marriage to their captors. Between December 2020 and July 2021, Islamic terrorist groups have conducted no fewer than 10 mass abductions from schools and have kidnapped more than 1,000 students. In response to these atrocities, at least 600 schools have closed their premises to prevent kidnappings; however, these school closures are also partially attributed to the spread of COVID-19. As such, not only are abducted girls facing marriage within Islamic militant enclaves, but those that remain at home due to school closures are similarly at risk if their families fall into pandemic-induced poverty and consider the prospect of marrying their daughters off.^[23]

One Nigerian girl Nafisatu, age 15 and from Kano State, was married and became pregnant when she was 14 years old; she has unfortunately not been able to return to school and is responsible for raising children and maintaining her family home. Speaking of her circumstances and the plight of girl brides in Nigeria, she told Human Rights Watch, “It’s like a culture

here in Nigeria. If you actually love a girl, you usually ask for her family's consent. So, if they give their approval, even if the girl didn't give her consent, there is no problem, you may proceed with the marriage". Another girl, 18-year-old Rachel from Imo State, had become pregnant at the age of 15 while dating a boy from her school; her parents forced Rachel to marry a different man 30 years her senior who since repeatedly forbade Rachel from finishing schooling or traveling outside of the home.^[24] Finally, Jubilee Campaign as well as the broader community of advocates for religious freedom are well aware of the story of now-18-year-old Christian girl Leah Sharibu. In February 2018, Leah was one of the 110 schoolgirls kidnapped by Islamic State West Africa Province (ISWAP) from Government Girls Science and Technical School in Dapchi, Yobe State. While in the months and years following the incident the militant group released every girl from captivity - with the exception of a few students who unfortunately perished during the abduction - Leah remains in captivity as she refused to renounce Christianity and convert to Islam at her captors' demands. Furthermore, reports have explained that Leah was forced to marry a militant man and now has two children born of rape.^[25]



SUDAN

Progress

In comparison to both Nigeria and Pakistan, there has been some noteworthy progress in women's rights and gender equality in recent years in Sudan. For example, following the 2019 ouster of the al-Bashir regime, the transitional government in July 2020 adopted the Miscellaneous Amendments Act which banned female genital mutilation/cutting (FGM/C) as well as guardianship, which required women to be accompanied by a male guardian or otherwise obtain his permission when traveling internationally. [26] Months earlier, Sudan abolished

public order laws which governed "morality" by imposing dress codes upon women and generally monitoring women's behavior in public settings; under these laws previously, women have received flogging as disproportionate punishments for their 'crimes' of morality such as dancing at social gatherings and working as street vendors. [27] More recently, in November 2020, Sudanese officials announced that they would combat child marriages and enforce the new prohibition of FGM/C. As such, municipal authorities would take up the



task of informing municipalities that FGM is now illegal and that it warrants up to three years' imprisonment. The director general of police, Ezzeldin El Sheikh, has stated that Muslim clerics would need to play a major role in discouraging and eradicating female circumcision.[28]

Another point of good news was that the Sudanese council of ministers would likely soon adopt articles of the African Charter on the Rights and Welfare of the Child into domestic legislation to criminalize child marriage, a practice that remains of concern in Sudan and will be discussed later.

While we welcome these guarantees of advancement of gender equality and individual freedoms in Sudan, it is important to note that the civilian leadership and military leadership – both of which participate in the transitional government – have been at heads with each other regarding the future direction of the country, and therefore Sudan could experience a backtrack on its progress as it is still in a fragile state.[29] In late September 2021, Sudanese intelligence forces conducted a counterterrorism raid in Khartoum against a cell associated with Islamic State of Iraq and the Levant, during which two commissioned and three non-commissioned Sudanese counterterrorism officers were killed. 11 foreign terrorists were arrested and four escaped. One week prior, Sudanese authorities announced that its counterterrorism agents prevented an attempted coup by military actors and civilians associated with the former ousted al-Bashir regime.[30] On 29 September, one day after the counterterrorism raid, Al-Ressalil Movement for Preaching and

Combat – Wilayat Sudan claimed responsibility not only for the deaths of the five Sudanese intelligence officers during the raid, but also for a March 2020 attempted assassination of transitional government Prime Minister Abdalla Hamdok.[31]

Even the Sudanese public had expressed hesitancy towards major legislative changes even prior to the establishment of the transitional government. A December 2018 Arab Barometer survey conducted just weeks before the Sudanese revolution revealed that 61% of citizens still believed the nation's laws should be based on Sharia, and only 10% expressed their belief that the law should reflect the wishes of the people.[32]

Legislative Barriers

In spite of the numerous steps made in the realms of human rights, religious freedom, and gender equality made over the past two years in Sudan, there remain insurmountable barriers to women's equality in society, the economy, and even in their personal lives. However, before delving into Sudan's current legislations, we will discuss the nation's former legislation and how it informed the case of Christian woman Mariam Ibraheem in 2014. Sudan's Comprehensive Peace Agreement of 2005 and the Interim National Constitution of the same year cited 'religious freedom' as its justification for allowing three different modes of law: Islamic, Christian, and traditional/customary. Researchers noted that "this creates legal pluralities for



Above: Mariam Ibraheem (left), with Ann Buwalda (Executive Director, Jubilee Campaign), Ambassador Jos Douma (Netherlands Special Envoy for Religion and Belief), and Marziyeh Amirizadeh (Iranian Christian survivor of apostasy laws)

Sudanese women since they are granted different civil rights depending on which religious community they belong to”^[33]; however, Mariam’s case exhibits how easily religious laws can be misapplied to oppress women and their right to choice. Born in 1987 to a Muslim father and an Egyptian Orthodox mother, Mariam was predominantly raised by her mother and therefore even adopted Christianity as her chosen faith. However, in 2014 after marrying a Christian man by the name of Daniel Wani, one of Mariam’s distant relatives accused her of committing adultery by marrying a man of the Christian faith. Islamic law in Sudan at that time had strictly prohibited marriages between a Muslim woman and a non-Muslim man. Despite that Mariam had repeatedly asserted that she had always identified as a Christian herself and had never been a Muslim, Sudanese courts sentenced Mariam to death on charges of apostasy – or converting away from Islam – and of adultery for allegedly marrying outside of her faith. Mariam was detained in Omdurman Federal Women’s Prison with her 20-month-old son Martin. While imprisoned, Mariam was shackled and repeatedly denied medical care despite

that at the time she was also eight months pregnant with her second child. Even during labor, Mariam’s legs remained restrained, causing worry that her daughter would be born with disabilities; fortunately, Mariam safely and successfully delivered her daughter despite this barbaric treatment. Mariam was eventually released in prison and spent some time at the US Embassy in Khartoum before she fled Sudan with her husband and children to relocate in the United States.^[34]

While Mariam’s case is extraordinary and far from commonplace, it is still indicative of the numerous discriminatory practices that Sudanese women were subjected to not long ago. Furthermore, despite improvements that we have seen with regards to gender equality and women’s emancipation over the past two years, there does remain existing legislation that is extremely oppressive of Sudanese women and girls. The 1991 Muslim Personal Status Law, for example, includes problematic provisions such as: that the age of marital consent for a girl is puberty; that a woman needs a male guardian to support the marriage; that a girl under the

age of 18 can be married against her will if a male guardian approves of the union; that the husband can legally prohibit his wife [and a male relative can prohibit a woman in his family] from obtaining work outside of the home even if “he himself fails in his financial obligation”; that a married girl under age 18 cannot file for divorce; that a man can marry up to four wives; that a wife must have reasonable grounds to divorce her husband, whereas the husband can file for divorce without reason; that a daughter inherits half of the proportion of inheritance as her brother; and more.[35] The 1991 Muslim Personal Status Law, though it covers issues of family matters most specifically, directly affects women’s economic engagement. As mentioned, a man is permitted to prevent his female relatives from having a job, and one woman in Madani reported that despite having a college degree from Khartoum University and receiving numerous job offers and successful interviews, she has remained unable to start a career as her brother refused to grant permission, stating that she should remain in the home.[36]

In comparison, customary law – which is not based on religion – is similarly discriminatory towards women, yet it remains the most commonly applied legislation in criminal and civil cases. Scholars note, however, that “there are basic similarities between customary and sharia law. The patriarchal and collective pattern whereby the woman is subservient to the male head of the family is the main principle in both legal systems”.[37] Under customary family law, women are offered no automatic grounds for divorce; they are unable to inherit from

fathers at all; families can sell their daughters into marriage; and a divorced woman is obligated to reimburse her ex-husband for her dowry. In many instances, a divorced woman is unable to make such payments and then must rely on her parents and sometimes even extended family to pay back the dowry, thus placing them in unideal financial circumstances.

The 1997 Labor Code does offer a few positive provisions with regards to women in the labor force. For example, it protects women from employment dismissal should they become pregnant; it also guarantees mothers' rights to paid maternity leave proportionate to their length of employment. However, the Labor Code presents more impediments to women’s equitable employment than advantages. Women are prohibited from employment in industries and jobs that are considered “hazardous, arduous or harmful to their health”, and more specifically, they are prohibited from underground and underwater work as well as jobs that expose them to extreme temperatures. Furthermore, women are only permitted to work between the hours of 6 AM and 10 PM, unless they engage in work in the technical, administrative, health care, and social service industries. Hour limits pose obstacles to employment for women who have shift-based jobs or who live far away from their workplace and must leave home extremely early to arrive at work in time for a full day of work. [38]

The 2008 National Elections Act introduced quotas for women’s participation in national politics – such as that 25% of seats in State and National

Parliamentary Assemblies must be reserved for women – and has led to a high participation rate of Sudanese women in politics. However, it is important to mention that those women who have been elected to these positions with the purpose of advocating for greater gender equality are usually supporters of the 1991 Muslim Personal Status Law which discriminates against women. One researcher, Halim, explains that while women are given positions in the government as “token recognition to gender equality”, in reality this is just lip service as “women are only permitted to perform the role designed for them by the ruling patriarch[y]”.^[39]

On the bright side, there is a great hope among Sudanese women that they will be offered greater economic equality under the transitional government. Previously in 2005, after an interim constitution was approved, the Ministry of Social Welfare for Women and Child Affairs had drafted a 2007 Women Empowerment Policy. Sudanese women are cautiously expecting a similar plan under the 2019 Interim Constitution. Moreover, the increasing involvement of Sudanese women in social service and national policy-monitoring non-governmental organizations (NGOs) is a strong indicator of women’s sustained future economic engagement should legal provisions be made expanding women’s economic and social rights.



“Data from 190 countries are examined going back nearly 50 years. Each country is provided an overall score that is an average of their individual score for each dimension, ranging from 0 to 100, with 100 representing the highest score (that is, there are no legal differences in men’s and women’s access to economic opportunities in the indicators measured). Sudan has an overall score of 29.4, and the only three countries that score lower than Sudan are Kuwait, with an overall score of 28.8; Yemen, with an overall score of 26.9, and the West Bank and Gaza, with an overall score of 26.3”[40]

Child Marriage

Article 40 of the aforementioned Muslim Personal Status Law allows for girls as young as 10 to marry with the permission of a judge; often, these judges are not informed of the girls’ status as a minor. The girl child is placed in a precarious situation if she tries to resist the marriage; refusing to marry is cause for taking the case to court, which is fruitless for two reasons: one, the girls are usually forced into marriage by their own families and therefore their families would not agree to dissolve the marriage; secondly, Sudanese citizens under the age of 18 years are prohibited for filing petitions in court. Researchers and human rights activists have pointed out the hypocrisy in this, stating that “the reality is that you are old enough to get married at the age of ten but too young to file for divorce before the age of 18”.[\[41\]](#)

Girls Not Brides notes that the drivers of child marriage in Sudan include, first and foremost, poverty; 54% of women living in the poorest regions of Sudan were married before the age of 18, whereas 19% of women from Sudan’s wealthiest regions were married before 18. The groom’s payment of a dowry to the bride’s family further emboldens families in poverty to marry their daughters off at young ages. Another main facilitator of child marriage is low education rates; 55% of women with no educational background were married before 18 in comparison to 3% of women who had achieved secondary education. This is because fully-educated Sudanese women are often subject to negative stigma, as they are mistakenly portrayed as being infertile, undesirable, or more difficult to “socialize into submission”.[\[42\]](#) As such, to avoid their daughters as being viewed as unwanted, families will withdraw them from school and marry them off; “continuing education exposes girls and women to such stigma. Young men and their families stigmatize [educated women] as being resistant to traditions, and are unlikely to be obedient to husbands”.[\[43\]](#)

We cannot underestimate the importance of education in preventing early and child marriage. Similarly to Nigeria, there exist numerous obstacles in Sudan to girls’ full education. Girls living in rural regions – especially Kassala, East Darfur, and West Kordofan – have lower enrollment rates at education institutions. Moreover, Sudanese families in general do not express high interest in putting their daughters into school as they view girls’ roles as future mothers and caretakers. Girls Not Brides explains further that

“parents place little value in their daughters’ education and girls are often perceived as better able to support her family when a husband pays a bride price for her marriage” than when she completes school and finds a job. The World Bank has also noted that the COVID-19 pandemic poses great potential risk that girls who leave educational institutions during pandemic-related

of the top causes for girls and women between the ages of 4 and 24 to drop out of school.

“Early marriage can also have cyclical effects, as it often leads to early pregnancies which will prevent a girl from going to school. In line with this tendency, MICS [Multiple Indicator Cluster Survey] 2014 data show that fertility rates are



school closures will not return to finish school. For example, in comparison, many girls in Sierra Leone during the 2014-2016 Ebola outbreak did not return to school once the education system reopened.^[44]

In another parallel to the situation in Nigeria, not only is education a primary preventive measure against child marriage, as explained above, but it is the part of a girl’s life most detrimentally effected by child marriage. The World Bank reports that “early marriage” was one

nearly twice as high for adolescent girls who live in rural areas [with lower education rates and higher early marriage rates] than for those in urban areas, where marriage rates are lower [and education rates are higher].^[45]

Other drivers of child marriage include religious views – in particular, Islamic views – that girls are legally marriageable at young ages if they have experienced “physical maturity” or puberty at the time of the marriage, as is provided for in Sharia

law. Moreover, both religious and traditional views mischaracterize all girls as prone to immoral sexual behavior and thus, families seek to marry them off at younger ages to prevent such premarital sexual relations which could lead to births out of wedlock and tremendous shame upon the girls' families.[46]

One noteworthy case of child marriage in Sudan is from 2018, when 11-year-old Amal sought out to divorce her 38-year-old husband who had been physically abusive of her. Amal explained that despite her desire not to marry, her father had accepted the man's proposal, and even after Amal confided in her father about the physical violence she suffered at the hands of her husband, he still sent her back to her new household. It was only with the assistance of her husband's first wife that Amal was able to escape and file a case at the police station where she was further examined and her injuries were found to be consistent with her testimony of spousal violence. Amal's father in an interview with CNN explained that "when I let him marry my daughter, it was on trust, on the basis that he would look after her, let her continue with her education and honor her as agreed. But I found that this was not happening. It was all beating, humiliation and provocation". Regardless of Amal's sufferings, however, he still plans to marry off his five remaining younger daughters.[47]



PAKISTAN

Patriarchy & Religious Nationalism

“Pakistan is a highly patriarchal and conservative country in which gender roles are defined according to religion and culture be it social, political or economic. As per existing gender roles assigned, women are meant to be inside the four boundaries of the house, tending to ‘women’s work’ while men are meant to deal with the outside world of politics and economics referred to as ‘men’s work’”.[48]

Among the most frequently noted obstacles to Pakistani women’s economic empowerment and social advancement by researchers are patriarchy and religious nationalism. In fact, Pakistani nationalism is wholly dependent on religion, as the nation was created during the British partition of India to establish a state whose legal system, culture, and society were based on Islamic principles. These principles, in turn, boast male dominance as, historically, men were the forefathers of the nation and have been responsible for the country’s inception and survival. Researchers noted that “Muslim women’s Islamic piety (not Islamic feminism) is no threat to the dominant political patriarchy. However, those who are being labeled as liberals (feminists), who demand secular autonomy and transformative changes for the nation are seen as challenging Muslim male dominance”. A 2020 survey[49] of 20



Pakistani Muslim women between the ages of 23 and 48 revealed that a substantial portion of respondents identify religious nationalism and religious-based politics as obstacles to their realization of full equality:

“The understanding of feminism in terms of equal opportunities especially in the poor segment of the society is low, we never see government addressing this issue. There is no infrastructure to support women - all structures and practices are serving to men’s needs. The state is rather promoting an Islamic type of nationalism which is quite the opposite of equality for all. It is important to challenge the state’s stance. We cannot be blind patriots if we wish for the development of Pakistan.” - Respondent 6, Category 1

“Nationalism in Pakistan is conflated with religion because even the name of the country refers to that. But in Pakistan, religion is a game of interpretations, and here the dominant interpretation of religion is that the private sphere is for the women while the public space isn’t. While this is a religious issue, in the context of Pakistan this becomes a national issue.” - Respondent 10, Category 1

The survey, however, also recorded responses of a group of Muslim conservative women who deny that they are oppressed whatsoever and maintain that women’s roles are strictly laid out in Islamic scripture. This therefore raises the issue of another main obstacle to women’s empowerment in Pakistan: there is a schism among Pakistani women regarding their beliefs of what women’s

empowerment means and whether it is even necessary. Moreover, not only do women in Pakistan disagree about the necessity of gender equality, but they also share varying perceptions of the appropriate application of Islamic legislations and whether religion should guide the private sphere, the public sphere, both, or neither. These ideological divisions among the very people that feminism seeks to advocate for weakens the cause itself.

“Social hierarchies are a natural way through which societies evolve and perform better. That is why it is my personal preference to be associated with Jamaat -i-Islami (a conservative political party), they have a concrete ideology. As an Islamic state, the law should strictly follow the sharia. One cannot separate Islam and nation, and that is a good thing!” - Respondent 4, Category 2

“When we have a flawless framework offered by Quran and Sunnah for how women should or should not behave, I believe that we do not need to look toward the West for how women should be treated. We have to understand the Quran better to know our responsibilities as women.” - Respondent 1, Category 2

While it is perfectly acceptable for women to allow religion to guide their own livelihoods, it is harmful to make a generalization that religion should guide all individuals’ livelihoods and to impose these values via faith-based legislation upon other women who do not share the same faith backgrounds and ideas of feminine power.

Legislative Barriers

In contrast with Nigeria and Sudan, Pakistan has fewer legislations that are discriminatory towards women and discouraging of their economic empowerment; instead, the primary impediments for Pakistani women are oppressive traditional and religious values, lower education rates, and child marriage which forces child brides out of school, as will be discussed in the following subsection.

In fact, some legal improvements have been recently made in Pakistan which have the potential to benefit women in employment should they be implemented accordingly. Pakistan, unlike Nigeria and Sudan, has officially rescinded the proscription of women's engagement in overnight work.^[50] In January 2022, Pakistan's parliament ratified the Protection Against Harassment of Women at the Workplace (Amendment) Bill, which expands 'workplaces' to include both the formal and informal sector, and which expands the definition of 'harassment' to include sexual violence, physical violence, and broader "discrimination on the basis of sex".^[51] In the years leading up to the implementation of the Bill, Pakistani women professionals have consistently reported being subjected to online and offline harassment, threats of violence, defamation, cyberstalking, unwanted "aggressive demand[s] for sexual favors or other verbal or written communication or physical conduct of a sexual nature", and more, predominantly perpetrated by male supervisors, colleagues, and senior staff.^[52]

"Pakistani women generally go through three different levels of issues within SH (sexual harassment) process. Firstly, women endeavor to hide SH due to Islamic modesty and cultural traditions. Secondly, once they decide to take action there is a lack of redress at organizational and government level[s]. Finally, once they report the issue they face victimization".^[53]



It is also important to note that in spite of making some steps in the right direction for women's economic empowerment and equality in the workplace, there have been some existing legal hurdles. In 2021, the Pakistani parliament rejected a law that would permit women to register their own business, reserving such activities to men only; this legally prevents women's entrepreneurship.[54] In November 2021, the Pakistani Senate Standing Committee on Law and Justice quashed a bill which would guarantee women's equal inheritance as a fundamental right; regrettably, Pakistani women who have opposed discriminatory inheritance practices have been faced with the only option of taking the matters to court and, in light of such an obstacle, have signed away their inheritance rights to their brothers.[55] As has already been discussed in this report, restrictions on equitable land ownership and inheritance rights for women directly hinder their ability to open bank accounts, apply for loans, make financial investments, and therefore become economically independent.

Child Marriage

Child marriage remains a salient problem for predominantly faith minority girls in Pakistan, and this is only exacerbated by a lack of legal protection for victims of abduction who are usually forced into religious conversions and marriages to their perpetrators. One positive note is that in late 2019, the Pakistani government passed the Christian Marriage and Divorce Bill which effectively abolished restrictions on marriages and divorces and which repealed the former precedent that Christian adolescents under the age of 16 years were permitted to marry.[56] Furthermore, also in 2019, the Senate ratified the Child Marriage Restraint (Amendment) Bill which raises the minimum legally marriageable age to 18 years and sets punishments for child marriage at imprisonment for up to five years and a hefty fine. The passage of this bill, however, was not without opposition from numerous senators; Senator Ghafoor Haideri of Jamiat Ulema-i-Islam rejected the age raise, referring to Islam which allows the marriage of girls after they have reached puberty, and he urged that that the bill first be sent to the Council of Islamic Ideology before discussion in the Senate. Additionally, Senator Mushtaq Ahmad of Jamaat-i-Islami criticized the bill, claiming that it contravened Sharia principles.[57]

While the above legislations appear to be major improvements in eradicating child marriages, it is important to note that child marriage incidents in many cases involve radical Muslim men abducting



faith minority girls and forcing them to convert to Islam prior to marriage; this means that the girl victim is now subject to Islamic legislation such as the Muslim Family Laws Ordinance of 1961 which permits the marriage of Muslim girls as young as 16 and therefore makes it more difficult for girl brides to contest their unwanted marriages.[58] Even the courts and judges, who should be tasked with protecting the girl child, have cited Islamic values as a reason for allowing child marriages to persist; they have even ignored birth documents stating the girl victims' real ages in cases in which the abductors had claimed that their child wives were older than they actually were. Police and detectives have similarly been reluctant to file cases and open

investigations into child marriage as well. [59] Moreover, in November 2021, under pressure from the wider Muslim community that claims that abductions, forced conversions, and marriages of faith minority girls is not a real phenomenon, the Pakistani parliament discarded the proposed Forced Conversion Marriages Bill, thus emboldening perpetrators to continue their crimes with impunity.[60]

Another main obstacle to eliminating and criminalizing child is that the issue has increasingly fallen under provincial jurisdiction over the past decade and therefore depends on Pakistan's provinces to take measures into their own hands to pass regional bills combatting child marriages and raising minimum marriageable ages. Sindh Province is the only province in Pakistan that has made inroads, having passed the Sindh Child Marriage Restraint Act in 2013 which "makes underage marriage a cognizable and non-compoundable offence. This means that the police can take action on their own to arrest offenders upon any information, and no private conciliatory deals can be made between families, communities or jirgas to bypass the law". [61] Regrettably, no other Pakistani province has followed Sindh's footsteps.

The most recent nationally-provided statistics on child marriage come from the Pakistan Demographic and Health Survey of 2017-2018 which reports that 18.3% of girls are married before the age of 18, 3.3%



of which are married before age 15.[62] However, human rights organizations and monitoring agencies alike have estimated that 1,000 Pakistani women and girls from faith minority communities are abducted, forcibly converted to Islam, and married to their perpetrators against their will each year.[63]

Unlike in Nigeria and Sudan, many cases of child marriage in Pakistan are high profile:[64]

February 2021: Muslim policeman Ghulam Maroof Qadri kidnapped underaged Hindu girl Neena Kumari while she was returning home from school; he then forced her to convert to Islam, renamed her 'Maria', moved with her 400 miles away to Karachi, and married her against her will. Qadri fabricated a birth certificate alleging that she was 19 years old.

February 2021: Muslim man Muhammad Qasim abducted underaged Hindu girl Reena Meghwar in Keriogjar, Badar, converted her to Islam, and married her. The victim's family filed a complaint with the police but the authorities refused to register a case or search for the missing girl. Two months later in April, Reena was filmed on a house terrace pleading with people on the street to rescue her and that she wished to commit suicide if she could not escape. In July, Reena was presented in court and testified in favor of her husband - though it is believed she was coerced to do so, as she was extremely mentally and emotionally unstable and even fainted before the hearing; the court judge ordered Reena to return to her 'husband'.

March 2021: 13-year-old Hindu girl Kavita Oad was abducted and converted to Islam against her will by local Muslim cleric Mian Mithoo in Sindh Province.

March 2021: Johnson and Samina Masih received a tipoff that their 13-year-old missing daughter Shakaina was kidnapped while returning home from work, converted to Islam, and married to a much older Muslim man. Authorities did not investigate the case at the family's request.

March 2021: Hindu Member National Assembly reported that authorities had rescued 13-year-old Hindu girl Pooja Maghwar who had been kidnapped while returning from work.

April 2021: Days after 22-year-old Hindu woman Aarti Bai failed to return from her work at a beauty parlor, it was revealed that she had converted to Islam and married Muslim man Muhammad Fawad. It is believed that Bai was under threats to testify in favor of her 'husband', and she was prevented from seeing her parents while in police custody. The court judge refused to order a medical examination of Aarti to determine whether she had been subjected to torture or physical harm.

May 2021: Muslim father-of-four, Saddam, kidnapped 13-year-old Christian girl Nayab Gill and forced her to marry him and convert to Islam. On a phone call with Nayab, the girl's mother explains, Nayab asked for her family to consider her dead, though she believes Nayab is under coercion to defend her 'husband'.

August 2021: an unnamed 14-year-old Christian girl who was home alone studying for an exam went missing, and her parents later received a call from a man claiming that the girl would soon be returned. However, the girl remains in captivity and the mother has since learned that she was forced to convert to Islam and marry her abductor. Authorities refused to file charges.

August 2021: A group of six Muslim men led by Muhammad Azeem ambushed the home of Christian sisters 16-year-old Muqds Nadeem and 12-year-old Mehwish Nadeem, physically assaulted the girls, and abducted the elder.

August 2021: Radical Muslim man Muhammad Ali Nawaz ambushed the home of Hindu man Mangal Bheel, beating him and kidnapping his 15-year-old daughter Chatro.

August 2021: A disabled individual reported that his two 15-year-old Christian relatives Simran and Sheeza were taking care of him and left to go purchase food when a group of assailants attacked and kidnapped the girls at gunpoint.

August 2021: Christian rickshaw driver Gulzar Masih, after he went to pick up his 14-year-old daughter Chashman Kanwal only to find her missing, received a phone call from a man claiming that he had married Chashman and that she converted to Islam.

September 2021: 20-year-old man Muhammad Bota kidnapped and raped his 8-year-old Christian neighbor Liza Younas before attempting to beat her death with a rock; Liza survived the attack and is recovering, and the perpetrator is in police custody facing up to 25 years' imprisonment.

October 2021: Muslim man Muhammad Saqib threatened 17-year-old Christian girl Misbah Imdad with kidnapping, conversion to Islam, and marriage. Misbah and her family are currently in hiding.

November 2021: 22-year-old Muhammad Daud abducted 12-year-old Christian girl Mareeb Abbas, transported her far away, forced her to convert to Islam, and married her.

December 2021: It was reported that 13-year-old Hindu girl Roshni Meghwar of Sindh Province – who had previously been kidnapped and converted to Islam – had married Muslim man Mohammad Moosa and changed her name to Razia.

Another major driver of child marriage in Pakistan – unrelated to the instances of forced abduction, religious conversion, and marriage of faith minority girls – is poverty, and unfortunately this tremendously affects Christian communities in particular. Christians are deemed as unwanted minorities, de facto second class citizens, and are relegated to low-paying and high-labor jobs such as sanitary work, and as a result the majority live well below the poverty line and are more likely to withdraw their young adult and child daughters from school and even force them into early marriage.^[65] In December 2019, it became global news when 629 Pakistani women and girls – believed to be predominantly Christian – were sold into marriage with Chinese men by their families for approximately \$1500 per bride.^[66]



RECOMMENDATIONS

Education

Education is a key preventive force to promote girls' and women's economic empowerment and to prevent child marriage. Though education is free and compulsory in all three nations, obstacles continue to hinder girls' full education. Efforts should be made to expand education to rural areas and areas with higher poverty rates, as these regions are known to have lower enrollment rates and higher rates of child marriage. More should be done to increase accessibility to schooling, such as by offering free transportation.

Family members must be made aware of the benefits of education for the girl child and future woman, and information campaigns should be initiated to demonstrate the importance of primary and secondary education, as well as combat harmful misconceptions such as that women should not complete school as it makes them undesirable for future marriage, that education makes women disobedient to male relatives, and that education is unnecessary for women whose sole purpose is to remain homebound.

Legislation

Legislation must be drafted, ratified, and enacted which will increase Nigerian, Sudanese, and Pakistani women's rights to equitable property inheritance and land ownership, as these are important vehicles of increased economic empowerment. Similarly, legal provisions that prohibit women from certain kinds of work must be quashed, and legal protection must be extended to women in the workplace from gender discrimination and violence.

Legislation must be enacted to criminalize all instances of child marriage in Nigeria, Sudan, and Pakistan, and these laws must not be subjected to supersession by religious-based interpretations of law and scripture that justify or permit child marriage. In Nigeria, authorities must take preventive and prosecutorial measures against mass school abductions of children by militants and, along that line, invest in increasing security in educational institutions and vulnerable communities. In Pakistan, the government should re-introduce and ratify the Forced Conversion Marriages Bill, followed by implementation in all provinces.



Reinterpretation

Numerous researchers have noted the potential for women in countries with primarily Islamic legislation to “reinterpret” scripture and religious jurisprudence to promote women’s basic rights and equality. For example, in Sudan with regards to female genital mutilation/cutting, Islamic teachings can be used to oppose this harmful practice. One FGM/C opposition activist, Mrs. Wisal al-Mahdi, explained that her great-grandfather in the 19th century fought against female circumcision on the grounds that “the Koran prohibits human beings from changing the creation of God”. She also explained that “many of the same Islamist women who promoted female circumcision [...] in the late 1990s have in 2007 taken a stand against the practice. One of the main reasons for this was a lecture in Sudan by a British-Egyptian lawyer who claimed that female circumcision was against Islam”.[67] Moreover, female reinterpretation activists in Sudan have referenced women during the time of the Prophet taking part in political affairs as an argument for women’s equality in society, politics, and economics. It is possible that this process of re-interpretation can be further applied to advance women’s rights to inheritance and land ownership, promote their education, and enact legal proscriptions on child marriage.

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