

#### Memorandum

TO: Hon. Justice M. Imman Ali, Supreme Court of Bangladesh

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CC: Elizabeth Brundige, Executive Director, Avon Global Center for Women and

**Justice** 

**DATE:** August 15, 2013

**RE:** Child Marriage in Bangladesh: Birth and Marriage Registration

# **Introduction**

The practice of marrying children at a young age, often violating national legislation, is perpetuated in many countries because of the lack of functional systems for the registration of births and marriages. This is most often the case in communities where marriages take place according to customary or religious rules, and even where processes for registration have been implemented, the laws are regularly disregarded. Without such systems of registration, a family or guardian is able to marry off a juvenile child who is below the minimum legal age for marriage without difficulty.<sup>2</sup>

Each year tens of millions of births go unregistered, reinforcing early marriage, particularly in systems where legal minimum age requirements are frequently flouted.<sup>3</sup>
Likewise, thousands of marriages are not registered each year, which furthers the impact of a

<sup>&</sup>lt;sup>1</sup> United Nations Children's Fund (UNICEF), Early Marriage in South Asia: A Discussion Paper, 17-18 (2008).

<sup>&</sup>lt;sup>2</sup> UNICEF, *Early Marriage: Child Spouses*, Innocenti Research Centre, Florence, 15 (2001), *available at* http://www.unicef-irc.org/publications/pdf/digest7e.pdf [hereinafter UNICEF, Early Marriage Child Spouses].

<sup>&</sup>lt;sup>3</sup> *Id.*; *See also* UNICEF, Child Protection from Violence, Exploitation and Abuse, *available at* http://www.unicef.org/media\_45451.html (Around 51 million children born in 2007 have not had their births registered. Nearly half of these children live in South Asia).

system that deprives women of their rights in marriage.<sup>4</sup> Section I of this memorandum focuses on birth registration, including the importance of registration, government and civil society birth registration initiatives in Bangladesh and the factors that perpetuate low rates of birth registration and recommendations for overcoming them. Section II briefly introduces marriage registration, the unreliability of which also contributes to Bangladesh's high rates of child marriage.

### I. Birth Registration

Birth registration establishes the State's official legal recognition of a person's existence.<sup>5</sup> Birth records document the place and date of birth as well as establish a structure for tracing familial relationships and major events from the beginning of life.<sup>6</sup> Without birth registration, a person is essentially "invisible in the eyes of the State."<sup>7</sup> This outcome inhibits the realization of rights originating from the protections and services of the State, potentially throughout an individual's life.<sup>8</sup>

# Importance of Registration

Enhanced registration of births in Bangladesh has numerous benefits for children, granting them rights and protecting them from violations of those rights. For many children, the lack of birth registration is an enabling factor for violation of laws and policies that protect them, including those related to child marriage. Furthermore, lack of birth registration greatly limits

<sup>&</sup>lt;sup>4</sup> *Id*.

<sup>&</sup>lt;sup>5</sup> Commission on the Legal Empowerment of the Poor (CLEP), *Making the Law Work for Everyone*, Volume II, 4 (2008), *available at* http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/legal-empowerment/reports-of-the-commission-on-legal-empowerment-of-the-poor/making-the-law-work-for-everyone---vol-ii---english-only/making\_the\_law\_work\_II.pdf.

<sup>&</sup>lt;sup>6</sup> Asian Development Bank (ADB), *Legal Identity for Inclusive Development*, 1 (2007), *available at* http://www.adb.org/documents/books/legal-identity/practical-approach.pdf.

<sup>&</sup>lt;sup>7</sup> UNICEF, *Progress for Children: A Report Card on Child Protection*, Number 8, 5 (September 2009), *available at* http://www.unicef.org/protection/files/Progress\_for\_Children-No.8\_EN\_081309(1).pdf [hereinafter UNICEF, Progress for Children].

<sup>&</sup>lt;sup>8</sup> *Id*.

the possibility for legal remedy with respect to unlawful practices.<sup>9</sup> The absence of birth registration and recognition under the law puts girls at risk of not obtaining full judicial protection and encountering obstacles when seeking access to justice.<sup>10</sup>

The Innocenti Research Centre explains that roughly 40 million births are unregistered each year, <sup>11</sup> and "without a birth certificate, a child has no defense against age-related rights abuses" such as child marriage. <sup>12</sup> Because birth certificates are required in order to establish that a person is of the legal age for marriage, undocumented births hinder judicial application of antichild marriage laws. <sup>13</sup> Accordingly, child marriage is a notable example of the problematic outcomes associated with undocumented births.

Moreover, without birth records, sexual violence and exploitation are made considerably easier.<sup>14</sup> Conversely, operable systems for birth registration produce benefits such as increased contribution to economic empowerment and the enhanced recognition of a range of other human rights, including education, healthcare, voting, inheritance of property, and citizenship.<sup>15</sup>

<sup>&</sup>lt;sup>9</sup> UNICEF, *Birth Registration: Right from the Start*, Innocenti Digest, No. 9, Innocenti Research Centre, Florence, 1-2, 5-6 (March 2002), *available at* http://www.childinfo.org/files/birthregistration Digestenglish.pdf.

<sup>&</sup>lt;sup>10</sup> Integrated Regional Information Networks (IRIN), Bangladesh: Moving towards universal birth registration, UN Office for the Coordination of Humanitarian Affairs (July 2008), available at

http://www.irinnews.org/report/79258/bangladesh-moving-towards-universal-birth-registration.

<sup>&</sup>lt;sup>11</sup> UNICEF, Early Marriage: Child Spouses, *supra* note 2 at 15.

<sup>&</sup>lt;sup>12</sup> *Id*.

<sup>&</sup>lt;sup>13</sup> International Development Law Organization (IDLO), *Strengthening the Legal Protection Framework for Girls in India, Bangladesh, Kenya and Liberia – Bangladesh Country Report*, 71 (2010), *available at* http://www.idlo.int/doccalendar/bangladeshreport final.pdf.

<sup>&</sup>lt;sup>14</sup> UNICEF, Child Protection from Violence, Exploitation and Abuse, *available at* http://www.unicef.org/media/media\_45451.html; *See also* UNICEF, Progress for Children, *supra* note 7 at 17 (The lack of birth registration systems exposes girls to additional forms of exploitation, such as child trafficking).

<sup>&</sup>lt;sup>15</sup> ADB, *supra* note 6 at 2. According to Section 18 of the Births and Deaths Registration Act 2004, a birth certificate is required for the following purposes: issuance of passport, marriage registration, admission/enrollment into schools, appointment/employment in government, private or autonomous institutions, issuance of a driving license, inclusion in the voter list, land registration, opening a bank account; procuring an export-imports license, procuring utility services, issuance of a tax ID number, procuring a trade license, approval for building construction design, vehicle registration, contractor license, and national identity card.

Importantly, birth registration is very often a prerequisite to obtaining a marriage license – another major factor for preventing child marriage.<sup>16</sup>

### Birth Registration in Bangladesh – Government and Civil Society Initiatives

In 2006, the Bangladesh Bureau of Statistics reported that only 1 out of every 10 children under the age of 5 years was registered at birth.<sup>17</sup> A UNICEF report, tracking birth registration in Bangladesh from 2000 to 2007, found the same low rate.<sup>18</sup> Major reform was necessary to address the lack of registration, and accordingly, the Bangladeshi government began taking steps towards improving and enhancing the country's birth registration system.

The Births and Deaths Registration Act

In 2004, the Law and Local Government Ministry adopted a new amended Births and Deaths Registration Act (BDR Act),<sup>19</sup> which was put into force in 2006.<sup>20</sup> The Act established a legal framework for birth registration in Bangladesh and is the first legislation to require mandatory birth registration.<sup>21</sup> The BDR Act aims to utilize birth registration requirements to offer protections to girls under the law.<sup>22</sup>

Section 18 of the BDR Act mandates that a birth certificate be presented to establish proof of age in order to apply for several major services throughout the country, including receiving a passport, voting, and registering land, among others, as well as for marriage

<sup>&</sup>lt;sup>16</sup> UNICEF, Situation Assessment and Analysis of Children and Women in Bangladesh, 140 (September 2009), available at http://www.childrenontheedge.org/uploads/8/2/9/7/8297605/womenandchildrenbangladesh.pdf. See Section II "Marriage Registration" and the Avon Global Center memorandum, "Child Marriage in Bangladesh: Impact of Discriminatory Personal Laws", which contains a more detailed analysis of marriage registration in Bangladesh in the "Registration of Marriages" section beginning on page 9.

<sup>17</sup> IDLO, supra note 13 at 3.

<sup>&</sup>lt;sup>18</sup> *Id.*, at VIII; *See also* UNICEF, *State of the World's Children 2009: Maternal and Newborn Health*, 150 (2009), *available at* http://www.unicef.org/sowc09/docs/SOWC09-FullReport-EN.pdf.

<sup>&</sup>lt;sup>19</sup> The Births and Deaths Registration Act, 2004 (BDR Act), Act No. XXIX of 2004, (December 2004), *available at* http://www.refworld.org/pdfid/511b54192.pdf.

<sup>&</sup>lt;sup>20</sup> UNICEF, Birth Registration in Bangladesh, 2 (2004), *available at* http://www.unicef.org/bangladesh/Birth Registration(1).pdf.

<sup>&</sup>lt;sup>21</sup> IDLO, *supra* note 13 at 4.

<sup>&</sup>lt;sup>22</sup> *Id.*, at 4, 6.

registration, which, as noted, is another important requirement for decreasing the rate of child marriage in Bangladesh.<sup>23</sup> Section 8 of the BDR Act requires that a birth be registered by a parent or guardian within 45 days of the child's birth. 24 Section 10 stipulates that a name should be decided by the time of registration.<sup>25</sup> Section 13 allows for late registration if the registration did not take place within the first 45 days, with "stipulated procedures and extra fees." <sup>26</sup>

While the BDR Act denotes important steps in the effort toward realizing universal birth registration and facilitating marriage registration, the Act lacks clear procedural guidelines, such as, for example, a uniform process or instructions for determining and charging registration fees.<sup>27</sup>

#### Online Birth Registration

The Bangladeshi government also has implemented a plan that attempts to register birth data online as another means of tackling the country's significant child marriage problem.<sup>28</sup> Online registration helps to prevent against the falsification of a child's age, as it is extremely difficult to alter information once it has been entered into records at birth.<sup>29</sup> In 2006, the Bangladeshi government launched a "universal birth registration for all" campaign aiming to increase the rate of registration among the majority of the population without birth

<sup>&</sup>lt;sup>23</sup> Id., at 2, 3; See also International Center for Research on Women (ICRW), United Nations Population Fund (UNFPA), Australian Agency for International Development (AusAID), Asian Forum of Parliamentarians on Population and Development (AFPPD), Child Marriage in Southern Asia: Policy Options for Action, 18 (2012), available at http://www.icrw.org/files/publications/CHILDMARRIAGE-F-13.pdf. <sup>24</sup> BDR Act, Section 19.

<sup>&</sup>lt;sup>25</sup> BDR Act, Section 10.

<sup>&</sup>lt;sup>26</sup> BDR Act, Section 13.

<sup>&</sup>lt;sup>27</sup> IDLO, *supra* note 13 at 4.

<sup>&</sup>lt;sup>28</sup> IRIN, Bangladesh: Online birth data to prevent child marriage, UN Office for the Coordination of Humanitarian Affairs, Dhaka (July 2012), available at http://www.irinnews.org/report/95782/BANGLADESH-Online-birth-datato-prevent-child-marriage.

<sup>&</sup>lt;sup>29</sup> Plan Asia Regional Office, Asia Child Marriage Initiative: Summary of Research in Bangladesh, India and Nepal, 25 (2013), available at

http://reliefweb.int/sites/reliefweb.int/files/resources/PLAN%20ASIA%20Child%20Marriage-3%20Country%20Study.pdf.

documentation.<sup>30</sup> At the same time, the government also designated July 3<sup>rd</sup> as National Birth Registration Day.<sup>31</sup> As a result, between 2006 and 2009 the percentage of children 5 years old and younger with registered births improved dramatically from 9.8 percent to 53.6 percent,<sup>32</sup> and today, officials report that an estimated 114 million of the country's 150 million inhabitants have birth certificates.<sup>33</sup> In one study of child marriage in Bangladesh, numerous women indicated that proof of age was extremely important in efforts to delay marriage, repeatedly citing electronic birth registration as an effective method for preventing early marriage.<sup>34</sup> *Civil Society* 

NGOs, international organizations, and other activist groups have also promoted birth registration in Bangladesh, working with the government to maximize birth registration efforts by, for example, targeting marginalized groups and populations living in rural and remote locations.<sup>35</sup> International organizations and programs also support the government in its endeavor to establish online universal birth registration to assist the implementation of anti-child marriage legislation.<sup>36</sup>

A notable example of civil society involvement in Bangladesh is the contributions by PLAN International and UNICEF, which work in partnership with the government to encourage and commend child marriage-free villages and to support online registration efforts in

<sup>&</sup>lt;sup>30</sup> IDLO, *supra* note 13 at 3.

<sup>31</sup> *Id*.

<sup>&</sup>lt;sup>32</sup> International Center for Research on Women (ICRW), United Nations Population Fund (UNFPA), Australian Agency for International Development (AusAID), Asian Forum of Parliamentarians on Population and Development (AFPPD), *Child Marriage in Southern Asia: Policy Options for Action*, 18 (2012), *available at* http://www.icrw.org/files/publications/CHILDMARRIAGE-F-13.pdf.

<sup>&</sup>lt;sup>33</sup> IRIN, *supra* note 28.

<sup>&</sup>lt;sup>34</sup> World Vision, Research Report: Untying the Knot – Exploring Early Marriage in Fragile States, 19 (March 2013), *available at* http://www.worldvision.org/resources.nsf/main/press-reports/\$file/Untying-the-Knot\_report.pdf.

<sup>&</sup>lt;sup>35</sup> PLAN Bangladesh, *Universal Birth Registration: Advocacy Strategies* (2013).

<sup>&</sup>lt;sup>36</sup> IDLO, *Empowering Girls Through Legal Protection Strategies in Bangladesh, India, Kenya and Liberia*, 57 (2010), *available at* http://www.idlo.int/Publications/Comparative%20Report.pdf.

Bangladesh.<sup>37</sup> According to the IDLO's Bangladesh Country Report, as a result of recent intervention, "100 percent registration has been achieved in two remote districts: Lalmonirhat and Nilphamari" and current efforts are now targeting "marginalized groups in Bangladesh, including street children and children living in brothels."

Another illustration of civil society's participation is World Vision's work to increase awareness about birth registration in communities and offer support to government efforts to improve access to registration services, particularly in the most vulnerable communities.<sup>39</sup> The 2013 World Vision report, *Untying the Knot: Exploring Early Marriage in Fragile States*, reveals that in Bangladesh, the organization has worked "through birth clinics, children and youth clubs, local leaders, women's groups and child parliaments, amongst other means, to provide access to registration services and promote the importance of birth registration, including late birth registration."

A.K.M. Saiful Islam Chowdhury, director of the government's Birth and Death Registration Project, an initiative supported UNICEF and funded by the Netherlands and the European Commission, <sup>41</sup> expresses optimism about the success of the birth registration initiatives, stating, "Once fully online, it will be easier to stop this practice of parents hiding the age of their daughters to marry them off." According to one child protection specialist at

<sup>&</sup>lt;sup>37</sup> Plan Asia Regional Office, *supra* note 28 at 14 (At the programme unit level, the objectives are to: increase the mean age of girls at marriage from 15 to 18 years by 2015 and to strengthen government mechanisms by supporting the online birth registration system and enforcement of the Child Marriage Restraint Act (1929)).

<sup>&</sup>lt;sup>38</sup> IDLO, *supra* note 13 at 5 (Referencing *C. Cody, Count Every Child: The right to birth registration* (2009): Between March and June 2008, nearly 50,000 street children in Dhaka were recorded, and 28,000 received their birth certificates).

<sup>&</sup>lt;sup>39</sup> World Vision, *supra* note 34 at 20.

<sup>&</sup>lt;sup>40</sup> *Id*.

<sup>&</sup>lt;sup>41</sup> IRIN, *supra* note 10.

<sup>&</sup>lt;sup>42</sup> *Id.*; *See also* Special Representative of the Secretary-General on Violence against Children, *Protecting children from harmful practices in plural legal systems*, 27 (2012), *available at* http://srsg.violenceagainstchildren.org/sites/default/files/publications\_final/SRSG\_Plan\_harmful\_practices\_report\_final.pdf.

UNICEF in Bangladesh, "We feel the situation is improving but it is still not acceptable." While birth registration information has already begun to be documented online, the information is still limited and although full implementation of the online database was projected for June 2013, this target has not yet been reached. The government and civil society efforts have undoubtedly resulted in greater availability of data regarding birth registration in Bangladesh; however, the exact current registration rate and proportion of children who are registered remains unknown. 44

### Factors that Perpetuate Non-Registration and Recommendations for Overcoming Them

A workable birth registration system is a necessary first step for implementing protections under laws that are regularly ignored when a girl is unable to prove her age and towards tackling the child marriage problem in Bangladesh.<sup>45</sup> Traditionally, most births in Bangladesh have gone unregistered,<sup>46</sup> and as a result, the official age of many Bangladeshi women and girls at the time of marriage has been unknown. Courts in Bangladesh are not equipped with the advanced technology necessary to independently establish the age of an individual, and because the Bangladeshi judiciary has typically been conservative in approaching issues related to child marriage, courts are hesitant to resort to physical verification of age in absence of a birth certificate.<sup>47</sup>

<sup>&</sup>lt;sup>43</sup> *Id.* One notable recent example of such improvement was reported in June 2012 by local media in Bangladesh's western Khustia District, where a 15-year-old was to be married off by her parents who were hiding her age, and local officials challenged the marriage and demanded proof that she had reached the legal marrying age of 18. When her parents could not provide documentation, the marriage was not approved.

<sup>&</sup>lt;sup>44</sup> Bangladesh, Low Birth Registration (March 7, 2013), *available at* http://bangladesh.blogs.wm.edu/2013/03/07/low-birth-registration/; UNICEF, *Situation Assessment and Analysis of Children and Women in Bangladesh*, 143 (2009), *available at* http://www.childrenontheedge.org/uploads/8/2/9/7/8297605/womenandchildrenbangladesh.pdf.

<sup>&</sup>lt;sup>45</sup> UNICEF, *Q&A*: Universal Birth Registration in Asia and Pacific, 1 (2006), available at www.unicef.org/eapro/UBR in AsiaPacific 3mar06.pdf.

<sup>&</sup>lt;sup>46</sup> UNICEF, *Challenges facing the children of Bangladesh*, available at http://www.unicef.org/bangladesh/overview 4841.htm.

<sup>&</sup>lt;sup>47</sup> IDLO, *supra* note 13 at 71.

Lack of awareness, weak enforcement of laws and corruption, and the need for a central registrar perpetuate non-registration and are the primary issues needing to be addressed in considering the possibilities for improving the birth registration system in Bangladesh. Correspondingly, overcoming non-registration involves a number of strategies, namely, raising awareness, law enforcement, and review of policies, and creating a central registrar coupled with increased accessibility to registration services.

# Awareness Raising

The promotion of birth registration programs among community and religious leaders is an essential step towards decreasing the rate of child marriage in Bangladesh. Educating people about the benefits associated with birth registration and the possible harms linked to lack of registration is another important step towards universal birth registration in Bangladesh. Without improving the knowledge, people have concerning registration; the demand for such will remain at a low level. 48 Parents, guardians, religious institutions, and community leaders should be the primary targets of awareness-raising campaigns, 49 and children and other vulnerable groups, particularly those living in remote areas with low rates of birth registration, should be included in outreach initiatives as well.<sup>50</sup>

Enforce Laws and Review Polices to Combat Corruption

Legislative review is a central means of intervention that should be implemented in order to increase birth registration rates. Procedures must be put in place, which focus on eliminating corruption in birth registration and registrar offices. Furthermore, governmental review and revision of the customary and civil laws in Bangladesh so that the standards relating to marriage

<sup>&</sup>lt;sup>48</sup> *Id.*, at 5, 6. <sup>49</sup> *Id*.

accord with international human rights obligations is also an important component of instituting a legal system capable of protecting children from child marriage.<sup>51</sup>

The disinclination to enforce registration laws is frequently the result of corruption among state officials, religious leaders, and community members who exchange bribes, without reservation, in order to facilitate the continued practice of child marriage.<sup>52</sup> Without a systematic process for birth registration, falsifying the age of a child is simple, making it easy for responsible parties to turn a blind eye.<sup>53</sup> A 2009 report by UNICEF indicates that Bangladeshi police officers have been "known to exaggerate children's ages in court documents to avoid the procedural safeguards granted to children by law" and that the "low level of birth registration in the country has contributed to this problem."

To lessen corruption and greatly enhance the framework in Bangladesh for monitoring and enforcing the registration of births, the government should establish an official department tasked with monitoring the registration of births. This would enhance uniformity in the system and better employ procedural safeguards by, for example, implementing practices that establish criteria for setting fees (for example, late birth registration fees), within an official department tasked with monitoring rates.<sup>55</sup> This department would also implement further procedural safeguards, such as heightened review of post-dated birth certificates and other necessary precautions arising over time concerning the efficacy of the birth registration system.<sup>56</sup>

In order to reconcile the varying religious personal laws on birth registration with national legislations, the government should amend the Child Marriage Restraint Act, 1929

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<sup>&</sup>lt;sup>51</sup> UNICEF, Early Marriage: Child Spouses, *supra* note 2 at 15.

<sup>&</sup>lt;sup>52</sup> World Vision, *supra* note 34 at 19.

<sup>&</sup>lt;sup>53</sup> UNICEF, State of the World's Children 2011, 10 (2011), available at http://www.unicef.org/sowc2011/index.php.

<sup>&</sup>lt;sup>54</sup> UNICEF, Situation Assessment and Analysis of Children and Women in Bangladesh, 136 (2009), available at http://www.childrenontheedge.org/uploads/8/2/9/7/8297605/womenandchildrenbangladesh.pdf.

<sup>&</sup>lt;sup>55</sup> IDLO, *supra* note 13 at 6.

<sup>&</sup>lt;sup>56</sup> *Id*.

(CMRA) and other regulations to require birth certificates be presented in order to solemnize marriages.<sup>57</sup> Along these lines, laws should also set forth punishment for violations by Marriage Registrars who consciously register marriages absent valid birth certificates for each party.<sup>58</sup> Nation-wide Central Registrar and Greater Accessibility

The availability of an online registration system throughout the country is important. A nation-wide central registrar that monitors and collects births and deaths data would create a more cohesive and organized system, in which information could be shared and utilized throughout the country in a more effective manner.<sup>59</sup> Because the BDR Act does not require a central registrar for all of Bangladesh, individual programs have been implemented to collect registration data and issue registration certificates. <sup>60</sup> The disjointed system makes birth registration data extremely difficult to track.

Increased accessibility is also crucial to improve the ease of access to birth registration processes. All citizens should be able to access information and guidance on the required steps for registration, and efforts should focus particularly on rural communities that suffer the lowest registration rates. 61 One survey of mothers in Bangladesh revealed that over 75% of the women gave birth to their daughters at home, <sup>62</sup> which highlights the importance of making birth registration accessible to everyone in Bangladesh, in both urban and rural environments.

While Bangladesh is implementing strategies to improve the rates of birth registration, many still go unregistered. The current enforcement mechanisms of legal provisions are insufficient and there is a general lack of awareness among society with respect to the

<sup>&</sup>lt;sup>57</sup> *Id*. <sup>58</sup> *Id*.

<sup>&</sup>lt;sup>59</sup> *Id*. <sup>60</sup> *Id*., at 5.

importance of registration. These factors have resulted in difficulty collecting population information and are obstacles to confirming the age of children. As such, registration, or the lack thereof, remains in need of reform as a major aspect of combating child marriage in Bangladesh.

# II. Marriage Registration<sup>63</sup>

As was the case with birth registration, countries without requirements or reliable systems of registration for marriages suffer from higher rates of child marriage.<sup>64</sup> The marriage registration system in Bangladesh remains unreliable, in part due to the fact that legal mandates for marriage registration are not required for all religious communities.<sup>65</sup> The limitations of personal laws and customary practice often result in inconsistencies in implementation, which frustrate national laws and legislation regulating registration.<sup>66</sup> While some religious communities have laws that do require the registration of marriages, enforcement is frequently poor because of the lack of a uniform system for record keeping and because corruption by registrars is not uncommon.<sup>67</sup>

Additionally, similar to birth registration, designing effective child marriage monitoring systems is greatly facilitated by the availability of accurate statistics on the incidence of child marriage. The government must assess and strengthen monitoring systems for marriage registration, as well as establishing means of registering marriages more effectively, particularly in impoverished rural communities that have higher rates of child marriage.<sup>68</sup> Improvement in

<sup>&</sup>lt;sup>63</sup> See the memorandum, "Child Marriage in Bangladesh: Impact of Discriminatory Personal Laws", that contains a more detailed analysis of marriage registration in Bangladesh in the "Registration of Marriages" section beginning on page 9.

<sup>&</sup>lt;sup>64</sup> ICRW, *supra* note 32.

<sup>65</sup> Human Rights Watch, "Will I Get My Dues ... Before I Die?": Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, 95 (September 17, 2012), available at http://www.hrw.org/sites/default/files/reports/bangladesh0912ForUpload.pdf.

<sup>&</sup>lt;sup>66</sup> ICRW, *supra* note 32.

<sup>&</sup>lt;sup>67</sup> Human Rights Watch, *supra* note 65.

<sup>&</sup>lt;sup>68</sup> ICRW, *supra* note 32.

the system for registering marriages will assist in the enforcement of laws against child marriages and better prevent such marriages from ever occurring.<sup>69</sup>

For more detailed information regarding marriage registration as a method for reducing the instances of child marriage in Bangladesh, please see the memorandum, "Child Marriage in Bangladesh: Impact of Discriminatory Personal Laws," which contains a more detailed analysis of marriage registration in Bangladesh in the "Registration of Marriages" section beginning on page 9.

# **Conclusion**

Both birth registration and marriage registration are important tools for preventing circumvention of child marriage laws. Official legal records that substantiate a child's age and that help protect underage girls from marriage by establishing legal criteria for registration are significant vehicles for fostering a child's ability to claim her rights and enabling her to seek redress for violations of those rights. Bangladesh is making efforts to improve and enhance both the birth registration and marriage registration systems. While the recent government and civil society initiatives are a step in the right direction, there is much more to be done before Bangladesh achieves the essential levels of registration to bring about the considerable change necessary to significantly reduce the practice of child marriage in the country.

<sup>&</sup>lt;sup>69</sup> *Id*.

<sup>&</sup>lt;sup>70</sup> IDLO, *supra* note 36 at 276.

<sup>&</sup>lt;sup>71</sup> http://www.worldvision.org/resources.nsf/main/press-reports/\$file/Untying-the-Knot\_report.pdf 19 Integrated Regional Information Networks (IRIN), *Bangladesh: Moving towards universal birth registration* (2008), *available at* http://www.unhcr.org/refworld/docid/487f10c11e.html.