

The Women Human Rights and Gender Section

Office of the United Nations High Commissioner
for Human Rights (OHCHR)



BRAC
BRAC Centre
75 Mohakhali, Dhaka-1212,
Bangladesh
Tel: + 880-2-9881265, 8824180-7
Ext: 3155, 3158, 3107, 3161
Fax: +880-2-8823542
E-mail: info@brac.net
sheepa.h@brac.net

12 December 2013

Subject: BRAC's response to the OHCHR Call for submissions to inform its report on "preventing and eliminating child, early and forced marriage, with a particular focus on challenges, achievements, best practices and implementation gaps."

BRAC is pleased to respond on the issue in the subject line and the responses made, as you suggested, in the following areas:

1. Prevalence of child, early and forced marriage in Bangladesh;
2. The impact of child, early and forced marriage on the human rights of women and girls in the country;
3. The steps taken to address the issue in the country and
4. The most effective/ important strategy for overcoming child marriage in Bangladesh

Necessary studies are referred in support of the write-up.

1. Prevalence of child, early and forced marriage in Bangladesh

Bangladesh has one of the highest rates of child marriage in the world. There are some studies that document the rate of child, early and forced marriage in the country. A very recent study titled *Child Marriage in Bangladesh-Findings from a National Survey 2013* reveals that an overwhelming 64 percent of all women aged between 20-24 in Bangladesh were the victims of child marriage¹. The study was carried out by icddr,b, Urbanization & Climate Change and Equity & Health Systems in Bangladesh. According to the United Nations Population Fund, Bangladesh is the first country in Asia and third in the world in terms of child marriage prevalence. The Bangladesh Demographic and Health Survey (BDHS) report 2007 found the average age for marriage of girls is 16.40. A 2011 UNICEF report entitled "Progress for children achieving the MDG's with equity" states that 66 percent of girls are married before the age of 18². One third of women aged 20 to 24 were married before the age of 15³. This is despite the fact that the minimum legal age of marriage for female in Bangladesh is 18 years and 21 for male. These study findings demonstrate how the practice of child marriage continues despite

¹ icddr,b with ACPR (2013), *Child Marriage in Bangladesh-Findings from a National Survey 2013*, The International Centre for Diarrhoeal Disease Research, Bangladesh and Associates for Community and Population Research, Dhaka

² UNICEF (2011), *Progress for children achieving the MDG's with equity*, No. 9, UNICEF.

³ UNICEF (2005), *Early Marriage: A Harmful Traditional Practice: A Statistical Exploration*, UNICEF.

existing laws and efforts by the Government of Bangladesh and the non government sector to combat it.

2. The impact of child, early and forced marriage on the human rights of women and girls in the country

A BITA study in 2007⁴ clearly points out that the impact of early marriage on girls and to a lesser extent on boys is wide ranging. The study also reveals that the imposition of marriage on adolescents deprives them of freedom, opportunities for personal development, health and well-being, education and participation in civic life. The early-married girls are forced to lead an unsocial life. They cannot talk freely with their in-laws regarding their expectations and desires. Another adverse effect of child marriage is early pregnancy and childbirth. These can have detrimental and long-term health effects on girls whose bodies are not developed enough to give birth, and also increase health risks to the newborn.

Child marriage adversely affects education, health and well-being of girls and perpetuates cycles of poverty. Child brides experience the detrimental physical, psychological and social consequences of child marriage. This is a global phenomenon and a grave cause for concern.

The devastating consequences of child marriage are diversified. Girls who marry as children are susceptible to the health risks associated with early sexual initiation and childbearing, including HIV and obstetric fistula. Child marriage also obstructs girls' education and cause drop out from school. Thus they lack knowledge and skill required for economic development of the country. The consequences also include their lower social status and restricted mobility limiting freedom and empowerment. Early married girls are the most victims to domestic violence. Girls who are married early are more likely to experience violence, abuse and forced sexual relations, are more vulnerable to sexually transmitted infections (HIV), have reduced levels of sexual and reproductive health and lower levels of education with corresponding high rates of illiteracy.⁵ In short, child marriage perpetuates an unequal and unjust society, increases women's vulnerability along with sexual abuse. It also restricts personal and psychological development of the next generations.

3. The steps taken to address the issue in the country

There are a number of policy and legal frameworks that govern child issues in Bangladesh. These include: The Children Act, 1974; The Suppression of Violence against Women and Children, 2002; Arms Act, 1878; National children Policy, 1994; National Plan of Action for Children in Bangladesh, 2005 etc. However, The Child Marriage Restrain Act, 1929 is the only legal framework that directly governs the issue of child marriage. It came into force on 1st April, 1930 and defines "child" a person, who, if a male, is under twenty-one years age, and if a female, is under eighteen years age. The child marriage means a marriage to which either of the contacting parties is a child. According to the law, the child marriage shall be punishable with simple imprisonment subject to inquiry and evidences.

⁴ BITA (2007), The Marriage in Bangladesh: When it is too Early, Bangladesh Institute of Theatre Association (BITA).

⁵ icddr,b with ACPR (2013), Child Marriage in Bangladesh-Findings from a National Survey 2013, The International Centre for Diarrhoeal Disease Research, Bangladesh and Associates for Community and Population Research, Dhaka

However, the enforcement of the law has been slack and prosecutions are rare for breach of the law. It is argued that the ambiguity of this law, combined with its failure to address the reality of traditional practices contributes to its effectiveness (BNWLA, 2011)⁶. The government is yet to get success to prevent the dowry culture. Dowry although banned, remains widely prevalent practice throughout society. Early marriage committees in the district and *thana* levels, are seem to be inactive. However, some personal initiatives of Thana Nirbahi Officer and Office in Charge (OC) of Police are praiseworthy in preventing early marriage.

Significant schemes have been set up in Bangladesh in order to limit the harmful practice of child marriage. Different ministries including Ministry of Women and Children Affairs (MOWCA) and Ministry of Education are driving various programmes to prevent child marriage. The focus of the government on education as enunciated in different Policies and 'ensuring gender parity at all levels of education' are one of them. Government is currently providing subsidies to create demand for education in favor of the poor and girls to prevent them from dropout and contribute towards ending child marriage.

The GOB encourage girls to study beyond the primary level, there are provisions for the free education of girls up to class VIII in all parts of the country except for the metropolitan areas. Moreover, the GOB has a separate development scheme for the allocation of scholarships for secondary schools to encourage the education of girls. In addition, under the scheme of internal scholarships for general education, 40 per cent were reserved for girls. The scholarship programme has succeeded in almost doubling female enrolment in secondary schools, as well as in promoting a higher level of women's participation in the labor force leading to later marriage and lower fertility.

Apart from the Government, NGOs and many civil society organizations have been active on the issue. Girls Not Brides (GNB) Bangladesh is a 12-member alliance, led by BRAC as Secretariat, (including prominent organizations such as BLAST, CARE Bangladesh, Family Planning Association of Bangladesh, icddr,b, Mariestopes Bangladesh, National Girl Child Advocacy Forum, Plan Bangladesh, Population Council, White Ribbon Campaign, World Vision Bangladesh, and Youth Forum Promoting Access to Development) aimed at reducing child marriage in the country towards empowering girls to enjoy their rights and flourish full potentials.

BRAC, the world's largest and ranked one NGO has series of attempts to address the problems associated with child marriage in Bangladesh. Its Gender Equality Action Learning (GQAL) Program (<http://gender.brac.net/programme-intervention>) has intervened the issue at community and household levels in rural Bangladesh. BRAC's MEJNIN program also is contributing to a reduction of child marriage through elimination of sexual harassment against girls at public place. Also, the Adolescent Development Programme (ADP) of BRAC aims at reducing child marriage and giving adolescent girls life skills through *Adolescent Clubs (Kishori Kendro)* where they can read, socialize, play games, take part in cultural activities and have open discussions on personal and social issues with their peers⁷. It's *Adolescent Peer Organized Network (APON/life skill based education)* is designed to raise awareness on this issue along with offering education on life skills on different social and health related issues, such as reproductive health, sexual abuse, children's rights, gender, HIV/AIDS, sexually transmitted

⁶ BNWLA (2011), Forced Marriages: a blot in women's freedom of expression, Bangladesh National Women Lawyer Association (BNWLA), Dhaka.

⁷ Kabir, M M, Afroze, R and Aldeed, M. (2007), Impact Assessment of Adolescent Development Programme (ADP) of BRAC, BRAC Research Report, BRAC, Dhaka.

infections (STIs), sexual abuse, child trafficking, violence, family planning, dowry, and acid attacks.

Despite various government and non-governmental initiatives to stem child marriage in Bangladesh, parents are continuing to marry off their underage daughters. Therefore, the problem of child marriage is severe and cannot be ignored.

4. The most effective/ important strategy for overcoming child marriage in Bangladesh

The GNB Bangladesh Alliance put forward an advocacy letter to the Ministry of Education acknowledging the government's commitment to improving girls' education in Bangladesh and requested for increasing commitment to ending child marriage ahead of the International Day of the Girl Child on 11 October 2013.

The Alliance suggests the following recommendations:

- Ensure girls' access to quality primary and secondary education, as well as informal educational opportunities;
- Ensure that education provision addresses factors threatening the confidence or ability of families to keep their children in school, such as safety concerns about travelling to school, safety at school, sanitation facilities and gender based violence;
- Ensure that married girls are not practically or legally excluded from receiving a quality education;
- Address financial barriers to girls continuing their education, for example, by providing livelihood skills and opportunities for girls and their families or incentives to girls and their families to encourage them to keep girls in school;
- Support comprehensive sexuality education programs in schools and communities, which help to challenge and transform gender inequalities, norms and stereotypes and enable girls to understand their bodies and rights.

Along with these recommendations, BRAC proposes the following steps to be implemented/ considered to strengthen the efforts towards ending child marriage:

- Enforce legal procedures to stop child marriage and monitor law enforcement agencies;
- Review the existing law (Birth Registration Act 2004 and Child Marriage Restraint Act 1929), where punishment is minimum and the marriage is not void;
- Strengthen Child Protection Committee of Union Parishads and sensitize the local Union Parishad Members and Chairmen on child marriage issue;
- Mandatory implementation of the Birth Registration Act;
- Improve safety and security of girls' in communities;
- Empower adolescents girls with information, skills and network to resist child marriage⁸;
- Include the issues of early marriage (drawbacks and associated laws) in the textbooks at the primary and secondary level
- Initiate large-scale motivational campaign against the prevalence of dowry
- Increase the awareness of families, especially fathers on the negative consequences of child marriage;
- Engage the role of men and boys as key agents to stop child marriage; and
- Encourage families to invest in girls' education to help them acquiring skill, knowledge and capacity.

⁸ <http://education.brac.net/adolescent-development-programme>; accessed on 3rd December 2013