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COI QUERY RESPONSE

PAKISTAN- INFORMATION ON INHERITANCES TO CHILDREN

The *Department of Foreign Affairs and Trade (DFAT) Australia* in April 2025 reported that: “Sexual relations outside of marriage are prohibited under the *Hudood Ordinances* (1979) and considerable social stigma is attached to children born out of wedlock. Without a father's name, children born out of wedlock have no rights to inheritance and experience difficulties being registered with NADRA, unless formally under state guardianship in an orphanage (see Documentation).”¹

The *Pakistan News Gazette* in October 2024 notes that: “Ayaz Sadiq reiterated that providing equal opportunities to girls, especially educational opportunities, is vital for the well-being of future generations. He reaffirmed the importance of inheritance laws and social safety nets designed for women and girls, stating that our society, especially the Muslim Ummah, honors the girl child, providing her with social and financial comforts alongside necessary protection. 'Our culture and religion encourage us to consider every girl child as an integral member of society,' he added. The Speaker emphasized the provisions of the Constitution of the Islamic Republic of Pakistan, stated that every citizen including children are equal before law. He said that the Constitution of Pakistan, without any gender discrimination, guarantees the right of children to inheritance of property and right to free and compulsory education from the ages of 5 to 16.”²

The *US Department of State* Country Reports on Human Rights Practices in April 2024 mentioned that: “In an article published in *Courting the Law*, 'Pakistan's 1st Legal News and Analysis Portal', dated 15 December 2020, lawyer Ahmed Tariq described the Sunni and Shia legal perspectives on the rights of children born outside of marriage in regard to parental, maintenance and inheritance rights, asserting among other things that 'Under Islamic law, a child born out of wedlock is considered *filius nullius* ("a son of nobody") and considered to own no lineage to the biological father.’”³

The *Shehzad Bhamani, Shireen, Ambreen Merchant, Zohra Asif Jetha, and Tazeen Saeed Ali (via IntechOpen)* in January 2023 points out that: “Pakistan is majorly a Muslim country, and in Islam,

¹ Department of Foreign Affairs and Trade (DFAT) Australia (30 April 2025) DFAT Country Information Report: Pakistan (April 2025), p.80

² Pakistan News Gazette (11 October 2024) Islam grants fundamental rights to all irrespective of gender: Ayaz

³ US Department of State (22 April 2024) 2023 Country Reports on Human Rights Practices: Pakistan, p.33

there is no concept of dowry (Jahez). According to Sharia, financial obligation is not bound on wife or wife's parents. In Islam, dowry practice forbade as the religion has granted a rightful share to daughters in their family property and inheritance. Thus, there is no concept of pre-mortem inheritance as we discussed earlier in this chapter.”⁴

The *Population Council* in December 2022 notes that: “Culturally, child marriage is sanctioned as “the way things have always been.” While there appear to be no sociocultural traditions that specifically facilitate child marriage in Punjab, In the patriarchal setting of the province, like most of Pakistan, the father, as the primary decision-maker, has considerable power to marry daughters in order to (a) strengthen familial bonding (shareeka); (b) consolidate social standing in biradri/clan; (c) control and multiply economic assets; (d) deny inheritance; and (e) increase sociopolitical power.”⁵

The *UK Home Office* in November 2022 states that: “The law entitles female children to one-half the inheritance of male children. Wives inherit one-eighth of their husbands' estates.”⁶

This document further notes that: “In an article published in *Courting the Law*, 'Pakistan's 1st Legal News and Analysis Portal', dated 15 December 2020, lawyer Ahmed Tariq described the Sunni and Shia legal perspectives on the rights of children born outside of marriage in regard to parental, maintenance and inheritance rights, asserting among other things that 'Under Islamic law, a child born out of wedlock is considered filius nullius ("a son of nobody") and considered to own no lineage to the biological father.”⁷

The *Asia Pacific Transgender Network (APTNet)* in July 2022 reported that: “There are no laws to ensure that same-sex couples can equally enjoy the right to marry and found family without persecution in Pakistan. The rights to take on the family name, partake in inheritance and be safe from discrimination is not protected by law for children with same-sex parents.”⁸

This document further states that: “There is no specific law to regulate the adoption of children in Pakistan. The application of the *Guardians and Wards Act, 1890*, that allows for a foster parent-child relationship (where the child cannot take on the guardian's family name or partake in inheritance), remains practically limited to legally married (that is, heterosexual) couples.”⁹

The *Project ADAL* in July 2022 points out that: “There are no laws to protect the right to marriage and family for LGBTI people in Pakistan. In practice, marriage is only recognized between a man and a woman. There is no specific adoption law in Pakistan, however, the legal custody of a child under the the *Guardians and Wards Act, 1890* extends to a foster parent-child relationship and the child cannot take on the guardian's name or partake in inheritance.”¹⁰

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⁴ Shehzad Bhamani, Shireen, Ambreen Merchant, Zohra Asif Jetha, and Tazeen Saeed Ali (via IntechOpen) (31 January 2023) *Social Aspects of Violence: Cultural Dowry Practices and Intimate Partner Violence (IPV) in Pakistan*

⁵ Population Council (22 December 2022) *Child Marriage in Punjab: A Political Economy Analysis and Policy Options [Executive Summary]*, p.2

⁶ UK Home Office (18 November 2022) *Country Policy and Information Note - Pakistan: Women fearing gender-based violence* (November 2022), p.18

⁷ ibid

⁸ Asia Pacific Transgender Network (APTNet) (14 July 2022) *Joint Submission on the Situation of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) People in The Islamic Republic of Pakistan*, p.3

⁹ ibid, p.11

¹⁰ Project ADAL (13 July 2022) *Human Rights Abuses and Violations on the basis of SOGIESC in Pakistan – A Briefing Paper*, p.5

Asia Pacific Transgender Network (APTN) (14 July 2022) *Joint Submission on the Situation of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) People in The Islamic Republic of Pakistan*
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