

Conflicting child marriage laws leave girls unprotected in South Asia, report warns

New Equality Now report reveals how contradictory laws, legal loopholes, and weak enforcement put girls at heightened risk of child marriage in South Asia.

COLOMBO, SRI LANKA, May 20, 2026 /EINPresswire.com/ -- Laws banning child marriage in South Asia are being undermined by conflicting religious and customary laws that permit marriage under 18. Analysis by Equality Now of eight countries finds that weak laws and poor implementation are putting millions of girls at risk of early and forced marriage, particularly those from religious minorities.



Photo credit - Equality Now, Aakansha Saxena

Equality Now's report, 'Exploring the Interlinkages Between [Child Marriage and Family Laws in South Asia](#),' reveals how contradictory and discriminatory civil, customary, and religious laws enable child marriage to occur with minimal risk of legal consequences and make it harder for survivors to leave unions and access justice.

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Divya Srinivasan, Equality Now

Equality Now's Divya Srinivasan explains, “Equal protection under the law is essential to ending child marriage in South Asia. This requires setting 18 as the minimum age of marriage without exception across all legal systems and

communities, and guaranteeing equal protections are consistently applied so no girl is endangered because of her background.”

CONFLICTING LAWS ENABLE CHILD MARRIAGE IN SOUTH ASIA

One in four [young women in South Asia is married](#) or in a union before their 18th birthday. The vast majority live in poverty, and three-quarters give birth while adolescent, reports UNICEF.

In Bangladesh, India, Pakistan, and Sri Lanka, parallel legal systems allow civil laws applying to all citizens to coexist alongside conflicting religious, customary, or family laws governing specific communities.

Bangladesh provides a stark demonstration of how this can facilitate child marriage. Civil law sets the age of marriage at 18 for girls and 21 for men, but civil courts can approve child marriage in “special cases” with no clear minimum age specified. Hindu and Parsi laws have no minimum age, whereas Muslim law allows marriage at puberty, typically interpreted as age 15. Meanwhile, Christian law permits girls to wed at 13 and boys at 16.



Allowing girls to marry younger than boys entrenches sex discrimination within legal systems, as does the biased treatment of women and girls in family law courts. Also problematic is how many countries lack specific provisions on annulling child marriages or have onerous requirements for annulment, such as time limits or necessitating proof that a marriage wasn't consummated.

Contradictory legal frameworks create uncertainty over which laws take precedence. In India, for example, some courts have questioned whether general child marriage laws apply to Muslim marriages.

Unequal legal protections foster conditions that expose religious minorities to heightened risk of child and forced marriage, and forced religious conversion. In Pakistan, significant numbers of minority [girls are abducted, forcibly converted, and married](#). Once a girl is converted to Islam, instead of applying civil law, courts typically follow Islamic law, which permits marriage from puberty. This effectively shields perpetrators from prosecution for forced conversion, underage marriage, and statutory rape.

LACK OF LEGAL PROTECTIONS AGAINST MARITAL RAPE

Sri Lanka has made strides in reducing child marriage through legislative action and enforcement. However, protection gaps remain. Civil law sets 18 as the minimum age of marriage for all apart from Muslims, who are governed by the Muslim Marriage and Divorce Act

1951 (MMDA).

The MMDA doesn't specify a minimum marriage age, nor is registration of Muslim marriages mandatory, which makes accessing divorce, maintenance, and child custody harder. For decades, Sri Lankan civil society has campaigned for legal reform, but progress has been hindered by resistance from some Muslim religious and political leaders.

Sri Lanka's Penal Code permits sexual intercourse within marriage from when a wife is 12, while also classifying sexual intercourse under 16 as statutory rape. This denies married Muslim girls the protections against sexual abuse afforded to unmarried children.

When marital rape is not criminalised, such as in India and Afghanistan, marriage removes legal safeguards, enabling impunity for offenders. In Afghanistan, marriage can be contracted at any age, and there is no civil law. Instead, consent is determined solely by the Taliban's interpretation of Sharia Law. Without enforceable legal rights, Afghan children are left defenceless.

CUSTOMARY "MARRIAGES," UNREGISTERED UNIONS AND HARMFUL CULTURAL PRACTICES

Discrimination against girls manifests in customary laws governing marriage and divorce, with longstanding and unwritten practices frequently contravening civil laws. For instance, in Pakistan, courts regularly allow child marriages under personal law by applying the puberty standard, even in provinces where statutory law sets 18 as the minimum marriage age.

Tension between customary practices and legal protections can be found in Bhutan, where the legal age of marriage is 18. However, girls are at risk from *bomena*, a tradition in which a boy enters a girl's home at night for courtship or sexual relations. Under Bhutan's Penal Code, acts associated with *bomena* could constitute rape. However, the Marriage Act, 1980, allows a union arising from *bomena* to become a valid marriage if both parties accept.

Across South Asia, child marriage is concealed by falsifying brides' ages when registering marriages, or by "customary marriages" where a minor cohabits in an unregistered union. When marriages aren't officially recorded, this undermines data accuracy and aids abusers in avoiding detection. The problem is compounded by the underreporting of underage marriages due to stigma, fear of legal consequences, or families resolving matters privately, particularly in cases involving rape or pregnancy.

The Maldives has an official child marriage rate of around 2%, but there is a concerning rise in unregistered marriages, with some hardline religious groups issuing fatwas discouraging official registration, claiming it contradicts Islamic principles. In Nepal, the legal marriage age is 20, but underage Muslim wedding ceremonies are sometimes unregistered and conducted following religious customs.

Enakshi Ganguly, report co-author, concludes, "Legal reforms in South Asia are urgently needed

to close gaps that leave girls vulnerable to child marriage, but this alone isn't enough. Child protection systems must be strengthened so laws work well in practice and survivors can access annulment or divorce and support services.

"Effective implementation of birth and marriage registration laws is critical. Equally important is making it a genuine option for girls to marry later by ensuring they can stay in school, receive comprehensive sexuality education and life skills training, and pursue meaningful employment opportunities."

About: Equality Now is a worldwide human rights organisation dedicated to securing the legal and systemic change needed to end discrimination against all women and girls. Since its inception in 1992, it has played a role in reforming 130 discriminatory laws globally, positively impacting the lives of hundreds of millions of women and girls, their communities and nations, both now and for generations to come.

Working with partners at national, regional and global levels, Equality Now draws on deep legal expertise and a diverse range of social, political and cultural perspectives to continue to lead the way in steering, shaping and driving the change needed to achieve enduring gender equality, to the benefit of all.

For more details, go to www.equalitynow.org

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