

Child Marriage: A legal perspective on Bangladesh

Tasnuva Sharmin¹
Sharmin Dooti²

Abstract

In spite of all consideration attracted to Child Marriage the nation over, there is an absence of change. The protest of this examination is to investigate under what conditions Child marriage does exist and how young ladies' living conditions can be moved forward. Identify the root causes of Child Marriage in Bangladesh. Core interest will be put on child marriage when all is said in done to see if the new law is an inconsistency with the Basic Human Rights. Also, does the new law reduction or increment child marriage. As the hypothetical structure, the sex part hypothesis is connected so as to dissect the marvel. Studies demonstrate an incredible contrast in the quantity of youthful wedded young ladies in contrast with young men over the globe. Despite the fact that young men can be casualties of child marriage, the outcomes are less serious and consequently, the center will be put around young ladies just in this proposal. The quantity of young ladies entering early marriage has not been found to stagnate all around, but rather the period when entering marriage tends to increment. From the exploration, it is inferred that one can't sum up every hidden reason for child marriage, yet one must know about the particular conditions.

Keywords: underage marriage, reasoning of child marriage, violation of human rights, measures, legal context.

Date of Submission: 13-07-2022

Date of Acceptance: 27-07-2022

I. Introduction

Bangladesh continues to have one of the highest child marriage rates worldwide and the highest rate of marriage involving girls under 15. 52% of girls are married by their 18th birthday, and 18% by the age of 15.³ According to UNICEF. Currently, 52% of Bangladesh's women are married by the time they're 18, according to the report. Of those, 18% are married by the time they turn 15, one of the highest rates in the world.⁴ Though it becomes a big issue not only in Bangladesh but also in many other countries of the world. A large number of young ladies in the creating scene are hitched when they are still kids, and as an outcome are denied the customary encounters that youngsters somewhere else underestimate: tutoring, great wellbeing, financial openings, also, fellowship with peers. In spite of national laws and worldwide understandings denying early marriage, sex parts and marriage frameworks in numerous nations direct the training, through which young ladies are denied essential rights, subjected to separation and wellbeing dangers. Rather than being seen as kids or adolescents with potential and openings in their lives, young ladies are frequently characterized by social custom exclusively as spouses and moms. This restricted view uncovered young ladies to duties and dangers that they are regularly not physically or rationally arranged to attempt, while in the meantime upsetting their prospects for instruction and work. In expansion to negatively affecting young ladies themselves, the act of early marriage moreover has negative outcomes for youngsters, families, what's more, society overall. However, for developing countries like Bangladesh, the problem of child marriage is still not solved. According to the child marriage restraint Act (1929), the legal marriage age for a girl is 18 years in Bangladesh. The penalties for child marriage under this act are imprisonment for one month or a fine up to Bangladeshi Taka 1000 or both.

1. Assistant Professor, Department of Law, Notre Dame University Bangladesh.

2. Apprentice Lawyer, Dhaka Judge Court.

³Stemming girls' chronic poverty: Catalysing development change by building just social institutions. Chronic Poverty. (2010, July 31). Retrieved April 10, 2022, from <http://www.chronicpoverty.org/publications/details/stemming-girls-chronic-poverty> 3ee43e21

⁴Cnn. (2017, March 3). *Human rights groups condemn new bangladesh child marriage law*. GantNews.com. Retrieved April 10, 2022, from <https://gantdaily.com/2017/03/02/human-rights-groups-condemn-new-bangladesh-child-marriage-law/>

According to the UNICEF flagship report (2016), the child marriage rate is 52% in Bangladesh which is one of the world's highest rates. The National Parliament of Bangladesh recently passed the Child Marriage Act 2017 bill on 27 February 2017 with a special provision that allows a girl to get married before the statutory age limit in some special cases. Various reports have been published in the newspapers and many articles have been written concerning the new special provision of early marriage. Thus a new aspect of the study is needed to know, where the early marriage is banned in Bangladesh then why there such special law is created where early marriage is acceptable in special cases.

Definition of child marriage

Child marriage, defined as a formal marriage or informal union before age 18, is a reality for both boys and girls, although girls are disproportionately the most affected.⁵ Child marriage is widespread and can lead to a lifetime of disadvantage and deprivation. Child marriage is a form of gender-based violence, violence against human rights, and a threat to human development. Child marriage denies girls their right to make vital decisions about their sexual health and well-being. It forces them out of education and into a life of poor prospects, with an increased risk of violence, abuse, ill health, or early death. The expression "child marriage" is utilized to depict a legitimate or standard relationship between two individuals, of whom one or the two mates are beneath the age of 18. While young men can be subjected to child marriage, the training influences girls in more prominent numbers and with grave outcomes.

History of Child Marriage

Child marriage alludes to the formal or casual association or marriage entered by a person under the age of 18 years. This demonstration has been the subject of thousands of level-headed discussions and debates worldwide where those favoring youngster relational unions have battled both verbally and fiercely against those not favoring this demonstration. Both young men and young ladies have been subjected to kid relational unions throughout the years. Be that as it may, the recurrence of child relational unions including young ladies underneath 18 has dependably been more than those including young men. Child relational unions including just a single marriage accomplice under the age of 18, as a rule, the female, is likewise very normal. All through history until the twentieth century, child relational unions were the standard in many parts of the world. With the normal future amid such circumstances being just 40 to 45 years old, child relational unions were the quicker method to recreate. Young ladies were normally offered when they achieved adolescence or some of the time even preceding that. In the twentieth century, be that as it may, as nations began creating, ladies began accepting instruction, voting, and different rights and entered the workforce, their monetary conditions enhanced, and there were huge upgrades in normal future because of cutting-edge restorative practices, the act of child relational unions started to be addressed.

Factors Driving Child Marriage

Throughout the years, an expansive number of reasons have been recommended as triggers behind the act of child marriage. Child marriage was normal all through history for an assortment of reasons including destitution, instability, and in addition for political and financial reasons.

While most nations enable girls to wed before they turn 18 with parental or another assent, neediness frequently underlies youngster marriage. Helpful emergencies intensify girls' defense lessens. A few guardians truly trust that marriage will anchor their little girls' future, while others see their girls as a burden. Child marriage hinders guaranteeing that girls have solid and gainful lives. Child marriage straightforwardly debilitates wellbeing and prosperity.

According to UNFPA, factors that promote and reinforce child marriage include

- Poverty and economic survival strategies;
- Gender inequality;
- Sealing land or property deals or
- Settling disputes;
- Control over sexuality and protecting family honor;
- Tradition and culture;
- And insecurity, particularly during the war,
- Famine or epidemics
- The age is not checked
- Rural and urban areas

Other factors include family ties in which marriage is a means of consolidating powerful relations between families.⁶

Poverty and economic survival strategies

Poverty is a major point of child marriage. Numerous guardians truly trust that marriage will anchor their little girls' prospects and that it is to their greatest advantage. Then again, young girls might be seen as a financial weight, as an item, or as methods for settling familial obligations or debate, or on the other hand anchoring social, monetary, or political alliances⁷. Customary necessities, for example, dowries or bride price may likewise go into families' contemplations, particularly in networks where families can give a lower settlement for more youthful brides.⁸

Gender Inequality

In various systems where kid marriage is cleaned, young women are not regarded as much as young fellows – they are seen as a weight on their family.⁹ Wedding your daughter at a young age can be viewed as a way to deal with ease money-related hardship by trading this 'weight' to her significant other's family. Youth marriage is moreover controlled by man-driven characteristics and the aching to control female sexuality, for instance, how a young woman should act, how she should dress, who she should be allowed to see, to marry, et cetera.

Families almost screen their daughters' sexuality and virginity remembering the ultimate objective to guarantee the family regarding. Young women who have associations or wind up pregnant outside of marriage are disfavored for speeding up disregarding their family.¹⁰

Tradition

Child marriage is a traditional practice that in many places happens simply because it has happened for generations. In some communities, when girls start to menstruate, they become women in the eyes of the community.¹¹ Marriage is, therefore, the next step towards giving a girl her status as a wife and mother. Harmful traditional practices can be linked to each other.¹² In southern Ethiopia for instance, child marriage usually follows the practice of female genital mutilation/cutting, which is considered a rite of passage to womanhood. Traditional practices often go unquestioned because they have been part of a community's life and identity for a very long time.¹³

Insecurity

Many parents marry their daughters young because they feel it is in their best interest, often to ensure their safety in areas where girls are at high risk of harassment and physical or sexual assault.¹⁴

Child marriage can increase in humanitarian crises, such as in conflict or after a natural disaster. When families face even greater hardship, they may see child marriage as a coping mechanism in the face of poverty and violence. Nine out of the ten countries with the highest child marriage rates are considered fragile states.

⁶ UNFPA. (2012, April 10). Marrying too young end child marriage. Retrieved 2021, from <<https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>>

⁷ Amin, S. (January 2011). "Programs to address child marriage: Framing the Problem." Promoting Healthy, Safe, and Productive Transitions to Adulthood. Population Council Brief No. 14.

⁸ ibid Amin, S. (January 2011)

⁹ Save the Children UK, Rights of Passage, 2003

¹⁰ American Jewish World Service (AJWS) and al., Child, Early and Force Marriage and the Control of Sexuality and Reproduction, 2015

¹¹ *Child marriage*. prezi.com. (n.d.). Retrieved April 11, 2022, from <https://prezi.com/szksoaxmeqpc/child-marriage/>

¹² *Why it happens*. Girls Not Brides. (n.d.). Retrieved April 11, 2022, from <https://www.girlsnotbrides.org/why-does-it-happen/>

¹³ Human Rights Watch, "Will I Get My Dues ... Before I Die?": Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, 28-29 (17 September 2012), <http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf>.

¹⁴ (citing: Bangladesh Bureau of Statistics, "Bangladesh Population Census 2001," 2004, as cited in Bangladesh Bureau of Educational Information and Statistics, "Bangladesh: Country Profile," http://www.banbeis.gov.bd/bd_pro.htm).

Limited education and economic options

There is a strong relationship between access to education and child marriage in Bangladesh. Children were hitched when their families would never again remain to show them. There were also young women who said that the decision that they should marry began things out and that their leaving school was a result, not a reason, of that decision, yet rather that was less typical.¹⁵

One factor which demoralizes school participation by young ladies, and in this way puts them at higher hazard for child marriage, is an absence of clean and private toilets, a hole that turns out to be more troublesome for young ladies to oversee as they achieve the beginning of the monthly cycle. A recent report in Bangladesh found that 40 percent of young ladies announced missing school amid period for a normal of 3 school days each menstrual cycle. Such holes in participation bargain young ladies' qualifications for government stipends connected to participation (talked about beneath), cause young ladies to fall behind in their investigations and undermine parental help for keeping young ladies in school.

There is a strong association between access to preparation and child marriage in Bangladesh. A general number of the young women were hitched when their families would never again remain to exhibit them. There were moreover young women who said that the decision that they should marry began things out and that their leaving school was a result, not a reason, of that decision, yet rather that was less standard.

Husbands should be better educated than wives

In Bangladesh, it is shown that parents didn't want their children to be much educated because they think Husbands should be better educated than wives. And they sometimes think less education will be good for their marital life. Also in Bangladesh some parents of boy's demand less educated wives for their boys. And as a result, sometimes girls become bound to get married early.

The age is not checked

The age of the spouses was either not checked by religious pioneers leading wedding services or enlistment centers enrolling relational unions or, where they were, false birth endorsements had been issued by neighborhood government authorities. In different cases, authorities stayed willing to perform or enroll relational unions notwithstanding when they realized that the young lady was underage and the marriage unlawful.

Rural and urban areas

There is usually a great difference depending on where the girl is located. The prevalence of child marriage is found to be higher in the rural areas in the developing world.¹⁶ According to UNFPA, 44 percent of the women between the ages of 20 and 24 in rural areas is entering marriage before they reach adulthood, in contrast to the urban in rural areas most of the parents are uneducated. They sometimes take a decision depending on someone else thoughts. And they are more conscious about what society thinks rather than what they think. And sometimes in rural areas, parents get forced to get their children married under the pressure of society.

The main reason behind child marriage in Bangladesh

In Bangladesh, the elements driving Child marriage are destitution, cataclysmic events, absence of access to education, social weight, badgering, and endowment. Youngster marriage is an adjustment instrument for poor families. The real reasons for youngster relational unions are as per the following:

- Poverty is a noteworthy supporting variable empowering early marriage. Young ladies are often considered as a monetary weight by their families and their marriage to a more seasoned man and into another family is frequently a family survival system keeping in mind the end goal to get money-related security.¹⁷
- Parents who can't sustain their youngsters, or pay for their training costs, may look for a husband for their little girls basically so the young ladies can depend;

¹⁵ Marry Before Your House Is Swept Away | Child Marriage in Bangladesh” (*Human Rights Watch* February 29, 2016) <<https://www.hrw.org/report/2015/06/09/marry-yourhousesweptaway/child-marriage-bangladesh>> accessed August 15, 2018 ²⁶<http://whconference.unc.edu/files/2014/11/alam.pdf>

¹⁶ The Economist Newspaper. (n.d.). *Why America still permits child marriage*. The Economist. Retrieved April 11, 2022, from <https://www.economist.com/the-economist-explains/2018/01/03/why-america-still-permits-childmarriage>

¹⁷ *Cash management*. PowerShow. (n.d.). Retrieved April 11, 2022, from https://www.powershow.com/view/2d8fa-NDdiZ/Cash_Management_powerpoint_ppt_presentation?varnishcache=1

- Poor young ladies need access to instruction on the grounds that their families can't manage the cost of charges for exams, uniforms, stationery, and other related expenses notwithstanding when the instruction is "free";
 - Social weights and conventions, including the across-the-board routine with regards to paying a share, and lower dowries for more youthful young ladies, make child marriage acknowledged and expected in a few networks.
 - The act of settlement requiring a lady of the hour's family to pay huge totals to the prep – encourages the marriage of the most youthful pre-adult young ladies on the grounds that more youthful ladies ordinarily require smaller dowries. Endowment requests can proceed after the wedding and some of the time result in brutality against the lady of the hour when families can't pay.
 - Fear of Sexual Harassment of youthful girls and disappointment by police to stem this harassment is another cause. Early marriage is viewed as an approach to "ensure" a young lady's sexuality in an unsafe environment. Bangladesh is among the nations on the planet most influenced by catastrophic events and atmosphere change; many families are pushed by fiascos into extending destitution, which expands the hazard that their daughters towards early marriage. Families depicted inclination under strain to mastermind marriages quickly for their young little girls in the wake of a debacle. This was especially normal among families who confronted losing their home and land through the slow obliteration caused by stream erosion. Costs related to going to class, particularly at the optional level, stay distant for many kids, and for young ladies in Bangladesh, the result can frequently be youngster marriage. Brutality against young ladies and the absence of physical security of young ladies, particularly in provincial territories are usually the subject to lewd behavior and physical strike while in transit to class and even in the classroom.
- As a result of these issues, guardians are reluctant to send their girls long separations to class over safety concerns. Guardians find having a juvenile unmarried little girl at home similarly worrying because she keeps on being a potential focus for sexual violations. Additionally, keeping a young lady that has attained adolescence at home expands the danger of self-started romance or marriage. There is strong social shame appended to pre-marriage sex and assault, wedding the girl off at the earliest opportunity is seen by the guardians as the best way to guarantee her physical security and keep up family honor and regard.

Consequences of Child Marriage

Child marriage adds to a progression of negative outcomes both for young ladies and the social orders in which they live. Youthful wedded young ladies are in more serious danger of conceptive bleakness furthermore, mortality.¹⁸ The planning of early marriage quite often upsets young ladies' training, decreasing their chances for future budgetary freedom through work. Young ladies are regularly wedded to men who are substantially more seasoned, and wind up in new homes with more noteworthy duties, absent much self-sufficiency or basic leadership power, and unfit to arrange sexual encounters inside marriage. This relative absence of intensity is related to higher levels of savagery in marriage and higher rates of undesirable pregnancy and sexually transmitted malady, including HIV/AIDS (Heise, Ellsberg, what's more, Gottemoeller 2002). These effects on youthful wedded young ladies accordingly add to negative results for their youngsters, families, and social orders. She's more likely to die as a result of pregnancy and childbirth, be beaten, raped, or infected with HIV by her husband, abused by her in-laws, and remain poor. Her children are more likely to die before the age of one or grow up malnourished, poor, and uneducated.

Early childbearing, unwanted pregnancies, and unsafe abortions

Early marriage implies early sexual movement, and consequently early childbearing. Regardless of the across-the-board acknowledgment in social orders and the therapeutic network that childbearing amid the youthful a long time is destructive to both mother and child, it is a typical marvel in extensive parts of the creating world. Ongoing exploration demonstrates that most youthful wedded young ladies in creating nations would prefer not to tolerate kids at such early ages. Nor would they like to bear the weight of rehashed pregnancies and substantial families while they are themselves still youngsters. Much of the time, youthful wedded young ladies are feeling the squeeze to show fruitfulness not long after marriage and do not have the individual independence to settle on choices about their conceptive information from India demonstrates that for these reasons, and also the absence of alternatives for compelling transitory techniques for contraception, huge extents of young ladies are either disinfected in their mid-20s or turn to perilous premature births.

¹⁸Cash management. PowerShow. (n.d.). Retrieved April 11, 2022, from <https://www.mahamrityunjayamantra.co.in/women-health/>

Lack of knowledge, information, and access to services

Early marriage, for the most part, implies that young ladies enter marriage without sufficient data about basic sexual and regenerative health issues, for example, sex, contraception, sexually transmitted sicknesses, pregnancy, and labor. For instance, general consciousness of HIV/AIDS and condoms is high in many nations, but still, most of the percentage is not aware of these things. The negative results of an absence of data, what's more, learning are additionally aggravated by an absence of access to administrations for pregnancy and infection anticipation and appropriate antenatal and postnatal care.¹⁹ Social standards about what questions are worthy for young ladies to inquire, limitations on young ladies' portability, and young ladies' absence of basic leadership specialists and assets in the conjugal home extremely confine access to the administrations required to address conceptive wellbeing needs. The arrangement of regenerative wellbeing administrations for youthful wedded couples is infrequently a need in most administrative or non-governmental (NGO) programs. Indeed, administrations are so expressly custom-made for more seasoned age bunches that youthful wedded young ladies are among the most underserved customer base. Numerous specialist organizations including specialists, medical caretakers, maternity specialists, and customary birth chaperons do not perceive this age amass as one needing exhortation, data, or administration. On the opposite, the information demonstrates that numerous well-being suppliers have exceptionally judgmental and non-supportive states of mind toward youngsters in any case of their conjugal status.

High maternal mortality and bleakness

Immature physiology, joined with an absence of intensity, data, and access to administrations, implies that youthful wedded young ladies encounter considerably more elevated amounts of maternal mortality, what's more, dismalness than do ladies who bear kids when they are more established. At youthful ages, medical issues related to pregnancy and labor are likewise more typical. Dismalness levels among youthful moms are extremely high, particularly for serious difficulties, for example, discouraging work or obstetric fistula, which is regularly a consequence of blocked work and happens most generally among young ladies (UNFPA what's more, Engender Health 2003 and Jarrett 1994).⁹ On the off chance that the discouraged work isn't hindered in an auspicious way, an embryo's head may push against a youthful lady's pelvis for quite a long time, cutting off blood supply, what's more, executing encompassing tissue. Such conditions regularly prompt the demise of the infant and perpetual horribleness (now and again mortality) for the mother. Concentrates in Ethiopia demonstrate that hindered work represents 46 percent of maternal passing also, and three of every 1,000 pregnant ladies create fistula (UNFPA and Engender Health 2003). This issue is particularly basic among ladies conceiving an offspring out of the blue (Gaym 2000). A fistula is basic in Bangladesh (Akhter, Chowdhury, and Sen 1996).

Increased risk of contracting sexually transmitted diseases and HIV/AIDS

Young girls by and large go into marriage with accomplices who are considerably more seasoned and all the more sexually experienced. In these relational unions, ladies have small arranging power in sexual conduct and work, putting them at more serious danger of contracting conceptive and sexually transmitted diseases.

It Traps Children

Marriage is regularly observed as ensuring young ladies, particularly in the event that they are pregnant, yet it locks youngsters into frequently harsh connections. In numerous nations, kid ladies can't dispatch lawful activity, for instance, separate or even access shelters, since they are minors.²⁰

It Can Stop a Girl in her Tracks

Child marriage is one of the best obstructions for young ladies around the globe. It's connected to neediness and is regularly a conclusion to a young lady's instruction. At the point when a young lady gets hitched, she is regularly anticipated that would drop out of school and she's not liable to return rather going up against the residential obligations of a spouse and mother.

Harassment and intimidation

Harassing and threatening in like manner expected an imperative part in driving child marriage. Unmarried adolescent young women as often as possible stand up to unwanted advances and threats, including the danger of grabbing from suitors, and watchmen, feeling unfit to anchor their daughters and with no prospect of help from police or close-by masters, view marriage as an answer. Families are moreover influenced by social weights from neighbors in systems where the start of adulthood in a young woman is seen as a banner that it is

¹⁹Prusty, R. K., Buoy, S., Kumar, P., & Pradhan, M. R. (2015, July 25). *Factors associated with utilization of antenatal care services in Cambodia - Journal of Public Health*. SpringerLink. Retrieved April 12, 2022, from <https://link.springer.com/article/10.1007%2Fs10389-015-0680-9>

²⁰7 reasons child marriage is horrible for girls: *The Guardian*. Global Citizen. (n.d.). Retrieved April 12, 2022, from <https://www.globalcitizen.org/en/content/child-marriage-guardian-editorial/>

the perfect open door for her to marry. No matter how you look at it routinely with respect to young women's families paying an offer to her get ready makes additional weight, as blessing tends to be lower and even avoidable for the most energetic of women. Young fellows are moreover the losses of adolescent marriage in Bangladesh, anyway, it is evaluated that the rate of child marriage is 11 times higher for young women than young fellows.

Laws Related to Child Marriage in Bangladesh

Child Marriage restraint act 1929

Bangladesh was as of late announced the fourth most noticeably bad nation for underage marriage, which eclipses different triumphs like lessening in kid mortality and maternal passing, and change in young ladies' training and ladies strengthening.

Child marriage is viewed not just as a major infringement of human rights, however, it is likewise a danger to child well-being and training. In any case, Bangladesh has a current law, to be specific the Child Marriage Restraint Act 1929, to battle early marriage since British provincial circumstances. As per the Act, the base periods of marriage for people are 21 and 18 separately, and any individual underneath those ages would be dealt with as a youngster with the end goal of marriage. The council characterizes youngster marriage as a marriage where one of the contracting parties is a child.

As per the Children Act, 2013 and the Majority Act 1875, the time of lion's share in our nation is 18 for both young men and young ladies. Be that as it may, the base age for getting hitched _ 18 for ladies and 21 for men isn't equivalent under the current law, while our constitution ensures fairness under the watchful eye of law independent of sexual orientation, ethnicity, and religion or place of birth. In many nations, as far as possible is 18 for both ladies of the hour and husbands.

Moreover, the Child Marriage Restraint Act 1929 just plans to limit the solemnization of underage marriage, however, does not forbid or render it invalid. Henceforth, a youngster marriage under the law isn't unlawful, rather a just culpable act, the punishment being dependent upon multi-month of straightforward detainment, and additionally a most extreme fine of Tk1,000. Also, those culpable under the law incorporate any individual who performs or coordinates an underage marriage; whoever is accountable for the youngster, regardless of whether as a parent or watchman or in some other legal or unlawful limit; and any individual who does any demonstration to advance or allow kid marriage, or even carelessly neglects to counteract it. In addition, the court may issue a directive against any people included in the event that it gets a grievance that a young marriage has been masterminded or is going to happen.

Curiously, just the grown-up contracting party (lady or spouse) will be rebuffed for the offense. For instance, if a 20-year old man weds a 19-year-old lady, at that point the lady of the hour will be rebuffed as she has achieved the time of dominant part while the spouse is as yet a child according to the law. Be that as it may, the law makes an uncommon arrangement for ladies to be exempted from detainment.

In spite of the presence of preventive law, loads of child relational unions happen in the nation consistently. As a rule, the Kazi (marriage enlistment center), the guardians and others included are generally mindful of the underage of the lady of the hour or prepare and slyly shroud the reality in the kabinnama(marriage permit). To battle youngster marriage, stricter measures must be taken promptly. For instance, the legislature could make it obligatory to create National Identity Card, or some other legitimate archive or even a medicinal authentication from an enrolled expert, to discover the periods of the contracting parties amid the solemnization of any marriage.

The Ministry of Women and Children Affairs has drafted another law to anticipate underage relational unions, giving more grounded discipline than the present law. At first, the draft charge had prescribed lessening the base time of marriage for young ladies to 16 years. In any case, even with gigantic reactions, the legislature has evidently chosen to keep the base age at 18, however with a proposition of bringing it down to 16 with parental or court assent in specific conditions, as if the young lady runs off or ends up pregnant. The administration must re-examine the base time of marriage as it is resolved to secure the well-being, training, and different privileges of youngsters under different universal traditions and national laws.²¹

Child Marriage Restraint Act-2017

The National Parliament of Bangladesh passed the Child Marriage Restraint Act-2017 bill today (February 27, 2017), with an uncommon arrangement that enables a kid or a young lady to get hitched before achieving the statutory age constrain in some remarkable cases. Under the Child Marriage Restraint Bill 2017, parents or guardians can get a court order to allow children to be married if it is in their "best interests." The bill was passed by voice votes in the parliament after State Minister for Women and Children Affairs

²¹ Independent, T. (n.d.). | [theindependentbd.com](http://www.theindependentbd.com). Retrieved April 12, 2022, from <http://www.theindependentbd.com/printversion/details/65814>

MeherAfrozChumki put it before the House. After the production of the paper warnings by the Law Ministry, this Act will supplant the Child Marriage Restraint Act, 1929.

One of the significant worries of the common society and Child's rights activists with respect to this law is the arrangement that permits marriage under the statutory least age. According to area 19 of the Act, child marriage would not be viewed as an offense in the event that it was for the enthusiasm of the underage young lady. Be that as it may, this must be done in accordance with the orders of a court, with the assent of the guardians, and following due method. Commentators are worried about the potential manhandle of this arrangement.

At the 2014 Global Girl Summit, Bangladesh focused on closure of child marriage by 2041 and diminishing the number of young girls wedding between the ages of 15 and 18 by 33% by 2021. The Government has since started building up a National Action

Plan to this end. Despite the fact that this development stopped when the arrangement of decreasing the eligible time of young ladies to 16 years (from 18 years) was looked at with serious feedback from all corners.

Punishment under the new law

The new law expands the discipline for conferring or aiding youngster marriage. On the off chance that the blamed is a grown-up, he would be rebuffed with detainment up to 2 years or potentially a fine up to BDT 1 lakh. Comparable discipline will be relevant to the gatekeepers, relatives, or marriage enlistment centers who specifically get associated with kid marriage. The permit of the enlistment center could likewise be dropped.

In the previous four years alone, 12 governments have rolled out legitimate improvements to raise the period of marriage or expel lawful escape clauses and special cases. Nepal expanded the period of marriage to 20 and thought of a rational technique to end child marriage, which tends to the worries driving guardians to wed their girls previously 20. The Nepalese technique centers on guaranteeing quality instruction for young ladies, working with families and networks (which incorporates the two men and young men) to change present attitudes and biases.

As indicated by Girls no Brides, South Asia overall has received a provincial arrangement of activity to address kid marriage, and in addition, the Kathmandu Declaration which spreads out 12 solid advances that legislatures can take to reinforce their laws and approaches. Bangladesh embraced both, despite the fact that this arrangement in the Act is viewed as a hit to this gauge.

In any case, keeping the financial situation of Bangladesh particularly the rustic setting as the main priority, this adaptability in the law can be useful in uncommon conditions where some urgent circumstances (like pregnancy) may happen. In the event that the cautious examination of each case is appropriately guaranteed by the specialist, this arrangement may be useful in tending to the issues.²²

Is this new Act is linked to violence and exploitation?

There is no minimum age for when these special considerations can apply, nor any definition of what "best interests" could mean, but human rights groups are concerned the law could lead to rape victims or impregnated minors being married to their abusers²³.

Domestic Violence (Prevention and Protection) Act

In 2010, Bangladesh passed the Domestic Violence (Prevention and Protection) Act. This law offered new way to casualties of aggressive behavior at home, yet has experienced the absence of requirement.

The law gave new types of the plan of action and help to ladies and kids who are casualties of manhandling inside their families. The law incorporates a wide meaning of abusive behavior at home, including physical, mental, sexual, and monetary manhandling. The law gifts officers the ability to issue orders furnishing casualties with assurance, lodging plans, upkeep, pay, and kid guardianship. The demonstration additionally accommodates casualties to be associated with haven and medicinal and legitimate administrations. Culprits of abusive behavior at home can be imprisoned as well as fined for infringement of court arrangements under the demonstration.

The UN-extraordinary rapporteur on viciousness against ladies visited Bangladesh in 2013 and surveyed the status of the administration's implementation of the demonstration. She found that the best test was an absence of familiarity with the law by both government specialists and casualties. Promoters announced that the number of cases recorded under the demonstration really went down in the second year that it was compelling, contrasted with the first, and that abusive behavior at home cases are still regularly managed under

²² *Child marriage restraint act 2017: A brief review*. FutureLaw. (2017, June 11). Retrieved April 12, 2022, from <https://futrlaw.org/brief-review-child-marriage-restraint-act-2017/>

²³ Westcott, B. (2017, March 3). *Human rights groups condemn new bangladesh child marriage law*. CNN. Retrieved April 12, 2022, from <https://edition.cnn.com/2017/03/02/asia/bangladesh-child-marriage-law/index.html>

past laws including the Penal Code and the Dowry Prohibition Act which do not have a similar scope of securities for victims.²⁴

Personal Laws Related to Child Marriage

In 1971 when Bangladesh accomplished autonomy, the legislature established a lawful framework in which the greater part of the laws was to apply to all natives without separation based on sex or religious belief.²⁵ Exceptions to this general lawful worldview are the religious individual laws that sustain kid marriage through oppressive measures and refusal of rights. The essential individual laws in Bangladesh are those built up under the religious precepts of Muslim, Hindu, and Christian people groups. These individual laws victimize ladies with regard to marriage infringing upon universal and national human rights benchmarks. More particularly, parts of these individual laws that address the base age for marriage and the necessity of assent abuse Bangladesh statutory law and universal human rights laws that forbid youngster marriage. Furthermore, a few arrangements of individual law that build up frameworks for the enrolment of relational unions likewise add to the high occurrence of child marriage in Bangladesh. Issues relating to entry into and dissolution of marriage are governed largely by personal laws, statutory and non-statutory, which are specific to each community. Therefore, even though child marriages are statutorily punishable, they remain valid under various personal laws (including Hindu and Muslim law). Marriage registration is compulsory for marriages solemnized under the Christian Marriage Act, 1876, and the Special Marriages Act, 1872. "Muslim Marriages and Divorces Registration Act, 1974 states that any marriage solemnized by a Nikah Registrar (Marriage Registrar) must be registered at once. However, a lack of registration will not invalidate the marriage." Hindu marriage registration is currently optional under the Hindu Marriage law.

Religious Personal Law

In Bangladesh, marriage is thought to be founded on religion and is administered by the material individual laws of every network – Christian, Hindu, Muslim, Parsi, or Sikh – instead of by an institutionalized State Code.²⁶ The idea of marriage contrasts among the different networks, bringing about a few unique yet covering lawful frameworks. As per censuses, the vastly greater part of the Bangladeshi populace (89.7 percent) is Muslim; the populace additionally comprises Hindus (around 9.2 percent), Buddhists (0.7 percent), and Christians (0.3 percent). Each religion has isolated laws that represent marriage, partition, and divorce. The individual laws of every network are formally perceived laws and "are supplemented by legitimate choices issued by the Supreme Court of Bangladesh and the High Court Division of the Supreme Court of Bangladesh." These individual laws are a blend of systematized and uncodified rules, with arranged principles going back to the frontier time, some as far back as the 1860s. Upon autonomy in 1971, Bangladesh received all laws that were in actuality before its freedom, and consequently, numerous individual laws have remained basically immaculate for over a century regardless of generous changes in the public arena and family life in Bangladesh. Removed from present-day legitimate improvements, Bangladesh's own laws as often as possible trap ladies in damaging relational unions or drive ladies into destitution when the marriage closes, instead of offering them insurance. A further audit of youngster marriage under Bangladesh's own laws reveals insight into the situation emerging from summoning religion to legitimize sex-based separation in marriage and the dangerous parts of how child marriage is dealt with under individual laws, which neglect to secure the acknowledgment of child' rights.

Child Marriage; A Violation of the Human Rights

Forced marriage involves a breach of a number of international human rights norms. The most central of these is the right to marry. This includes the right to decide when, if, and whom to marry. With respect to minors, forced marriage has been found to include the practice of child marriage, as children do not have the capacity to give consent. It has also been identified as a form of discrimination against the girl-child. Forced

²⁴Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Addendum, Mission to Bangladesh (May 20-29, 2013), A/HRC/26/38/Add.2, p. 15.

²⁵CMRA Section 6 provides that any parent or guardian or other "person having charge of" a child and who "has negligently failed to prevent marriage from being solemnised," or any person who solemnises such a marriage, may be punishable under the Act. In addition, under Section 4, either party to the marriage, if a male over 21 years or a female over 18 years, who "contracts a child marriage" would also be punishable.

²⁶Flavia Agnes, Family Law Volume 1: Family Laws and Constitutional Claims, Oxford Scholarship Online, September 2012. The Special Marriage Act of 1872 (ACT NO. III of 1872) provides "a form of marriage for persons who do not profess the Christian, Jewish, Hindu, Muslim, Parsi, Buddhist, Sikh or Jaina religion, and for persons who profess the Hindu, Buddhist, Sikh or Jaina religion and to legalize certain marriages the validity of which is doubtful",

marriage also implicates the right to personal liberty and security and the right to freedom from arbitrary detention. It may also involve breaches of the right to access to justice; the right to equality before the law and equal protection of the law; the right to an effective remedy and the right to freedom from gender-based discrimination.

Right to Equality and Non-Discrimination

Bangladesh has commitments under the universal law to guarantee ladies' rights to fairness and non-separation. The ICCPR requires "the equivalent right of people to the delight in all thoughtful and political rights," including the privilege to birth enlistment, to free and fully agree to the marriage, to uniformity of rights and obligations of companions amid marriage and at its disintegration, to life, to freedom, and security of the individual, and to the opportunity of expression.²⁷ The ICESCR incorporates The CEDAW Committee has clarified that "Inalienable to the standard of equity amongst people, or sexual orientation balance, is the idea that every single individual, paying little respect to sex, is allowed to build up their own capacities, seek after their expert vocations and settle on decisions without the impediments set by generalizations, unbending sex parts, and prejudices."²⁸ Child marriage lopsidedly influences young ladies, and adversely impacts the acknowledgment of a large number of young ladies' and ladies' other human rights. The effect of this infringement is felt by ladies for the duration of their lives and stretches out to their families and social orders.

Right to Education

The 2005 CRC Committee's General Comment No. 7 on executing child rights in early youth deciphers the privilege of training amid early adolescence starting during childbirth and is firmly connected to youthful youngsters' entitlement to most extreme development. Concerning auxiliary instruction, the ESCR Committee, which screens state consistency with the ICESCR, in its General Comment No. 13 on the Right to Education has expressed that legislatures likewise have "a commitment to make solid strides towards accomplishing free optional and higher education." According to the ESCR Committee, auxiliary instruction must not be subject to an understudy's clear limit or capacity, and ought to be appropriated all through the nation such that it is accessible on a similar premise to all.

The CRC Committee has featured the requirement for Bangladesh to accomplish more to guarantee access to instruction for youngsters, particularly young ladies. The Committee communicated worry over mandatory instruction being restricted to five years, inconsistencies between various sorts of schools including non-government schools, for example, madrasas, "the shrouded expenses of training," and variations in access to training in various locales of the nation. The Committee additionally raised worries about the inappropriate behavior of young ladies at school and while in transit to class, and about the low portion for training in the administration budget.

Right to Marriage, Choose a Spouse, and Minimum Age of Marriage

The privilege of marriage in light of "full and free assent" of the life partners is perceived in a few universal instruments.²⁹ CEDAW maintains the equivalent right of people to go into marriage, and the Convention on the Consent to Marriage additionally indicates that every mate must give his or her assent "face to face after due attention and within the sight of the expert equipped to solemnize the marriage and of observers as endorsed by law." The CRC Committee has over and over again, incorporating into a reference to Bangladesh, tended to the requirement for nations to build up the meaning of a youngster in all residential enactment that is steady with the arrangements of the CRC.³⁰ It has likewise taken a reasonable position on 18 as the base age for marriage, paying little mind to parental consent.³¹

In 2009, the UN Committee on the Rights of the Child emphatically suggested that Bangladesh, "Take important measures to characterize the youngster as any individual beneath 18 years of age" as per the

²⁷ICCPR, arts. 3, 6, 9, 19, 23, and 24. comparative provisions.

²⁸ CEDAW Committee, General Recommendation No. 28: the core obligations of states parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 47th Sess., U.N.

²⁹See Universal Declaration on Human Rights, adopted December 10, 1948, G.A. Res. 217A(III), U.

³⁰CRC Committee, Concluding observations of the Committee on the Rights of the Child: Bangladesh, UN. Doc. CRC/C/BGD/CO/4 (2009), para 30-31.

³¹See, for example, CRC Committee, General Comment No. 4, Adolescent Health and Development in the Context of the Convention on the Rights of the Child, (Thirty-third session, 2003), para. 20. There is an evolving consensus in international law that 18 should be the minimum age for marriage.

Convention on the Rights of the Child.³² The Committee communicated its "worry that there is no uniform meaning of the child in the laws and approaches of the State party and that understandings and legitimate arrangements differ as per common law, the Convention, and sharia, as reflected in clashing lawful least times of kids for marriage." another Children Act go in Bangladesh in 2013 that managed the privileges of kids who are wrongdoing casualties or are in a struggle with the law, sets the time of adulthood at 18 for the two young ladies and young men with the end goal of that act.³³

Right to be Free from Physical, Mental, and Sexual Violence

A large number of the wedded young girls had encountered physical, mental, and sexual viciousness following kid marriage. Under universal law, the legislature of Bangladesh has a commitment to counteract, explore, arraign, and rebuff savagery against young ladies and women.³⁴ The duty is grounded in the privileges of non-segregation and correspondence, security of individual, wellbeing, and flexibility from torment and other sick treatment given in arrangements that Bangladesh has confirmed.

The CRC commits governments to shield children from physical, mental, and sexual mishandle or abuse through enactment and other social and instructive measures. The commitment to shield youngsters from brutality incorporates insurance from guardians or other caregivers.⁶⁵The CRC additionally sets out the commitment of governments to shield kids from sexual misuse and abuse.

Bangladesh's duties to dismiss, take a gander at, charge, and repulse violence against young ladies and ladies join guaranteeing that state performers, for example, the police, the esteem framework, and standard technique, make sense of how to equip everybody inside its zone with productive security against savagery by private parties.

Governments ought to likewise address the hinders that steamed ladies and young ladies from identifying misuse and getting to security—to all the more plausible dismiss abuse in any case—and to change injurious mentalities. This solidifies viably looking at such viciousness in a course arranged for prompting the unmistakable confirmation, arraignment, and instruction of those dependable.

The inaction of government experts, police, prosecutors and standard bodies notwithstanding viciousness against ladies makes an air of exemption encouraging further manhandling and deters ladies from looking for help. Their inability to act uncovered young ladies and ladies to encourage savagery.

Right to Health

Child marriage in Bangladesh carries with it an incredible danger of medical issues related to early pregnancy. The privilege of well-being is revered in various worldwide settlements. The ICESCR indicates that everybody has a right "to the happiness regarding the most elevated achievable standard of physical and emotional wellness," and commits governments to actualize the privilege without separation based on sex, age, or other precluded grounds.

The CRC Committee has approached governments to diminish Child mortality and to raise the period of sexual agreement to avert constrained marriage and guarantee the wellbeing of children. The CRC Committee has communicated worry about lacking access to conceptive wellbeing mentoring and benefits for young people in Bangladesh and communicated "earnest worry" about medical problems coming about because of viciousness against young ladies and early marriage.³⁵ The Committee suggested that Bangladesh "take critical authoritative measures to forbid early and constrained relational unions and other conventional practices hurtful to the wellbeing and improvement of young men and in addition girls."³⁶

³²CRC Committee, Concluding observations of the Committee on the Rights of the Child: Bangladesh, UN. Doc. CRC/C/BGD/CO/4 (2009), para 31.

³³Children Act, 2013.

³⁴Human Rights Committee, General Comment 31, Nature of the general legal obligation on states parties to the Covenant (hereinafter "General Comment 31"), para. 8, U.N. Doc.

CCPR/C/21/Rev.1/Add.13 (2004); UN Committee Against Torture (CAT), General Comment No. 2: Implementation of Article 2 by States Parties, January 24, 2008.CAT/C/GC/2.

³⁵CRC Committee, Concluding observations of the Committee on the Rights of the Child: Bangladesh, UN. Doc. CRC/C/BGD/CO/4 (2009), para 63.

³⁶CRC, art. 12.

Right of Children to Express Their Views Freely

The privilege of children to express their perspectives is set out in the CRC, which said that they have this privilege in all issues influencing them, as indicated by their age and maturity. The CRC Committee's General Comment No. 12 on the privilege of the kid to be heard attests to this privilege in any legal or managerial continuing influencing their well-being.³⁷ In its remark, the Committee goes ahead to set out the commitments of governments to build up announcing instruments, for example, phone encouragement lines and bolster systems, to help youngsters in communicating their perspectives. This incorporates access to doctors and to educators who can offer a sheltered space for youngsters to express their perspectives openly or to look for help in any issue identified with their well-being.

Initiatives toward Child marriage

Government Initiatives

Bangladesh has attained gender parity in primary and secondary school enrollment. Bangladesh's current MMR is about 194 maternal deaths per 100,000 live births, it has fallen by more than 66 percent over the last two decades. Poverty declined from 34 percent in 2000 to 24.8 percent in 2015. The government has taken important steps in facilitating access to education by eliminating primary-level school fees.³⁸ Bangladesh Government has not taken adequate measures to stop child marriage, in spite of so much propaganda and commitment to do so. In a recent statement, Prime Minister made an attempt to lower the age of marriage for girls from 18 to 16 years.³⁹ In 1994, the Female Stipend Program Gender Equality in Bangladesh (FSP) was launched, issuing stipends to girls aged 11 to 14 in secondary education providing they had 75% attendance and a 45% score in end-of-year tests as well as providing they remain unmarried until sitting the Secondary School Certificate or reaching the age of 18. This scheme has been successful in delaying marriage and motherhood as well as increasing the possibility of access to the labor market for young women. In 1995, 1.1 million Bangladeshi girls attended secondary school; by 2005, this had increased to 3.9 million. The World Bank report suggests that the proportion of married girls between 13 and 15 years of age dropped from 29% to 14%, whilst for those aged from 16 to 19 the proportion dropped from 72% to 65%, implying a significant effect of the stipend program on delaying marriage. The joint program targets other Millennium Development Goals such as reducing poverty by empowering women, increasing universal education by revising the curriculum from a gender perspective, improving child and maternal health by providing better access to health care for women and girls, and combating HIV and AIDS by addressing women's vulnerability to the virus. The Joint Program to Address Violence against Women in Bangladesh involves nine UN agencies, 11 government ministries, and a large number of local development partners. It operates on three tiers: strengthening the policy and legal framework in order to reduce violence against women, changing attitudes of men, women, and youth to affect behavior related to violence, and protecting survivors of gender-based violence.

Birth Registration

The legislature has found a way to guarantee that all births are enlisted and that all Bangladeshis have birth declarations. A 2004 law made enlistment of births obligatory within 45 long periods of birth. UNICEF communicated worry in 2014 that numerous families delay enrolling births until the point that they have to select their youngsters in school. However, activists met for this report felt that the law has had a positive effect and new births are presently reliably enrolled and have been for around two years.⁴⁰

The 2004 law additionally planned to issue birth authentications for grown-ups and by 2008, 40 percent of individuals had gotten birth testaments and another 30 percent were required to get them soon. In 2009, the legislature set up an online database of birth enrolments which by February 2014 had caught 101 million enlistments (out of a populace of more than 166 million), with plans for every manual enlistment to relocate to

³⁷CRC Committee, Concluding Observations: Costa Rica, U.N. Doc CRC/C/CRI/CO/4 (2011), paras. 27, 28.

³⁸*Marry before your house is Swept away*. Human Rights Watch. (2016, February 29). Retrieved April 12, 2022, from <https://www.hrw.org/report/2015/06/09/marry-your-house-swept-away/child-marriage-bangladesh>

³⁹*World Report 2016: Rights trends in Bangladesh*. Human Rights Watch. (2016, January 27). Retrieved April 12, 2022, from <https://www.hrw.org/world-report/2016/country-chapters/bangladesh>

⁴⁰Dhaka. (2015, December 1). *Moving towards universal birth registration*. The New Humanitarian. Retrieved April 12, 2022, from <http://www.irinnews.org/report/79258/bangladesh-moving-towards-universal-birth-registration>

the online framework before the finish of 2014.⁴¹ This framework is intended to completely supplant manual registration.⁴²

One of the main objectives of the new activity on birth enlistment is to forestall child marriage. Child marriage could be essentially checked if births were generally and precisely enrolled and authorities leading and enrolling relational unions confirmed the periods of all mates through the online framework and declined to allow underage marriages.⁴³

Local Government's Role in Preventing Child Marriage

The local government had a basic part to play in formulating and executing viable answers for child marriage. A few activists announced that they had been effective at ceasing arranged child relational unions by revealing them to neighborhood government authorities and asking them to intervene. Many country individuals asserted that debasement in nearby government and an absence of political will block a sufficient reaction to child marriage.

"The most ideal approach to end child marriage is if individuals in the organization – the seat, the part, the police, the officer in control, and the representative part sit together and choose to end kid marriage," a networking pioneer in Noakhali revealed to Human Rights Watch. "In the event that they do this, I am 100 percent certain they can end child marriage until the end of time. They have to take more action, be more dynamic, and sit together more."

"On the off chance that the administration frames an advisory group and does battles in each town, [child marriage] can be ceased," And also:

- Expanding measures to prevent child marriage;
- Providing assistance to married children and adults who married as children.
- Make marriage enlistment mandatory for all religions. Make advanced records that are available all through the nation as verification of marriage.
- Start an across the nation mindfulness crusade against youngster marriage in an assortment of media and in positions available to those with disabilities and constrained proficiency, underlining the wellbeing dangers of early pregnancy, the advantages of young ladies' training, the law restricting child marriage, the outcomes for the individuals who violate the law, and the system for revealing kid marriage and acquiring help.
- Dispose of all expenses to understudies and guardians for course books, training materials, exams, and garbs for all youngsters in mandatory instruction, and find a way to mitigate the negative impacts of other circuitous expenses on kids from poorer families units.
- Arrange with schools to screen issues of badgering of female understudies and intercede to counteract and end provocation, including by reaching law authorization experts in cases including asserted criminal acts.
- Consolidate an itemized module on sexual and conceptive wellbeing into the national educational programs as an examinable, autonomous subject and guarantee that it is instructed in all schools.
- Explore all protests of child marriage immediately, mediate to forestall child marriage at whatever point conceivable, and allude to indictment of any individual who has perpetrated wrongdoing under the CMRA, including authorities who solemnize youngster relational unions and the individuals who give fashioned birth declarations to encourage kid relational unions. Set up an instrument to get and explore reports of neighborhood government authorities giving manufactured birth testaments. Expel and allude for arraignment any authorities found to have manufactured birth declarations.
- To International Donors and the United Nations
- Urge the Bangladesh government to pass a transformed CMRA in 2015 which follows the global law and best practices and sets the base time of marriage at 18 years for the two ladies and men without any special cases.
- Urge the Bangladesh government to build up a far-reaching national system to end child marriage through an expansive consultative process, take part in its advancement, and bolster its execution. Coordinate systems to forestall child, early, and constrained marriage and to help wedded young ladies to help programs.

⁴¹ *Birth registration.* UNICEF. (2022, April 6). Retrieved April 12, 2022, from http://www.unicef.org/bangladesh/Birth_Registration%282%29.pdf

⁴² *ibid*

⁴³ *ibid*

II. Recommendations:

- Government agencies providing assistance to families in poverty or affected by disasters should be better harnessed to prevent child marriage.
- The government and the development partners should focus more on the strategy to keep girls in school, assist girls at risk of child marriage, fight sexual harassment, and provide access to reproductive health information and contraceptive supplies.
- Enforcement of law relating to early marriage is a principal area in which implementation and practice need to be adjusted in order to limit forced, child marriage and its negative effects. Efforts must be improved to raise awareness and educate at all levels of society from grassroots initiatives to governmental policies. Bangladesh's law on child marriage needs to be reformed, but even more importantly, it needs to be fully enforced.
- Government and non-government bodies need to come together to promote advocacy on this issue, being sure to reach out to the poorest and most rural communities in Bangladesh.
- Emphasis should be given to improving the efficiency and effectiveness of the birth and marriage registration systems, especially their coverage and accessibility in rural areas enforcing the legal age at marriage, and strengthening the penalties for noncompliance.
- Empowering a girl is an essential step in the direction of enabling her to choose what she wants in life.
- Contents relating to Child marriage may be included within the school curriculum. This would ensure an open-ended discussion and provide a legitimate platform for girls to raise their voices and set an apprehension if a girl is forced into marriage.
- More assistance both technical and financial is needed for the promotion of activities restricting child marriage.

About the government should advance in amending the CMRA and ought to guarantee that under the new CMRA the best advantages for children are the essential thought of the law. The drafters should bend over backward to guarantee that the law will make not damage youngsters, or to grown-ups who were hitched as kids. The new law ought to be drafted through a consultative procedure that unites all applicable government bodies and partners in common society to build up a thorough law with a solid spotlight on aversion, and figure and actualize a powerful arrangement for the implementation of the new law. Particular issues the law change process should address include:

III. Conclusion

“Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status”. (ACHPR, 1987) Child Marriage never is accepted. Because a child under the age of 18 is just that a child should not be forced into marriage for any reason. Whether the marriage is recognized under law or is an informal union, forced marriage violates girls' right to education, security, and health. It is a form of discrimination against girls and a violation of human rights. Marital assault isn't a wrongdoing under Bangladeshi law. Any amendment of the CMRA ought to be joined by new legitimate arrangements that plainly express that sex without assent with regards to marriage adds up to assault and acquires disciplines as extreme as those for different types of assault. The administration is inadequate in addressing young ladies' needs, and hence the entire populace. Whichever way of picking when to enter marriage, there can be undesirable results. However, in the event that entering marriage in adulthood, the advantages dependably appear to be superior to kid marriage. Nations portrayed by the marvel of youngster marriage should assume liability and effectively endeavor to battle the issue. Specialists and diverse associations ought to participate for more viable arrangements. The way that more young ladies inside rustic regions are regularly more influenced may be because of the absence of access to data. It is an issue of legitimate learning connecting and furthermore affecting everybody. The legislatures, with help from various associations, should make learning open to everybody, even inside the provincial regions.

Bibliography:

- [1]. United Nations Population Fund, and United Nations Children's Fund, 2010, Women's & Children's Rights: Making the connection, UNFPA, New York, p. 42.
- [2]. Richard Burn, Robert Tyrwhitt and Robert Phillimore, *The Ecclesiastical Law*, Volume 4, Sweet
- [3]. Stevens & Norton (London), page 54
- [4]. M.A. Friedman (1980), *Jewish Marriage in Palestine*, Vol 1, The Jewish Theological Seminary of America

- [5]. Siddiq & Ahmad (1995), *Enforced Apostasy: Zaheeruddin v. State and the Official Persecution of the Ahmadiyya Community in Pakistan*, *Law & Inequality*-, 14: pp. 275–284.
- [6]. Denise Spellberg (1996), *Politics, Gender, and the Islamic Past: The Legacy of 'A'isha Bint Abi Bakr*,
- [7]. Columbia University Press, ISBN978-0231079990, pp 39–40
- [8]. A. A. Ali, *Child Marriage in Islamic Law*, The Institute of Islamic Studies, McGill University (Canada), August 2000; pages 16–18
- [9]. Amin, S. (January 2011). “Programs to address child marriage: Framing the Problem.” Promoting Healthy, Safe, and Productive Transitions to Adulthood. Population Council Brief No. 14.
- [10]. American Jewish World Service (AJWS) and al., *Child, Early and Force Marriage and the Control of Sexuality and Reproduction*, 2015
- [11]. Human Rights Watch, “Will I Get My Dues ... Before I Die?”: Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, 28-29
- [12]. Bangladesh Bureau of Statistics, “Bangladesh Population Census 2001,” 2004, as cited in Bangladesh Bureau of Educational Information and Statistics, “Bangladesh: Country Profile,”
- [13]. *Marry Before Your House Is Swept Away | Child Marriage in Bangladesh*” (Human Rights Watch February 29, 2016
- [14]. Section 5, *Muslim Marriages and Divorces Registration Act, 1974* and Rule 22, *Muslim Marriages and Divorces Registration Rules*,
- [15]. *Marry Before Your House Is Swept Away | Child Marriage in Bangladesh*” (Human Rights Watch February 29, 2016
- [16]. *Child Marriage Restraint Act 2017*
- [17]. Westcott B, “Human Rights Groups Condemn New Bangladesh Child Marriage Law”
- [18]. *Girls Not Brides*, “Child Marriage: a Form of Violence Too Often Ignored - Mabel Van Oranje, Board Chair” (*Girls Not Brides* November 30, 2016

URL References:

1. *Stemming girls' chronic poverty: Catalysing development change by building just social institutions*. Chronic Poverty. (2010, July 31). Retrieved April 10, 2022, from <http://www.chronicpoverty.org/publications/details/stepping-girls-chronic-poverty>
2. Cnn. (2017, March 3). *Human rights groups condemn new bangladesh child marriage law*. GantNews.com. Retrieved April 10, 2022, from <https://gantdaily.com/2017/03/02/human-rights-groups-condemn-new-bangladesh-child-marriage-law/>
3. *Child marriage: What to know & how you can help end it*. Global Citizen. (n.d.). Retrieved April 10, 2022, from <https://www.globalcitizen.org/en/content/child-marriage-brides-india-niger-syria/>
4. *It is argued that getting married before finishing school or getting a job is not a good choice. to what extent do you agree or disagree?* It is argued that getting married before finishing school or getting a job is not a good choice. To what extent do you agree or disagree? (n.d.). Retrieved April 10, 2022, from <https://pteasuccess.blogspot.com/2017/06/it-is-argued-that-getting-married.html>
5. *Child marriage: A form of violence too often ignored - mabel van oranje, board chair*. Girls Not Brides. (n.d.). Retrieved April 10, 2022, from <https://www.girlsnotbrides.org/childmarriageformviolence-often-ignored/>
6. *Bangladesh and the Child Marriage Restraint Act 2016: A recap*. Girls Not Brides. (n.d.). Retrieved April 10, 2022, from <https://www.girlsnotbrides.org/bangladesh-child-marriage-restraint-act-2016-recap/>
7. *Ending child marriage and teenage pregnancy in Sierra Leone*. UNICEF. (2017, September 19). Retrieved April 10, 2022, from https://www.unicef.org/infobycountry/sierraleone_100861.html
8. Khan, N. (2014, June 9). *Early marriage 222*. (DOC) Early marriage 222 | Nahid Khan - Academia.edu. Retrieved April 10, 2022, from http://www.academia.edu/6305856/Early_marriage_222
9. *Abuse against mentally ill prisoners is 'widespread' across us, according to human rights watch report*. VICE. (n.d.). Retrieved April 10, 2022, from <https://www.vice.com/sv/article/wd789z/prisoners-punished-by-guards-for-mental-illness-accordingto-human-rights-watch-189>
10. *how come you allow little girls to get married?*”. Human Rights Watch. (2015, April 29). Retrieved April 10, 2022, from <https://www.hrw.org/report/2011/12/07/how-come-you-allow-little-girls-get-married/child-marriage-yemen>
11. *Q & A: Child Marriage and violations of girls' rights*. Human Rights Watch. (2020, October 28). Retrieved April 10, 2022, from <https://www.hrw.org/news/2013/06/14/q-child-marriage-and-violations-girls-rights>
12. *Keyword Analysis & Research: Informal marriage*. counter hit xanga. (n.d.). Retrieved April 10, 2022, from <http://www.linkddl.com/search/informal-marriage>
13. UNFPA. (2012, April 10). *Marrying too young end child marriage*. Retrieved 2021, from <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>

14. *Child marriage situation in Malaysia submission by ... - OHCHR.* (n.d.). Retrieved April 10, 2022, from <https://www.ohchr.org/Documents/Issues/Women/WRGS/ForcedMarriage/NGO/PSTheChildren3.pdf>
15. *Claiming human rights. Marriage and family - Definition.* (n.d.). Retrieved April 10, 2022, from http://www.claiminghumanrights.org/marriage_family_definition.html
16. *Child marriage.* prezi.com. (n.d.). Retrieved April 10, 2022, from <https://prezi.com/szksoaxmeqpc/child-marriage/>
17. *"Will i get my dues ... before I die?" - human rights watch.* (n.d.). Retrieved April 10, 2022, from <http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf>.
18. *Why it happens. Girls Not Brides.* (n.d.). Retrieved April 10, 2022, from <https://www.girlsnotbrides.org/why-does-it-happen/>

Tasnuva Sharmin. "Child Marriage: A legal perspective on Bangladesh." *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 27(07), 2022, pp. 01-16.