



HUMAN  
RIGHTS  
WATCH

# MARRY BEFORE YOUR HOUSE IS SWEEPED AWAY

Child Marriage in Bangladesh



# **Marry Before Your House is Swept Away**

Child Marriage in Bangladesh

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## Child Marriage in Bangladesh

<b>Summary .....</b>	<b>1</b>
<b>Key Recommendations.....</b>	<b>28</b>
<b>Methodology .....</b>	<b>32</b>
<b>I. How Girls Become Brides: Contributing Factors to Child Marriage.....</b>	<b>34</b>
Poverty .....	37
Natural Disasters: River Erosion, Cyclones, and Flooding.....	40
Lack of Access to Education .....	45
Social Pressure.....	50
Harassment, Intimidation, and Coercion .....	56
Dowry.....	59
<b>II. Harmful Consequences of Child Marriage .....</b>	<b>63</b>
Termination of Education .....	63
Early Pregnancy, Lack of Access to Family Planning, and Health Problems .....	67
Domestic Abuse and Violence Including Rape .....	72
Abandonment .....	78
<b>III. Bangladesh Government Responses to Child Marriage.....</b>	<b>80</b>
Efforts to Promote Access to Education .....	83
Social Protection and Disaster Relief.....	86
Birth Registration .....	92
Local Government's Role in Preventing Child Marriage .....	95
Reform of the Child Marriage Restraint Act (CMRA) .....	98
Access to Temporary Protective Shelters .....	99
Domestic Violence (Prevention and Protection) Act .....	99
Difficulty Obtaining a Fair Divorce .....	101
<b>IV. Bangladesh's International Legal Obligations.....</b>	<b>104</b>
Right to Equality and Non-Discrimination .....	105

Right to Marriage, Choose a Spouse, and Minimum Age of Marriage .....	106
Right to Education .....	108
Right to be Free from Physical, Mental, and Sexual Violence.....	109
Right to Health.....	111
Right of Children to Express Their Views Freely .....	112
The Impact of Natural Disasters on Bangladesh’s Legal Obligations .....	113
<b>Recommendations .....</b>	<b>114</b>
To the Prime Minister of Bangladesh .....	114
To Members of Parliament, the Cabinet Division, and the Ministry of Law, Justice, and Parliamentary Affairs .....	120
To the Ministry of Women and Children Affairs .....	120
To the Ministry of Primary and Mass Education and the Ministry of Education .....	122
To the Ministry of Health and Family Welfare .....	124
To the Ministry of Home Affairs .....	125
To the Local Government Division of the Ministry of Local Government and Rural Development and Cooperatives .....	125
To the Ministry of Religious Affairs .....	126
To the Ministry of Social Welfare .....	126
To Union Parishads.....	126
To International Donors and the United Nations .....	127
<b>Acknowledgements.....</b>	<b>129</b>
<b>Annex 1.....</b>	<b>131</b>
Letter to Bangladesh Government Presenting Human Rights Watch Research Findings on Child Marriage in Bangladesh .....	131

# SUMMARY AND KEY RECOMMENDATIONS



A male relative of Shiuli, whose family said she was 18 years old, carries her out of her parents’ house after her wedding ceremony. This is a common practice following a marriage, when a bride leaves her parents’ home for the first time. April 2, 2015.  
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# SUMMARY

Bangladesh has the fourth-highest rate of child marriage in the world, after Niger, the Central African Republic, and Chad, according to the United Nations children’s agency, UNICEF. In the period 2005 to 2013, according to UNICEF, 29 percent of girls in Bangladesh married before the age of 15 and 65 percent married before the age of 18. Child marriage around the world is associated with many harmful consequences, including health dangers associated with early pregnancy, lower educational achievement for girls who marry earlier, a higher incidence of spousal violence, and an increased likelihood of poverty.

Research shows that globally girls aged 10-14 are five times more likely to die during delivery than mothers aged 20-24; girls aged 15-19 are still twice as likely to die during delivery than women aged 20-24. The link between lack of or poor education and child marriage is borne out by research finding that in Bangladesh women with primary, secondary and higher education, compared to women with no formal education, were respectively 24 percent, 72 percent, and 94 percent less likely to marry at a young age. A study across seven countries found that girls who married before the age of 15 were more likely to experience spousal abuse than women who married after the age of 25. Global data shows that girls from the poorest 20 percent of families are twice as likely to marry before 18 as girls whose families are among the richest 20 percent.

In other respects, Bangladesh has been cited as a development success story, including in the area of women’s rights. The UN cited Bangladesh’s





“impressive” poverty reduction from 56.7 percent in 1991-1992 to 31.5 percent in 2010. Bangladesh has achieved gender parity in primary and secondary school enrolment, according to the UN. Maternal mortality declined by 40 percent between 2001 and 2010.

Bangladesh’s success in achieving some development goals begs the question why the country’s rate of child marriage remains so high. This report aims to help answer that question and suggest ways in which Bangladesh’s government can apply effective strategies to achieve comparable success in reducing child marriage.

In Bangladesh there are several factors driving the high rate of child marriage. Gender discrimination feeds social attitudes and customs that harm girls at every stage of their lives and fuel the country’s extremely high rate of child marriage. Desperate poverty remains a daily reality for many families in Bangladesh, and many parents see child marriage as their best option to safeguard the future of a daughter they feel they can neither feed nor educate nor protect. Bangladesh’s status as one of the countries in the world most affected by natural disasters and climate change adds an additional element of hardship to many families, especially those living in the most marginal and disaster-affected parts of the country.

Bangladesh’s government has responded to the growing attention to the harms linked to child marriage by promising swift action. At the July 2014 Girl Summit in London, Bangladesh’s Prime



At the July 2014 Girl Summit in London, Bangladesh’s Prime Minister Sheikh Hasina promised to end marriage for girls under the age of 15 by 2021 and reduce by more than one-third the number of girls between the ages of 15 and 18 who marry. She also promised to end all child marriage by 2041. As part of this effort, she pledged that her government would revise the Child Marriage Restraint Act (CMRA) and develop a national plan of action on child marriage before 2015. Her government has since proposed that the age of marriage for girls be lowered from 18 to 16. © 2014 Reuters

Minister Sheikh Hasina pledged to take steps to reduce child marriage in Bangladesh and to ultimately end it by 2041. She committed, by 2021, to end marriage for girls under 15 and reduce by more than one-third the number of girls between the ages of 15 and 18 who marry. As part of this effort, she pledged that her government would revise Bangladesh’s law which prohibits child marriage, the Child Marriage Restraint Act (CMRA) before 2015, develop a national plan of action on





Sifola, age 13, stands in the home she shares with her husband and in-laws. Her parents took her out of school and arranged her marriage because they were struggling with poverty and wanted to conserve their resources in order to pay for her brothers' schooling. Her family bribed local officials to forge a birth certificate that showed her age as over 18 in order to marry her off. March 31, 2015. © 2015 Omi for Human Rights Watch

child marriage by the end of 2014, and take other steps to change social norms and engage civil society in the fight against child marriage.

Sheikh Hasina’s efforts to follow through on the commitments she made at the Girl Summit have already been marred by delay. One reason for this was a debacle over a proposal to revise the CMRA by changing the age of marriage in Bangladesh to 16 years old for girls and 18 years old for boys. This proposal was vigorously opposed by civil society activists in Bangladesh, as well as international experts. At the time of writing, the government still appears to be pushing forward with this proposal, while the process of reforming the law has been delayed. The development of a national plan of action on ending child marriage has also been delayed and is not complete at the time of writing.

This report aims to support the commitments Bangladesh’s government has made to ending child marriage by documenting the experiences and insights of child brides and their family members. Human Rights Watch interviewed 114 people for the report in late 2014. The majority of those interviewed were girls and women who experienced child marriage first hand. Their experiences highlight some successes in reducing child marriage in Bangladesh, but also many areas where the Bangladesh government can and should do more.

The legal age of marriage in Bangladesh is currently 18 for women and 21 for men. Bangladesh’s Child Marriage Restraint Act (CMRA),

first passed in 1929 and subsequently amended several times, makes it a criminal offense to marry or facilitate the marriage of a girl under 18 or a man or boy under 21, but the law has rarely been enforced and is widely ignored.

When asked about how they had made decisions about when their daughters should marry, families interviewed for this report talked again and again about poverty. Girls described parents deciding to marry them off simply because the family was going hungry. Many families also linked poverty, education and child marriage, saying that they arranged a marriage for their daughter because they were too poor to keep her in school. Many of the families interviewed are so poor that even the smallest expense associated with school, for example exam fees which may be as little as US 13 cents, is unaffordable. Social norms and gender discrimination lead parents to view their sons as future economic providers and their daughters as burdens who eventually leave for their marital home—meaning that families are more likely to pull their daughters from school first when money is short. Poverty also prevents boys from attending school. Schools do little to retain students, prevent child marriages, or educate students about sexual and reproductive rights and the fact that child marriage is illegal and harmful.

One of the major factors pushing these families into such desperate poverty is natural disasters. Bangladesh’s extreme vulnerability to natural disasters, exacerbated by climate change, and combined with its large population, means that for

many poor families their livelihoods, homes, and land are under threat from flooding, river erosion, cyclones and other disasters.

Some families interviewed by Human Rights Watch said they had made decisions about marriage for reasons directly related to natural disasters—some for example rushed to marry off a daughter in anticipation of losing their home to river erosion. Other families described natural disasters as a recurring stress factor, taking food from the family’s mouths and making child marriage seem like the best option for a girl and the family.

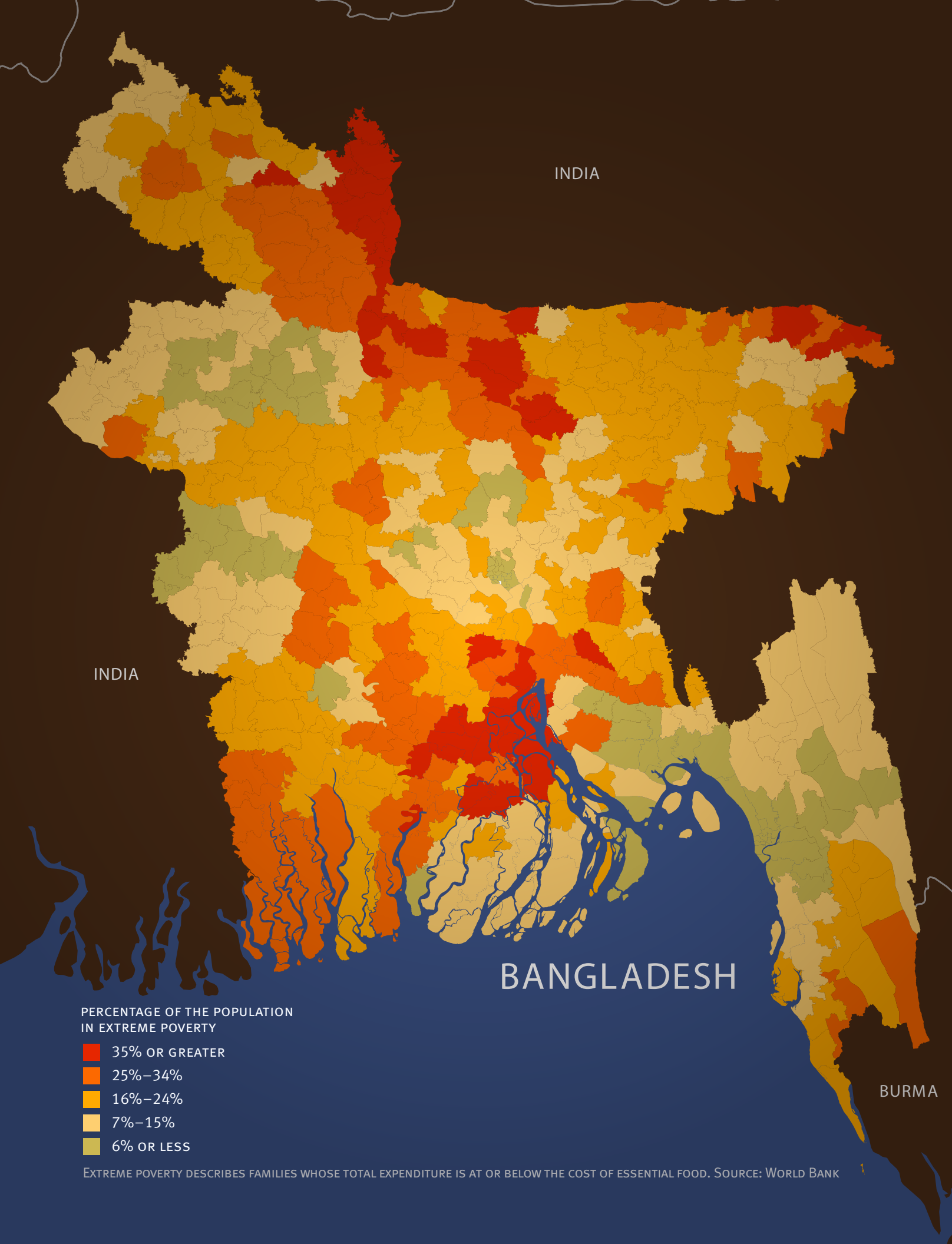
Harassment and intimidation also played a major role in driving child marriage. Unmarried adolescent girls often face unwanted advances and threats, including the threat of abduction from suitors; and parents, feeling unable to protect their daughters and with no prospect of help from police or local authorities, see marriage as a solution. Families are also influenced by social pressures from neighbors in communities where the onset of puberty in a girl is seen as a signal that it is time for her to marry. The widespread practice of girls’ families paying dowry to her groom creates additional pressure, as dowry tends to be lower and even avoidable for the youngest of brides. Boys are also the victims of child marriage in Bangladesh, though it is estimated that the rate of child marriage is eleven times higher for girls than boys.

“My life is destroyed,” is how one girl described the effect child marriage had on her. Human

Rights Watch interviews with married girls in Bangladesh found they almost always left education permanently. They became pregnant early, either because they are pressured to or feel that they should, or because they had no access to contraception and information about family planning. Even if they left their husbands or got divorced early, economic and social pressures often keep them from resuming their studies. Some suffered health problems as a result of early pregnancy, and many suffered violence and abuse in their home. Some of the most heart-breaking stories were from girls who had been abandoned or cast out by abusive husbands and in-laws, yet were begging to be taken back, for lack of other options.

The efforts and promises of Bangladesh’s government to end child marriage have not translated into adequate action. Reforms like the government’s expansion of birth registration are important because if implemented effectively they could play a key role in ending child marriage by allowing accurate verification of a person’s age to determine if they are old enough to legally marry. However, Human Rights Watch’s research shows that local officials routinely take bribes to provide false birth certificates in order to facilitate child marriages. The government has taken important strides in facilitating access to education by banning primary level school fees. However, other costs associated with attending school mean that education remains out of reach for too many children, and for girls the consequence of lack of access to education can be child marriage.





Government agencies providing assistance to families in poverty or affected by disasters should be more directly involved in preventing child marriage. Bangladesh's law on child marriage should be reformed, but even more importantly it should be fully enforced.

International law prohibiting gender discrimination requires that the age of marriage be the same for both women and men, and evolving international standards set 18 as the minimum age. Setting a higher age of marriage for men, even when the minimum age of marriage for women is 18, is a harmful form of gender discrimination which reinforces social norms about older men marrying younger girls. International law also provides every individual the right to freely choose whether and whom to marry and to defer marriage until she or he has reached sufficient age to be capable of free and full consent. Bangladesh's obligations under international law also compel it to protect its peoples' rights to education and health and to be free from physical, mental and sexual violence.

In many of the villages Human Rights Watch visited in the course of researching this report child marriage is not only socially acceptable but also expected. As long as the government looks the other way, or even facilitates child marriage, for example when local government officials provide forged birth certificates, marrying off young daughters will be a survival strategy for parents who feel unable to care for their children or fear the consequences of strong social stigma against unmarried girls. The stories in this report explain the hard choices families face, and the

ways in which the government is failing to prevent child marriage.

The Bangladesh government's high-level political commitment to end child marriage is a positive step. But it will not achieve its targets unless child marriage becomes a permanent priority for all parts of the government and is backed up by effective legislation, policies, and programs.

*\*The names of the interviewees quoted in the following pages are pseudonyms.*

Sharmin, age 16, holds her one-year-old daughter. She was married when she was 14 years old. Her husband sent her back to live with her parents. He no longer supports Sharmin or her daughter, but occasionally visits them. April 2, 2015.

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## POVERTY

Poverty was the factor most commonly cited by girls and family members as driving decisions to have girls marry when they were still children. Many of the families Human Rights Watch interviewed were living in such extreme poverty that the family simply did not have enough to eat and they arranged marriages for their daughters to have one less mouth to feed and in hopes that their daughter would be better fed in the home of her in-laws. Almost none of the extremely poor families interviewed by Human Rights Watch had received assistance from government aid programs.

Families interviewed by Human Rights Watch who were unable to make ends meet often saw girls as a burden. This view is linked to discriminatory gender roles in Bangladesh, as daughters are expected to go to live with their husband's family as soon as they marry, while sons typically remain living with and helping to support their parents. This means parents are less willing to "invest" in a girl—when parents cannot afford to feed or educate all of their children, it is usually girls' futures that are sacrificed first.

*"We were very poor – sometimes we would eat every two or three days," Lucky C., married at 15, said. "Even though they really wanted all three of their daughters to study it wasn't possible, so they got me married."*



Faizunnesah (left) and Moin Uddin (right) are the parents of 16-year-old Sharmin, who was married at the age of 14, and has a one-and-a-half-year-old daughter. Sharmin's parents said they lost their home five times due to river erosion, and received no compensation or assistance from the government. They have six children. Two of their daughters were married as children and then abandoned by their husbands and had to come back to live with their parents. April 2, 2015.  
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# NATURAL DISASTERS

Natural disasters in Bangladesh, and the lack of an adequate government safety net for families affected by them, compound the poverty that drives child marriage. Bangladesh's geo-physical location makes it prone to frequent and sometimes extreme natural disasters, including cyclones, floods, river bank erosion, and earthquakes, which cause widespread loss of life and property damage.

*"Because of river erosion people think girls are a burden for their family, so if someone wants to marry a girl they don't wait," an NGO worker explained. "Families think that if their house goes they'll have to go to another place and it will take time to get established and find a husband and meanwhile the girl is getting older and dowry is going up."*

Parvin, married at age 11, stands next to her mother's house, which they fear will be washed away by river erosion before the end of the year. Her husband lives with her and her family, but has been away for a few months looking for work. March 30, 2015.  
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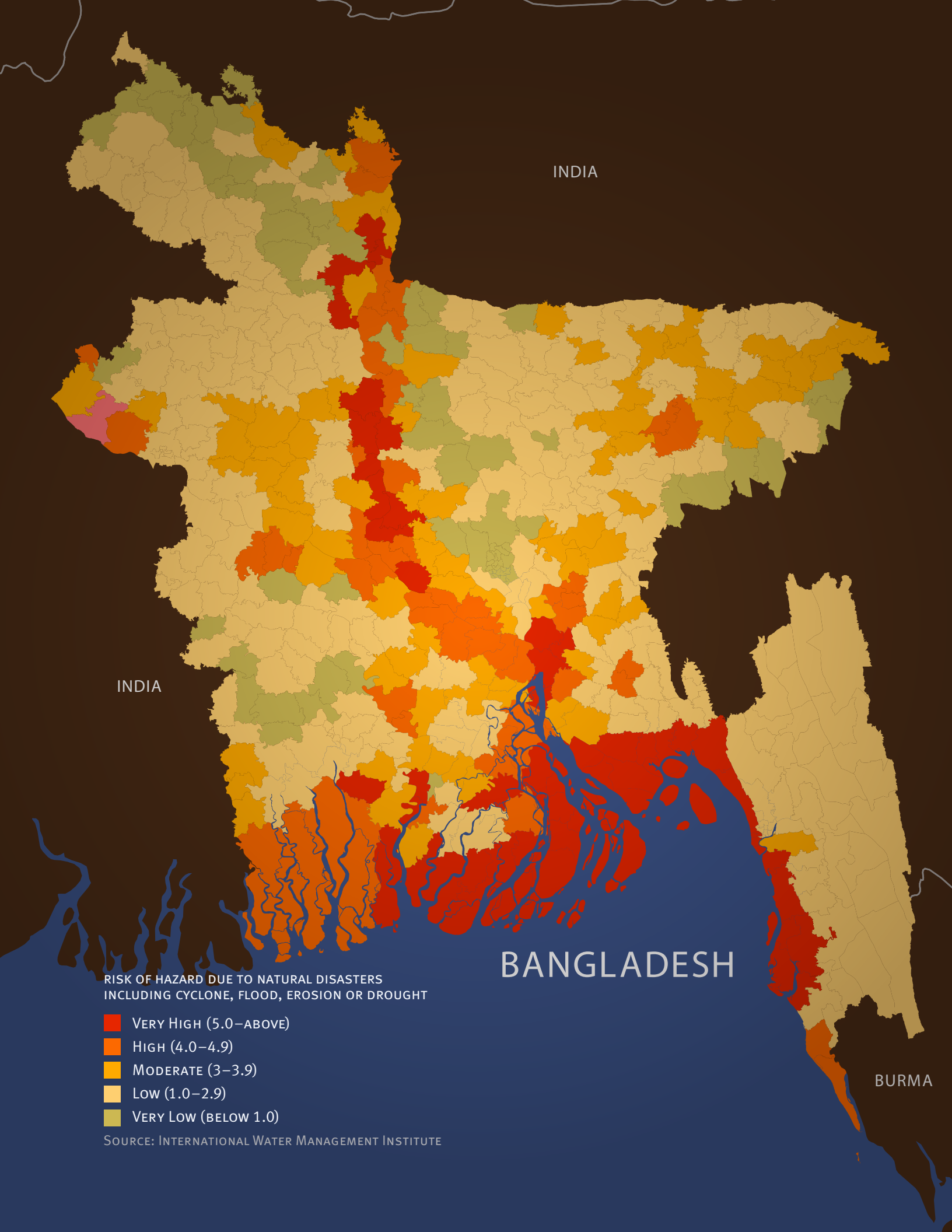




People living in a village affected by river erosion stand on the east bank of the Meghna River. River erosion destroys many families' houses and land. Some girls said concerns about erosion had prompted their parents to marry them before the family was affected by erosion. April 3, 2015.  
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Human Rights Watch found that families’ anticipation of losing their land and homes to river erosion contributed directly to decisions by some families to marry their girls at young ages. Many families also struggled with frequent flooding which destroyed their crops, sometimes several times a year, creating a constant battle for survival for many poor families. Regular flooding keeps families extremely poor and drives decisions about schooling and marriages for their children.

*“This is a place affected by river erosion,” Azima B.’s parents told her, explaining why she had to marry at age 13. “If the river takes our house it will be hard for you to get married so it’s better if you get married now.”*

*Azima said that people in the community had been “shaming her” for still being unmarried because she is tall and looks old for her age. “I protested a lot to my parents but they said it is a shame for us to keep you in the house. I wanted to continue my education, but my mother said your father has fixed your marriage and if you don’t listen to your father, people will say what kind of girl is that who doesn’t listen to her father?”*

*Azima said, “I am the oldest and only after I get married can [my sisters] think about getting married. If the river takes the house it will be hard for them to get married.” Azima’s sisters are ages 12, 10, and 8 years old; her parents are now considering a marriage for the 12-year-old.*

*Azima married a 17-year-old boy three days after his parents decided she was an acceptable bride.*

*“They’ve already asked me to have children,” Azima, now age 14, said of her in-laws. “I live in their house—I have to keep them happy. My husband has also asked me to have children. I said I wanted to wait for two years, but they said no, you should have children now. So I guess I will have to have children now.”*

# EDUCATION

There is a strong connection between access to education and child marriage in Bangladesh. Many of the girls interviewed by Human Rights Watch explained that they were married as soon as their families could no longer afford to educate them. Access to education is a struggle for all poor children in Bangladesh, but gender discrimination means that girls face specific obstacles. Parents often see their daughters as a burden because girls will leave the family when they marry and go to live with their husband's family. This may result in families with limited means prioritizing education for their sons over education for their daughters, particularly at the secondary level and higher.

One of Bangladesh's greatest development successes is the increase in enrollment of both boys and girls in primary education. By secondary school, however, attendance rates have fallen and the dropout rate by grade five is about 50 percent. Even for children who are in grades or schools where there are no tuition fees, there are associated costs for exam fees, supplies, and uniforms. For many of the poor families interviewed by Human Rights Watch, even the smallest associated costs put education out of reach of their children.

*"My parents thought they would marry the girls off so at least they could afford to send the son to school," said Bibi M., who left school and was married at age 14 to a 23 or 24-year-old man.*

A private girls' high school subsidized by the Bangladesh government, with 300 students. 25-35 percent of the school's female students drop out before graduation due to child marriage. In the first three months of 2015, three girls left this school to marry as children. April 1, 2015.  
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*“We had to get her married to save our respect,” Dipanjali B. said, explaining why she arranged her daughter’s marriage at 17. “She was very pretty and people were threatening to kidnap her and every time she went to school she was harassed.”*

A community meeting brings villagers together to discuss the issue of child marriage. March 30, 2015.  
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## SOCIAL PRESSURE AND HARASSMENT

In communities where child marriage is the norm, many girls and parents cited social pressure as a key factor driving child marriage. Human Rights Watch found strong social pressures to get girls married, in part to prevent them from having a romantic or sexual relationship before marriage. There is also great stigma attached to “love marriages.” The importance attached to a girl’s reputation and the fragility of that reputation means that a girl’s future can easily be damaged simply by rumors.

A significant minority of women and girls told Human Rights Watch that their parents had tried to resist marrying them as children but had later agreed to marriages as a result of harassment or threats, including threats of abduction, or even assault. Families facing these threats felt that they had little or no ability to obtain help and protection from police or other local government officials, even when the behavior clearly constituted a crime.

While NGOs have reached some communities with awareness raising efforts about the risks of child marriage, such efforts by the government are noticeably absent. Attempts by some government officials and police to make communities aware that child marriage is illegal are undermined by community members’ experiences of local government officials frequently facilitating child marriages by providing forged birth certificates in exchange for bribes.





# DOWRY

The practice of a bride’s family paying a “dowry” to the groom’s family, in the form of cash, jewelry, or goods, creates incentives for poor families to marry off their daughters earlier because dowry is lower or may be waived completely for very young brides. It also constitutes a form of gender discrimination that further impoverishes poor families who have daughters, and disputes about dowry payments can lead to domestic violence against girls and women.

A 1980 law banned the the payment of dowry to the groom’s family by the family of the bride. In spite of this, the payment of dowry remains widespread in Bangladesh. So entrenched is the practice of dowry that several parents told Human Rights Watch that they had insisted on paying dowry for their daughter even when it wasn’t demanded, believing that the girl would be valued more highly and treated better by her in-laws if she came with a dowry.

*“Now she is pretty and young and we can give her away for free. If you bring the police we will have more problems when she gets older.” – Ruhana M.’s older brother, arguing for why Ruhana should marry at age 12, after her uncle opposed the marriage. The marriage went forward.*

Bibi, age 17, married at about age 11. After marrying, she was forced to quit school. Bibi said she returned to live with her parents because her husband physically abused her. A local village council will decide whether Bibi will return to her husband’s home. March 29, 2015.

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# KEY RECOMMENDATIONS

## To the Government of Bangladesh

- Comprehensively reform the Child Marriage Restraint Act (CMRA) by the end of 2015.  
Reform of the CMRA should include:
  - Setting the minimum age of marriage at 18 for men and women with no exceptions.
  - Expanding measures to prevent child marriage.
  - Providing assistance to married children and adults who married as children.
- As per the prime minister's commitment at the July 2014 London Girl Summit, produce a national plan of action to end child marriage by 2041, and fully incorporate this plan of action into the government's seventh five year plan for fiscal years 2016 through 2020. Ensure that the plan is adequately resourced.
- Make marriage registration compulsory for all religions. Create digital records that are accessible throughout the country as proof of marriage.
- Initiate a nationwide awareness campaign against child marriage in a variety of media and in formats accessible to those with disabilities and limited literacy, emphasizing the health risks of early pregnancy, the benefits of girls' education, the law prohibiting child marriage, the consequences for those who break the law, and the mechanism for reporting child marriage and obtaining assistance.
- Eliminate all costs to students and parents for textbooks, education materials, exams, and uniforms for all children in compulsory education, and take steps to alleviate the negative effects of other indirect costs on children from poorer households.
- Coordinate with schools to monitor problems of harassment of female students and intervene to prevent and end harassment, including by contacting law enforcement authorities in cases involving alleged criminal acts.
- Incorporate a detailed module on sexual and reproductive health into the national curriculum as an examinable, independent subject and ensure that it is taught in all schools.
- Investigate all complaints of child marriage promptly, intervene to prevent child marriage whenever possible, and refer for prosecution anyone who has committed a crime under the CMRA, including officials who solemnize child marriages and those who provide forged birth certificates to facilitate child marriages. Establish a mechanism to receive and investigate reports of local government officials providing forged birth certificates. Dismiss and refer for prosecution any officials found to have forged birth certificates.

## To International Donors and the United Nations

- Encourage the Bangladesh government to pass a reformed CMRA in 2015 which complies with international law and best practices and sets the minimum age of marriage at 18 years for both women and men with no exceptions.
- Encourage the Bangladesh government to develop a comprehensive national strategy to end child marriage through a broad consultative process, participate in its development, and support its implementation. Integrate strategies to prevent child, early, and forced marriage and to support married girls into assistance programs.





A young couple meets for the first time on their wedding day. Their birth certificates indicated that the groom was several months past his 21st birthday, and the bride was several months past her 18th birthday. Bangladeshi law sets the minimum age of marriage at 18 for women and 21 for men. April 2, 2015  
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## Methodology

This report is primarily based on research conducted in Bangladesh in September, October, and November 2014. A Human Rights Watch researcher carried out a total of 114 individual and group interviews, including 59 interviews with girls and young women who had married before the age of 18 in the last 5 years.

Interviews with girls and young women affected by child marriage, family members, and local officials were conducted in the districts of Noakhali, Laxmipur, Khulna, Sirajganj, and Gaibandha. Child marriage is a problem across all regions of Bangladesh, in both rural and urban areas. We chose to conduct research in districts across four different regions of the country in an effort to capture regional variations in the causes and consequences of child marriage. We also selected these districts in part because they all contain extensive areas where there is significant impact from natural disasters, including cyclones, river erosion, and flooding. One of the goals of this research was to determine whether there were specific vulnerabilities to child marriage in areas affected by natural disasters. The majority of, but not all, interviewees lived or had lived in areas significantly affected by natural disasters.

The most recently married girl we interviewed was a 15-year-old who had married 3 days prior to the interview. The youngest married girl we interviewed was 10 years old. The researcher also interviewed fathers and mothers, most of whom were parents of child brides, but a few of whom were individuals who had resisted community norms and chosen to delay their daughters' marriages.

Because most of these interviews were conducted in homes in villages, the researcher, in addition to hearing peoples' stories, also often got a firsthand look at the living conditions in which interviewees lived. These often consisted of large extended families living in one or two room shacks. Virtually all homes had mud floors and some were built entirely from bamboo, leaves, and tarpaulins.

The interviews were conducted in Bangla through a female interpreter. All interviewees were advised of the purpose of the research and that the information they shared would be

used for the purpose of this report. They were advised of the voluntary nature of the interview and that they could refuse to be interviewed, refuse to answer any question, and terminate the interview at any point. The majority of interviews were recorded, with the interviewees' consent, for later reference; all interviewees could refuse having the interview recorded.

Most interviews were conducted with only the interviewee, translator, and Human Rights Watch researcher present, but in some cases the interviewee requested that another person be present. A few interviews were conducted with family groups. Interviewees were only asked about abuse within their marriage, including sexual violence, when the interview was taking place in private. All interviewees were already connected with local NGO representatives who have some capacity to assist with obtaining legal and medical services where needed.

Twenty-four interviews with local officials, teachers, NGO workers, and representatives of international organizations provided context and information about the policy and legal framework relevant to child marriage in Bangladesh. Interviews with national and international NGOs and international organizations were conducted in Dhaka.

Human Rights Watch shared our findings with the government of Bangladesh and requested a response from the government within about three weeks through a letter sent by email, fax, and courier service on February 18, 2015. The letter was copied to the government institutions which are the focus of recommendations of this report; a copy is included in this report as an appendix. At the time of publication, Human Rights Watch had not received any response to the letter.

All interviewees' names have been changed to pseudonyms or withheld to protect their privacy.

The exchange rate at the time of the research was US\$1 = 77 Bangladesh taka; this rate has been used for conversions in the text, which have generally been rounded to the nearest dollar.



## I. How Girls Become Brides: Contributing Factors to Child Marriage

“River erosion took our house, so we came here,” Beauty A. said. “We didn’t know anyone so we were vulnerable so my husband was able to threaten us. He told my father, ‘I will marry your daughter or I will burn your house down.’ My father had refused to give me to him because he already had a wife, but then he threatened us.”

Beauty’s father eventually agreed to the marriage and Beauty married. She is not sure what her age was when she married, but she believes she is about 40 now, and her oldest child, a son, is 25. She and her husband had three children before he abandoned the family and returned to his first wife. Beauty struggled to feed her children on her own, in part because of flooding. “When it rains everything gets destroyed—a lot of agriculture gets destroyed. If the crops are destroyed, there is no work for us.” For the last two years, she said, the situation has been much worse because a new embankment built two years ago by the government blocks the water from receding and has increased the flooding and resulting crop destruction.

Beauty took her two daughters out of school after class five and class three because even though the school was free, she could not afford stationery, pens, and uniforms. She arranged marriages for both daughters when they reached age 15. “I know the right age to get married is 18,” she said in relation to her younger daughter who had married three months earlier. “But I don’t have enough money to feed her.”<sup>1</sup>

Bangladesh has the fourth-highest rate of child marriage in the world, after Niger, the Central African Republic, and Chad, according to the United Nations children’s agency, UNICEF.<sup>2</sup> About 74 percent of Bangladeshi women currently aged 20 to 49 were married or

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<sup>1</sup> Human Rights Watch interview with Beauty A., Noakhali, October 27, 2014.

<sup>2</sup> This ranking is based on data regarding the percentage of women currently aged 20 to 24 years old who were married or in a union prior to age 18. The data appears in UNICEF, “State of the World’s Children 2015: Executive Summary,” November 2014, [http://www.unicef.org/publications/files/SOWC\\_2015\\_Summary\\_and\\_Tables.pdf](http://www.unicef.org/publications/files/SOWC_2015_Summary_and_Tables.pdf) (accessed January 8, 2015), pp. 84 and 89. When you look instead at the percentage of women currently aged 20 to 49 years old who were married or in a union prior to the age of 18, Bangladesh has the second-highest rate of child marriage in the world. UNICEF, “Ending Child Marriage: Progress and Prospects,” 2014, [http://data.unicef.org/corecode/uploads/document6/uploaded\\_pdfs/corecode/Child-Marriage-Brochure-HR\\_164.pdf](http://data.unicef.org/corecode/uploads/document6/uploaded_pdfs/corecode/Child-Marriage-Brochure-HR_164.pdf) (accessed January 8, 2014).

in a union before age 18, despite a minimum legal marriage age for women of 18.<sup>3</sup> In the period 2005 to 2013, according to UNICEF, 65 percent of girls in Bangladesh married before age 18, and 29 percent married before age 15.<sup>4</sup>

UNICEF data indicates that the rate of marriage among girls under the age of 15 in Bangladesh is the highest in the world.<sup>5</sup> In absolute numbers, Bangladesh is the country in the world with the second-highest total number of women aged 20 to 24 years old who were married or in a union before age 15, after India.<sup>6</sup> Two percent of girls in Bangladesh are married before age eleven.<sup>7</sup> Boys are also the victims of child marriage in Bangladesh, though it is estimated that the rate of child marriage is 11 times higher for girls than boys.<sup>8</sup>

While the rate of child marriage in Bangladesh is high across all parts of the country and all demographic groups, research shows that some girls are at higher risk than others. A heightened incidence of child marriage is associated with living in rural areas, receiving less education, and poverty. The United Nations Population Fund (UNFPA) found in 2007 that 70 percent of girls living in rural areas in Bangladesh are married before age 18, compared to 53 percent of girls in urban areas.<sup>9</sup> 80 percent of women with no education and 80 percent of women with only primary education married before 18, compared with 57

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<sup>3</sup> Ibid.

<sup>4</sup> This is based on data gathered regarding 20-24 year olds. UNICEF, “State of the World’s Children 2015: Executive Summary”, November 2014, [http://www.unicef.org/publications/files/SOWC\\_2015\\_Summary\\_and\\_Tables.pdf](http://www.unicef.org/publications/files/SOWC_2015_Summary_and_Tables.pdf) (accessed January 8, 2015), pp. 84 and 89. This finding was echoed by a Plan International study that found that 31 percent of girls marry when they are 12 to 14 years old, and 59 percent marry when they are 15 to 19 years old. Plan International, “Child Marriage in Bangladesh: Findings from a National Survey 2013,” undated, <http://plan-international.org/files/Asia/publications/national-survey-on-child-marriage-by-plan-bangladesh-and-icddr-b> (accessed February 17, 2015), p. 13.

<sup>5</sup> Ibid.

<sup>6</sup> Rachel B. Vogelstein, “Ending Child Marriage: How elevating the status of girls advances US foreign policy objectives,” *Council on Foreign Relations*, May 2013, (accessed March 18, 2015), <http://www.cfr.org/children/ending-child-marriage/p30734>, p. 6.

<sup>7</sup> Plan International, “Child Marriage in Bangladesh: Findings from a National Survey 2013,” undated, <http://plan-international.org/files/Asia/publications/national-survey-on-child-marriage-by-plan-bangladesh-and-icddr-b> (accessed February 17, 2015), p. 13.

<sup>8</sup> Plan International, “Early and Forced Marriage in Bangladesh,” undated, <http://www.plan-uk.org/because-i-am-a-girl/donate-to-girls-fund/bangladesh/> (accessed February 13, 2015). In the interviews conducted for this report, the brothers and husbands of girls who had married as children had usually married later, over the age of 18, but there were a number of exceptions where boys had also been forced into child marriages. The Bangladesh Demographic and Health Survey found that Bangladeshi men on average marry over eight years later than women, with the median age at first marriage among women age 25-49 being 15.5 years old compared with 24.2 years old for men in the same age group. National Institute of Population Research and Training, *Bangladesh Demographic and Health Survey 2011*, Dhaka, 2013, <http://dhsprogram.com/pubs/pdf/FR265/FR265.pdf> (accessed March 18, 2015), p. 47.

<sup>9</sup> United Nations Population Fund, “Marrying Too Young: End Child Marriage,” 2012, <http://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf> (accessed January 8, 2015), p. 64.

percent of women who studied at least to secondary school.<sup>10</sup> Girls from the poorest 20 percent of families are twice as likely to marry before 18 as girls whose families are among the richest 20 percent.<sup>11</sup> Recent research has suggested that there is also an increased risk of child marriage in Bangladesh in areas affected by natural disasters associated with climate change.<sup>12</sup>

In other ways, Bangladesh has been cited as a development success story, including in the area of women's rights. The UN cited Bangladesh's "impressive" poverty reduction from 56.7 percent in 1991-1992 to 31.5 percent in 2010.<sup>13</sup> Bangladesh has achieved gender parity in primary and secondary school enrollment, according to UN figures.<sup>14</sup> Maternal mortality reportedly declined by 40 percent between 2001 and 2010.<sup>15</sup>

Bangladesh's development achievements have occasioned particular comment by experts because they have occurred in spite of weak governance and high corruption, a phenomena often referred to as the "Bangladesh paradox." As the *Economist* wrote in 2009, "Of course, no one ever believed in such a paradox. It was a polite way of telling politicians that the country could do even better if they kept their hands out of the till."<sup>16</sup>

The United Nations University attributes Bangladesh's successes in significant part to the economic growth the country has enjoyed due to two key factors: growth of the garment industry and remittances sent by the growing numbers of Bangladeshis who have migrated overseas in search of work.<sup>17</sup> It also noted with approval the Bangladesh government's

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Margaret Alston et al., "Are climate challenges reinforcing child and forced marriage and dowry as adaptation strategies in the context of Bangladesh?" *Women's Studies International Forum* 47 (2014): 137-144, accessed April 19, 2015, <http://artsonline.monash.edu.au/oxfam/files/2014/05/Are-climate-challenges-reinforcing-child-and-forced-marriage.pdf>

<sup>13</sup> General Economics Division (GED) Bangladesh Planning Commission, "Millennium Development Goals: Bangladesh Progress Report 2013," August 2014, <http://www.bd.undp.org/content/dam/bangladesh/docs/Publications/Pub-2014/MDG%20Report%20Last.pdf> (accessed February 2, 2015), p. 15.

<sup>14</sup> Ibid., pp. 15 and 16.

<sup>15</sup> Ibid., p. 17.

<sup>16</sup> "Bangladesh's Economy: No Hiding Place," *The Economist*, February 26, 2009, <http://www.economist.com/node/13184953> (accessed March 11, 2015).

<sup>17</sup> Lucy Scott, "Resilient People, Fragile Governance: Bangladesh," *United Nations University*, January 31, 2012, (accessed March 11, 2015), <http://unu.edu/publications/articles/resilient-people-fragile-governance-the-success-of-bangladesh.html>. In 2009, remittances were estimated by the World Bank at US\$9.6 billion, constituting 12 percent of the GDP, a figure vastly larger than the 2.5 percent of GDP provided by development assistance.

willingness to permit NGOs to deliver crucial services, an approach that has led to flourishing Bangladeshi NGOs in some sectors becoming models for other countries.<sup>18</sup>

The United Nations and others have warned, however, that in an environment where Bangladesh's governance has become not stronger, but instead increasingly compromised, Bangladesh is likely to struggle to maintain its progress on these development indicators.<sup>19</sup> Rising economic inequality in the country, as well as the increasing threats posed to Bangladesh by climate change, are of particular concern.<sup>20</sup>

Bangladesh's success in achieving some development goals begs the question of why the country's rate of child marriage remains among the worst in the world. This report aims to help answer that question and suggest ways that the Bangladesh government can apply effective strategies to achieving comparable success in reducing child marriage.

## Poverty

I don't have enough money to feed my daughters – that's how I decide when I should marry them.

– Fatima A., mother of five.<sup>21</sup>

"The main problem [causing child marriage] is poverty," a local government official told Human Rights Watch. "People don't have enough to eat every day. They need more financial help from the government." She cited an example of a marriage she had helped to prevent where the family was given government assistance of 300 taka [US\$4] per month as a successful effort to prevent the marriage.<sup>22</sup>

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid. At the time of writing, Bangladesh faces a political crisis triggered by contested January 2014 elections and escalating as a result of protests and subsequent violence beginning in January 2015. Ellen Barry, "Turmoil Between Political Leaders Has Harmed Bangladesh's People," *New York Times*, April 12, 2015, (accessed April 19, 2015), [http://www.nytimes.com/2015/04/13/world/asia/the-many-casualties-of-the-battle-of-the-two-ladies-in-bangladesh.html?\\_r=0](http://www.nytimes.com/2015/04/13/world/asia/the-many-casualties-of-the-battle-of-the-two-ladies-in-bangladesh.html?_r=0).

<sup>20</sup> Ibid.

<sup>21</sup> Human Rights Watch interview with Fatima A. and Ayesha L., Laxmipur, October 28, 2014.

<sup>22</sup> Human Rights Watch interview with Union Parishad member (name withheld), Khulna, October 30, 2014.

Poverty was the reason most commonly cited by girls and family members as driving decisions to marry young, and often their poverty was so extreme that the family simply did not have enough to eat and they arranged marriages for their daughters specifically because of the lack of food. Almost none of the extremely poor families interviewed for this report had received assistance from government aid programs.

Families interviewed by Human Rights Watch who were unable to make ends meet often saw girls as a burden. This view is linked to discriminatory gender roles in Bangladesh, as daughters are expected to marry and go to live with their husband's family, while sons typically remain living with and helping to support their parents. Gender discrimination means that when parents cannot afford to feed or educate all of their children, it is usually girls' futures that are sacrificed first.

"We were very poor— sometimes we would eat every two or three days," Lucky C., married at 15, said. "Even though they really wanted all three of their daughters to study it wasn't possible, so they got me married." Lucky is the youngest of the three girls. Her older sisters married at ages 11 and 12. "The economic situation of my in-laws is a little better— at least I can eat now," she said.<sup>23</sup>

"My parents couldn't feed me so they decided to get me married, so I had no choice," Shahana C., who married at age 14, said. Shahana married a year after her father died of cancer. Her mother struggled to support her three daughters by doing road work. "Married life is very good. My family is not having to suffer because of having to feed us."<sup>24</sup>

Human Rights Watch research found that parents sometimes enlist relatives to help care for some of their children, but these arrangements also create vulnerability to child marriage and other problems, including denial of education.

Ruhana M. was 10 when she was sent to live in Dhaka with her stepsister who works at a garment factory. "Because there are four brothers and three sisters in my family including me and we are very close in age, our parents couldn't feed us. ... She [Ruhana's stepsister] took me and said, 'I will feed her and send her to school,'" Ruhana said. The stepsister did

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<sup>23</sup> Human Rights Watch interview with Lucky C., Khulna, October 31, 2014.

<sup>24</sup> Human Rights Watch interview with Shahana C., Khulna, October 31, 2014.



not send Ruhana to school. “My [step] sister worked and I stayed home and worked in the home,” Ruhana said. “Whether it’s a sister or anyone else, would anyone take care of someone for free? I cooked and cleaned and fixed clothes.” Two years later, just days after Ruhana began menstruating at age 12, her stepsister helped arrange for her to be married. Ruhana said that her parents agreed to the marriage reluctantly. “At first my parents didn’t agree, but then they thought they couldn’t feed me, so they agreed.”<sup>25</sup>

A parent’s ill health or death was sometimes a factor in moving forward plans for a daughter’s marriage.

“My father was very old and he said, ‘If I die who is going to get my daughter married?’ That’s why I got married early,” said Shahnaz H. She does not know her age or when she got married, but at the time of the interview, she looked about 16, had a daughter, and was pregnant with a second child.<sup>26</sup>

Many of the people interviewed for this report were landless, often working as sharecroppers, cultivating other people’s land and bearing the risk of flooding and resulting crop destruction, while often having to pay rent for land on which to build the most basic of homes.

Taslima A. was forced to leave school and go to Dhaka to work in a garment factory at age 14 or 15. She is the sole provider for her family; the family struggles to survive in rural Noakhali in part because Taslima’s father has disabilities. Taslima married at 15, and now at age 18 is struggling to get a divorce from her abusive husband. She earns 6,000 taka [\$78] per month in the factory. “I don’t have access to the government, but you do,” she said to Human Rights Watch. “You should tell them that people like me, with a father with no legs, we are suffering. They could give us land. We need land, and money, and domestic animals. We paid money to get this land [where the family’s house is] from someone, but that person is now trying to evict us. We don’t have a lot of money— they are pressuring us that we have to either pay or leave.”<sup>27</sup>

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<sup>25</sup> Human Rights Watch interview with Ruhana M., Khulna, October 31, 2014.

<sup>26</sup> Human Rights Watch interview with Shahnaz H., Sirajganj, November 3, 2014.

<sup>27</sup> Human Rights Watch interview with Taslima A., Noakhali, October 27, 2014.

## Natural Disasters: River Erosion, Cyclones, and Flooding

Whatever land my father had and the house he had went under the water in the river erosion and that's why my parents decided to get me married.

– Sultana C., who married at age 14 and is now 16 years old and 7 months pregnant.

Natural disasters in Bangladesh and the lack of an adequate government safety net for families affected by them, compound the poverty that drives child marriage.

Bangladesh's geo-physical location makes it prone to frequent and sometimes extreme natural disasters, including cyclones, floods, storm surges, river bank erosion, earthquakes, droughts, tornados, and salinity intrusion, which cause widespread loss of life and property damage.<sup>28</sup> The country typically experiences at least one major disaster a year and loses over three percent of its gross domestic product (GDP) every year due to natural disasters, while holding the highest disaster mortality rate in the world.<sup>29</sup>

Bangladesh's status as one of the most densely populated countries in the world (1,100 people per square kilometer) with a large poor population (47 million people living in poverty and 26 million in extreme poverty, out of a population of 166 million) makes its people especially vulnerable when natural disasters occur.<sup>30</sup> The most disaster-prone areas of Bangladesh are also the country's poorest areas.<sup>31</sup> The World Risk Index, which "shows the respective risk of becoming a victim of disaster pertaining to extreme natural events," in 2013 ranked Bangladesh as the fifth-highest country in the world in terms of risk.<sup>32</sup>

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<sup>28</sup> For example, see Swiss Agency for Development and Cooperation, "Disaster Risk Reduction Plan for Bangladesh 2010-2012," <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpano50296.pdf> (accessed January 8, 2015), p.3.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid. World Bank, "Bangladesh Reduced Number of Poor by 16 Million in a Decade," June 20, 2013, <http://www.worldbank.org/en/news/press-release/2013/06/20/bangladesh-reduced-number-of-poor-by-16-million-in-a-decade> (accessed February 17, 2015).

<sup>31</sup> Swiss Agency for Development and Cooperation, "Disaster Risk Reduction Plan for Bangladesh 2010-2012," <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpano50296.pdf> (accessed January 8, 2015), p. 3.

<sup>32</sup> Alliance Development Works, "World Risk Report 2013," undated, [http://collections.unu.edu/eserv/UNU:2018/WorldRiskReport\\_2013\\_online\\_01.pdf](http://collections.unu.edu/eserv/UNU:2018/WorldRiskReport_2013_online_01.pdf) (accessed January 8, 2015), pp. 45 and 53.

Bangladesh's troubles with natural disasters are now further compounded by climate change. The Intergovernmental Panel on Climate Change (IPCC)<sup>33</sup> describes Bangladesh as one of the countries most vulnerable to climate change, "in terms of its exposure to extreme events and lack of capacity to cope and adapt."<sup>34</sup> The IPCC warns, "South Asia's climate is changing and the impacts are already being felt."<sup>35</sup> According to a World Bank study from 2013, Bangladesh is considered an "impact hotspot" with extreme river floods, more intense tropical cyclones, rising sea levels, extraordinarily high temperatures, and declining crop yields. Experts also warn that the high risk of inundation resulting from increased river flooding and tropical cyclone surges will mostly affect areas with high poverty rates.<sup>36</sup>

A 2014 study found that the "impetus for child marriages and dowry [...] are exacerbated by the climate challenges being experienced by families in rural Bangladesh."<sup>37</sup>

For many families in Bangladesh, flooding and the resulting destruction of crops has a devastating impact on food security, and is a great struggle to recover from every time. But it is an expected annual event and therefore a foreseeable risk. In addition, many of the country's poorer residents have no choice but to live in areas vulnerable to cyclones, or in the shadow of creeping river erosion that advances steadily over the course of months or years, eventually and inevitably rendering those in its path homeless and landless.

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<sup>33</sup> The Intergovernmental Panel on Climate Change (IPCC) is the leading international body for the assessment of climate change. It was established by the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) in 1988 to provide the world with a clear scientific view on the current state of knowledge in climate change and its potential environmental and socio-economic impacts. The IPCC is a scientific body under the auspices of the United Nations. It reviews and assesses the most recent scientific, technical, and socio-economic information produced worldwide relevant to the understanding of climate change.

<sup>34</sup> IPCC et al., "Report on Bangladesh Launch of the Fifth Assessment Report (AR5) of the Intergovernmental Panel on Climate Change (IPCC)," August 2014, <http://cdkn.org/wp-content/uploads/2014/05/Report-on-IPCC-outreach-events-Bangladesh-.pdf> (accessed February 17, 2015), p. 3. See also the main report of the IPCC, "Climate Change 2014," 2014, <https://ipcc-wg2.gov/AR5/report/full-report/> (accessed May 11, 2015). For the chapter on specific impacts on Asia, see IPCC, "Asia," Regional Chapter, WGII AR5 Chapter / Annex Downloads, [http://ipcc-wg2.gov/AR5/images/uploads/WGIIAR5-Chap24\\_FINAL.pdf](http://ipcc-wg2.gov/AR5/images/uploads/WGIIAR5-Chap24_FINAL.pdf).

<sup>35</sup> IPCC et al., "Report on Bangladesh Launch of the Fifth Assessment Report (AR5) of the Intergovernmental Panel on Climate Change (IPCC)," August 2014, <http://cdkn.org/wp-content/uploads/2014/05/Report-on-IPCC-outreach-events-Bangladesh-.pdf> (accessed February 17, 2015), p. 5.

<sup>36</sup> The World Bank, "Turn Down the Heat: Climate Extremes, Regional Impacts, and the Case for Resilience. A report for the World Bank by the Potsdam Institute for Climate Impact Research and Climate Analytics", June 2013, [http://www.worldbank.org/content/dam/Worldbank/document/Full\\_Report\\_Vol\\_2\\_Turn\\_Down\\_The\\_Heat\\_%20Climate\\_Extremes\\_Regional\\_Impacts\\_Case\\_for\\_Resilience\\_Print%20version\\_FINAL.pdf](http://www.worldbank.org/content/dam/Worldbank/document/Full_Report_Vol_2_Turn_Down_The_Heat_%20Climate_Extremes_Regional_Impacts_Case_for_Resilience_Print%20version_FINAL.pdf) (accessed April 13, 2015), p. 110.

<sup>37</sup> Margaret Alston et al., "Are climate challenges reinforcing child and forced marriage and dowry as adaptation strategies in the context of Bangladesh?" *Women's Studies International Forum* 47 (2014): 137-144, accessed April 19, 2015, <http://artsonline.monash.edu.au/oxfam/files/2014/05/Are-climate-challenges-reinforcing-child-and-forced-marriage.pdf>

People living in disaster-affected areas in Bangladesh often live in extreme poverty before disaster strikes. Families interviewed for this report indicated that a cyclone, another flood, an especially high or long flood, or the arrival of river erosion at their doorstep can push a family from a situation where they are barely managing to get from one day to the next to one where child marriage becomes part of a desperate survival strategy. As one NGO activist working in disaster-affected parts of Noakhali district told Human Rights Watch, “The link between drought or flooding and child marriage may not be direct, but they are indirectly related. The economic situation of the family affects the decision to marry.”<sup>38</sup>

A number of families interviewed for this report drew more direct links between disasters and their daughters’ marriages. This was particularly common among families who had lost their homes and land as a result of river erosion.

“This is a river erosion area— because of that my father is very poor, so he got me married,” said Sultana C., who married at age 14, a few months after her family lost their home. “Whatever land my father had and the house he had went under the water in the river erosion and that’s why my parents decided to get me married.” Sultana is now 16 and 7 months pregnant. She lives with her in-laws in a house they built on leased land after they too lost their home and land to river erosion. “I used to enjoy student life,” Sultana said. “Without studies, life is very difficult.”<sup>39</sup>

The fear of river erosion also contributed to decisions by families to marry their girls, our research found. “Because of river erosion people think girls are a burden for their family, so if someone wants to marry a girl they don’t wait,” an NGO worker explained. “Families think that if their house goes they’ll have to go to another place and it will take time to get established and find a husband and meanwhile the girl is getting older and dowry is going up.”<sup>40</sup> Also when they have a house, before it is taken [by the river], the in-laws families will think the family owns a house, which gives them more importance. After [the house is swept away] they might rent and that makes them less important and means less status for the girl [and less bargaining power in arranging a marriage].”<sup>41</sup>

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<sup>38</sup> Human Rights Watch interview with NGO expert, Noakhali, October 25, 2014.

<sup>39</sup> Human Rights Watch interview with Sultana C., Gaibandha, November 4, 2014.

<sup>40</sup> Considerations about dowry and age are discussed later in this section.

<sup>41</sup> Human Rights Watch interview with NGO worker, Laxmipur, October 28, 2014.

“This is a place affected by river erosion,” Azima B.’s parents told her, explaining why she had to marry at age 13. “If the river takes our house it will be hard for you to get married so it’s better if you get married now.” A year after Azima’s marriage, her parents’ house has not yet been destroyed, but the river is coming closer and the family is expecting to lose their house and land within the next few years. “I protested a lot,” Azima said, against her parents’ decision for her to get married. “I had to get married because if the river takes our house I have to think about what will happen to my sisters. I am the oldest and only after I get married can they think about getting married. If the river takes the house it will be hard for them to get married.” Azima’s sisters are ages 12, 10, and 8 years old; her parents are now considering a marriage for the 12-year-old.<sup>42</sup>

Human Rights Watch also interviewed a number of girls and families where child marriages followed the destruction caused by Cyclone Aila. Cyclone Aila struck an area spanning both sides of the border between Bangladesh and India in May 2009, killing more than 200 people and making more than 500,000 people homeless.<sup>43</sup>

Rahela S. married at age 13, about a year after both of her parents were killed by Cyclone Aila. “At that time they had left me at my grandmother’s house. It [their house] was swept away. No one saw their dead bodies,” she said. Rahela went to live with her aunt and uncle but they had been injured when their house collapsed during the cyclone, and were struggling to afford education for their two children. “You know orphans don’t get education,” Rahela said. “My aunt and uncle asked me not to go to school— they said I should work in their house and look after their children.” About one year after Cyclone Aila, her aunt and uncle arranged a marriage for her. “I can’t really blame them,” Rahela said. “They don’t have enough money to provide for their own children.”<sup>44</sup>

“Because of our financial problems after [Cyclone] Aila, I got my daughter married,” said Anika M., who arranged a marriage for her daughter Rahana when she was 14 years old. The family went hungry as they rebuilt their house which had been destroyed by the

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<sup>42</sup> Human Rights Watch interview with Azima B., Laxmipur, October 28, 2014.

<sup>43</sup> “‘Over 200 killed’ by Cyclone Aila,” *BBC News*, May 27, 2009, [http://news.bbc.co.uk/1/hi/world/south\\_asia/8069458.stm](http://news.bbc.co.uk/1/hi/world/south_asia/8069458.stm) (accessed April 19, 2015).

<sup>44</sup> Human Rights Watch interview with Rahela S., Khulna, October 31, 2014.

cyclone, and then struggled for a year to pay off the debt they had incurred for the rebuilding.<sup>45</sup> They estimate that 300 to 400 homes in their area were swept away.

While flooding, unlike river erosion, does not typically leave families homeless and landless, it represents a constant battle for survival for many poor families. Sharecroppers often lose their livelihoods and food as floods sweep away crops, animals, and sometimes the contents of their homes with great regularity. Landless families have no option but to settle in areas that are barely habitable, and they often have no hope of relocating. Regular flooding keeps them extremely poor and drives decisions about schooling and marriages for their children.

“Our crops were destroyed in seven of the last ten years,” said Farhana B., who took extra work herding cows to raise a dowry for her 14-year-old daughter’s marriage.<sup>46</sup>

“The flooding wouldn’t come in our house but it would be outside and it would be impossible to go out and impossible for my father to go to work,” said Nafisa K., whose father sells cooking utensils. “The water would stay for about three months. Sometimes my father could take a boat to work but sometimes he had to just stay home.” Nafisa’s parents took her out of school after class five because they could not afford the expense, and a year later, at about age 14, they had her married.<sup>47</sup>

Many families experienced multiple types of natural disasters, for example, losing their homes to river erosion and then having no choice but to resettle in an area stricken by regular flooding. For these families, each new set of natural disasters compounds the poverty caused by the last.

“Our house keeps breaking [because of the river]. We keep bringing mud to stop it falling,” said Shapna A., who married at age 12. “The water would come in and not go out and then my father couldn’t go to work. He works with land so he can’t work when the land is underwater.” Shapna’s father is a day laborer. The family’s house was also damaged during Cyclone Aila. “I was in class six and while I was studying I was married off,” Shapna

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<sup>45</sup> Human Rights Watch interview with Anika M., Khulna, November 31, 2014.

<sup>46</sup> Human Rights Watch interview with Farhana B., Sirajganj, November 1, 2014.

<sup>47</sup> Human Rights Watch interview with Nafisa K., Sirajganj, November 3, 2014.



said. “My mother thought I have two younger siblings and they can’t spend all their money on me.” Shapna’s husband was 24 or 25 at the time of the marriage.<sup>48</sup>

## Lack of Access to Education

I got married because I quit school.

–Mariam A., who married at the age of 15. She left school after class five because going on to class six would have involved higher costs and a longer walk of 3.5 kilometers each way.

There is a strong connection between access to education and child marriage in Bangladesh. Many of the girls interviewed by Human Rights Watch explained that they were married when their families could no longer afford to educate them. There were also girls who said that the decision that they should marry came first and that their leaving school was a result, not a cause, of that decision, but that was less common.

Access to education is a struggle for all poor children in Bangladesh, but gender discrimination means that girls face specific obstacles. For example, often their parents see them as a burden and, because they are expected to marry and go to live with their husband’s family, less worthy than their brothers of the investment education requires. This may result in families with limited means prioritizing education for their sons over education for their daughters, particularly in secondary education.

One of Bangladesh’s greatest development successes is the increase in enrollment of both boys and girls in primary education. For 2009-2013, UNICEF reported a male literacy rate of 78 percent and a female literacy rate of 82 percent in Bangladesh.<sup>49</sup> UNICEF also reported that 77 percent of boys and 81 percent of girls were attending primary education.<sup>50</sup>

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<sup>48</sup> Human Rights Watch interview with Shapna A., Khulna, October 31, 2014.

<sup>49</sup> UNICEF, “State of the World’s Children 2015: Executive Summary,” November 2014, [http://www.unicef.org/publications/files/SOWC\\_2015\\_Summary\\_and\\_Tables.pdf](http://www.unicef.org/publications/files/SOWC_2015_Summary_and_Tables.pdf) (accessed January 12, 2015), p. 60.

<sup>50</sup> Ibid. These numbers refer to the UNICEF indicator “Primary school net attendance ratio,” which UNICEF defines as the “Number of children attending primary or secondary school who are of official primary school age, expressed as a percentage of the total number of children of official primary school age.”

By secondary school, however, attendance rates have fallen to 43 percent for boys and 47 percent for girls.<sup>51</sup> As the World Bank notes, “With a dropout rate by grade five of about 50%, the challenge is not just getting girls in school—it is keeping them there.”<sup>52</sup>

Attrition continues to be extremely high during secondary school; for every 100 children beginning class 6, only 35 will pass the Secondary School Certificate (SSC) examination at the end of class 10, and only 10 will pass the Higher Secondary Certificate examination.<sup>53</sup> While the attendance rate in secondary school is higher for girls than boys, at more advanced levels of education, girls’ achievement begins to fall behind. By the time students register for the SSC exam at the end of class 10, girls are only 46 percent of those registered, and less than 44 percent of those who pass.<sup>54</sup>

One factor which discourages school attendance by girls, and therefore puts them at higher risk for child marriage, is a lack of hygienic and private toilets, a gap that becomes more difficult for girls to manage as they reach the onset of menstruation. A 2014 study in Bangladesh found that 40 percent of girls reported missing school during menstruation for an average of 3 school days each menstrual cycle. In this study, 82 percent of girls said their school facilities were not appropriate for managing menstrual hygiene, 12 percent had access to female-only toilets with water and soap available, and only 3 percent said the toilet they used had a trash bin.<sup>55</sup> Such gaps in attendance compromise girls’ eligibility for government stipends linked to attendance (discussed below), cause girls to fall behind in their studies, and undermine parental support for keeping girls in school.

The link between education and child marriage is borne out by research finding that women with primary, secondary, and higher education, compared to women with no formal education, were respectively 24 percent, 72 percent, and 94 percent less likely to marry at

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<sup>51</sup> Ibid., p. 60

<sup>52</sup> The World Bank, “Helping Bangladeshi girls go further,” undated, <http://www.worldbank.org/ida/profile-gender.html> (accessed January 12, 2015).

<sup>53</sup> Anna T. Schurmann, “Review of the Bangladesh Female Secondary School Stipend Project Using a Social Exclusion Framework,” *Journal of Health, Population and Nutrition* 27:4 (2009): 505–517, accessed February 18, 2015, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2928106/>.

<sup>54</sup> Ibid.

<sup>55</sup> Mahbub-Ul Alam et al, “Menstrual hygiene management knowledge, facilities, and practices associated with school absence among Bangladeshi adolescent girls,” *ICDDR,B and WaterAid*, undated, <http://whconference.unc.edu/files/2014/11/alam.pdf> (accessed February 18, 2015).

a young age.<sup>56</sup> This study found that, “Women's education appeared as the most significant single determinant of child marriage as well as decline in child marriage.”<sup>57</sup>

The government has made major efforts to increase access to education for all children, and especially for girls. These initiatives, which include making five years of primary education free, are discussed in detail later in this report.<sup>58</sup> The stories of the girls below, however, echo the observations of researchers and aid organizations: education still remains out of reach for poor families, and for many girls the consequence of lack of access to education is child marriage.

“My parents thought they would marry the girls off so at least they could afford to send the son to school,” said Bibi M., who left school and was married at age 14 to a 23 or 24-year-old man.<sup>59</sup>

Ruhana M. married at 12 and now has a six-year-old daughter. She does day labor as a road worker to pay for her daughter to go to school. “I will not be the way my parents were. I have one child and I only want one child so I can provide for her and I will work hard and take care of her. I work to make sure she goes to school. It’s not good to get anyone married very young— I won’t make the same mistake with my daughter,” Ruhana said.<sup>60</sup>

Even for children who are in grades or schools where there are no tuition fees, there are associated costs, typically including exam fees, pens, and stationery, and sometimes also uniforms, books and study guides, and private tuition. For many families interviewed by Human Rights Watch, even the smallest associated costs put education out of reach of their children.

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<sup>56</sup> S. M. Mostafa Kamal, “Decline in Child Marriage and Changes in Its Effect on Reproductive Outcomes in Bangladesh,” *Journal of Health, Population and Nutrition* 30:3 (2012): 317–330, accessed February 17, 2015, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3489948/>.

<sup>57</sup> Ibid.

<sup>58</sup> See p. 83.

<sup>59</sup> Human Rights Watch interview with Bibi M., Khulna, October 31, 2014.

<sup>60</sup> Human Rights Watch interview with Ruhana M., Khulna, October 31, 2014.

“There are a lot of parents who would send their children to school if it weren’t for these costs,” an NGO worker in Laxmipur said. “There are a lot of people who can’t even afford a 10 taka [\$0.13] exam fee.”<sup>61</sup>

Razia B. and her husband have so far managed to keep their three sons in school, and their youngest daughter is still in primary school, but their older daughters left school early. Razia is uncertain of her daughters’ ages, but said that their marriages took place about two years after they began menstruating. “We couldn’t pay her exam fees,” Razia said of her middle daughter.<sup>62</sup>

“I can’t pay so she will have to quit,” Khadija A. said, explaining why she is about to take her oldest child, a 13-year-old daughter, out of school. Khadija is 35 years old and has 4 children. Her family lives in two rooms and survives through her husband doing agricultural work and any other work they can find. “She studied until class five, but now she needs to go to high school. The high school charges 2,500 taka [\$32] in registration fees. I would also have to pay for private tutoring and books.”<sup>63</sup>

Musamat C., age 20, was married at about 13 because her parents could not afford to send her to school. She has not yet sent her six-year-old daughter to school, but she hopes to be able to send her soon. She explained that families must pay 300-500 taka [\$3.89-6.49] for a uniform plus exam fees of 150 taka [\$1.95] three times a year—and these costs make it difficult for families as poor as her own to send children to school.<sup>64</sup>

Some families interviewed by Human Rights Watch reported that they must make the difficult decision about whether to pay for education or food and sometimes children were too hungry to go to school.

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<sup>61</sup> Human Rights Watch interview with NGO worker, Laxmipur, October 28, 2014.

<sup>62</sup> Human Rights Watch interview with Razia B., Noakhali, October 27, 2014.

<sup>63</sup> Human Rights Watch interview with Khadija A., Noakhali, October 27, 2014.

<sup>64</sup> Human Rights Watch interview with Musamat C., Noakhali, October 27, 2014.



Sanjida H.'s mother took her out of school after class four.<sup>65</sup> "Should I be feeding her, or making her go to school?" her mother asked. "Before she went to school she got hungry but in the morning sometimes there was no food."<sup>66</sup>

In rural Noakhali, a community activist said that while families struggle to pay school fees and related costs, "[t]he biggest problem is that schools are not available. Often there is one school for four or five kilometres and some school teachers are not showing up or are not competent."<sup>67</sup>

Mariam A. said she is 15, but she looks younger. She spoke to Human Rights Watch 3 days after her marriage to a 21-year-old man. Her parents are agricultural workers and she is the eighth of nine children. Her sisters married at age 14 or 15. "I studied to class five," she said.<sup>68</sup> "But to go to school for class six was too far away and the route was not good – the school [where they teach class six] is 3.5 kilometers away. I got married because I quit school." Mariam said there is no possibility of returning to school now, both because of distance and because she cannot pay for exam fees and other associated costs. Mariam's mother-in-law, who insisted on being present during the interview, added, "I can't fill my own stomach – how can I send her to school?"<sup>69</sup>

In some areas, the only school within reasonable proximity was a non-government school, where fees are charged. "Even 20 years ago, there were no schools in this area. Now there are some schools, so this is the first generation getting some education," a community leader in Noakhali told Human Rights Watch. "There are a lot of primary government schools now, but not secondary schools."<sup>70</sup> Non-government schools set their own fees. Some are also not accredited by the government, for example, *madrasas* which teach only religious subjects, not a general curriculum. In one area of Noakhali that Human Rights Watch visited, the closest government high school was 45 kilometers away.<sup>71</sup>

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<sup>65</sup> In Bangladesh, primary education ends at class five; a student in class four would normally be nine years old and above. Bangladesh Bureau of Educational Information and Statistics, "Educational Structure of Bangladesh," undated, [http://www.banbeis.gov.bd/es\\_bd.htm](http://www.banbeis.gov.bd/es_bd.htm) (accessed April 19, 2015).

<sup>66</sup> Human Rights Watch interview with Farida A. and Sanjida H., Noakhali, October 27, 2014.

<sup>67</sup> Human Rights Watch interview with community activists, Noakhali, October 27, 2014.

<sup>68</sup> A student in class five would normally be ten years of age or older.

<sup>69</sup> Human Rights Watch interview with Mariam A., Noakhali, October 26, 2014.

<sup>70</sup> Human Rights Watch interview with community leader (name withheld), Noakhali, October 27, 2014.

<sup>71</sup> Human Rights Watch interview with community activists, Noakhali, October 27, 2014.

Girls interviewed by Human Rights Watch indicated that girls who are still in school experience less pressure from the community to get married. Mariam A., who married at the age of 15, explained, “We’re poor and when our girls get to a certain age a lot of people say a lot of bad things and it makes us uncomfortable so our parents marry us. If we were studying they might not have been able to say anything. I really wished to do something with my life, but my parents are poor so I had to get married.”<sup>72</sup>

“My parents say they will wait until a little later, until after I’m 15,” Sadia B. said about when she will get married. She is not certain of her exact age, but says she is under 15. She studied until class five, but then stopped because her family could not afford the 550 taka [\$7] annual school fees plus the cost of books and copies. Since she left school, “A lot of people are talking about me getting married,” she said. “I don’t want to get married—it’s too soon. I’m not really sure if my parents will listen to me [and delay marriage]— they might, they might not. The biggest problem for girls is money. Families without money can’t pay for school.”<sup>73</sup>

“There should be access to education,” Adnan M., a 16-year-old boy, told Human Rights Watch. “People can’t afford education. If education is accessible then naturally the age of marriage will go up.”<sup>74</sup>

## Social Pressure

When my daughter got to a certain age people in society said, “You have to get her married.” You have to remember I am a very poor person, so I have to listen to what society says. I have to go out sometimes and they said, “Your daughter will do bad things with boys while you’re out.” I have to go out to work— I do agricultural work and I am out all day. If while I’m out something happens to my daughter I will be taken out of my house and beaten up and held responsible.

– Abida N., age 40, explaining why she arranged for her oldest daughter to marry at age 15.

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<sup>72</sup> Human Rights Watch interview with Mariam A., Noakhali, October 26, 2014.

<sup>73</sup> Human Rights Watch interview with Sadia B., Noakhali, October 26, 2014.

<sup>74</sup> Human Rights Watch interview with Adnan M., Noakhali, October 26, 2014.

Many girls and parents interviewed by Human Rights Watch cited social pressure as a key factor driving child marriage in communities where child marriage is the norm. While NGOs have reached some communities with awareness raising efforts about the risks of child marriage, such efforts by the government are noticeably absent. Attempts by some government officials and police to make communities aware that child marriage is illegal are undermined by community members' experiences of local government officials frequently facilitating child marriage by providing forged birth certificates in exchange for bribes.

"Elders [male community leaders] in the area might say your daughter is getting old," is Rekha H.'s explanation for why both her older and younger sisters were married at age 11, and Rekha herself married at age 12. "No one said anything, but [my parents] were afraid, so before anyone could they got us married." Rekha's brother married at age 13. Rekha and the other two older daughters never attended school, but their two younger sisters are currently in school. The three older daughters are trying to prevent their parents from arranging a marriage for a fourth sister who is now 11 years old. "We are trying to stop them. We are saying we have health problems and feel weak and can't work properly. I think we'll be able to prevent it," Rekha said.<sup>75</sup>

"A lot of people used to put their eyes on my daughters, so I had to get them married," Asma C. said. Asma has seven children—four sons and three daughters. At the time of the interview her daughters were 18, 16, and 15 years old. They were all married, at the ages of 16, 14, and 15 respectively. Asma explained their early marriages in part based on her own experience. "I married when I was very young," she said. "I still lost two milk teeth after I was married. Maybe I was nine years old. It was two years after I married before I became clever [began menstruating]."<sup>76</sup>

"People here had been shaming me because I'm tall and I look older than I am," Azima B. said, explaining her parents' decision to have her marry at age 13. "I protested a lot to my parents but they said, 'It is a shame for us to keep you in the house.' I wanted to continue my education, but my mother said, 'Your father has fixed your marriage and if you don't listen to your father people will say what kind of girl is that who doesn't listen to her

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<sup>75</sup> Human Rights Watch interview with Rekha H., Sirajganj, November 2, 2014.

<sup>76</sup> Human Rights Watch interview with Asma C., Noakhali, October 26, 2014.

father?” Azima married a 17-year-old boy three days after his parents decided she was an acceptable bride.<sup>77</sup>

Those interviewed for this report described strong social pressure to get girls married to prevent them from having a romantic or sexual relationship before marriage, and there is also great stigma attached to “love marriages.”<sup>78</sup> Even just the possibility that a girl would be perceived as being involved in a romantic relationship was sometimes enough to prompt a rushed marriage, which can happen within a matter of days, according to interviewees. Child marriage is used by both communities and families to curb girls’ agency and deny them the chance to make their own decisions about dating and marriage. Girls who are too young to marry may still be mature enough to make their own decisions about dating and relationships and should be permitted to do so without facing forced marriage as a consequence. Urgent as it is to end child marriage, efforts to do so should be carefully crafted to respect girls’ autonomy in decisions about relationships.

“In our area people say all kinds of bad things,” said Nafisa K., who married at about age 14. “They would come and tell my parents I had spoken to some boy who in fact I had not spoken to, and my parents got really hurt and decided to get me married.”<sup>79</sup>

“My mother wanted me to get married because she was afraid I would fall in love with someone,” said Hasina A., who is 15 or 16 and married 5 months ago. “She stopped my education because she wanted me to get married. She said I was getting old and people were saying a lot of things.”<sup>80</sup>

Abida N., after marrying her older daughter at 15, told Human Rights Watch she would like to allow her younger daughter to wait until she is 20 to marry, “But if she is going to do something with some boy, to save myself I will have to get her married. We need to save our daughters. Not all girls are good. To save their lives and dignity we have to get them married. A 10-year-old girl and a 12-year-old boy ran away and got married from this area

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<sup>77</sup> Human Rights Watch interview with Azima B., Laxmipur, October 29, 2014.

<sup>78</sup> In the course of researching this report, Human Rights Watch interviewed only one girl, Mala D., who had chosen her own husband, in what she described as a “love marriage.” Human Rights Watch interview with Mala D., Gaibandha, November 4, 2014.

<sup>79</sup> Human Rights Watch interview with Nafisa K., Sirajganj, November 3, 2014.

<sup>80</sup> Human Rights Watch interview with Hasina A., Laxmipur, October 28, 2014.

recently. If we try to follow the government rule [the minimum marriage ages of 18 for women and 21 for men set by the Child Marriage Restraint Act (CMRA)] we will be in trouble. Boys and girls run away and then we're in trouble.”<sup>81</sup>

“We had to get her married to save our respect,” Dipanjali B. said, explaining why she arranged her daughter's marriage at 17. “She was very pretty and people were threatening to kidnap her and every time she went to school she was harassed.” Dipanjali's daughter told her parents that there was a boy with a motorcycle who said he wanted to take her to his family's shop, and her parents became alarmed. “Sometimes girls are taken and sometimes they run away,” Dipanjali said. “Either way it is a hit on our dignity. My husband and my brothers got together and decided [on a marriage for her]. My daughter was not happy to marry— she wanted to study more and get a job but unfortunately we couldn't [let her do that].”<sup>82</sup>

“We were afraid someone would cause trouble for her,” Suresh M. said, explaining why he arranged for his daughter to marry at age 16. “A boy had proposed to her, but we managed to cover that incident up. If anyone got to know that a boy proposed it would have caused problems for her. He would disturb her— he got others to take the proposal to her.” Suresh regrets his decision now. “If I had had a little more patience, I could have managed the situation and that would have been better because now she's having too many problems in her in-laws' house.”<sup>83</sup>

The importance attached to a girl's reputation and the fragility of that reputation means that a girl's future can easily be damaged simply by rumors.

“The boys disturb us,” said Parveen L., who married at age 15. “They throw little stones, they stand in the path. They threaten us and say, ‘We'll do you some harm— we will tell everyone that there is a relationship between you and me.’ People in the village see these things and if they think there is a relationship then we will never be able to get married.”<sup>84</sup>

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<sup>81</sup> Human Rights Watch interview with Abida N., Noakhali, October 26, 2014.

<sup>82</sup> Human Rights Watch interview with Dipanjali B., Khulna, October 30, 2014. Following her daughter's marriage, Dipanjali has been working with an NGO as an activist trying to prevent other child marriages.

<sup>83</sup> Human Rights Watch interview with Suresh M., Khulna, October 30, 2014.

<sup>84</sup> Human Rights Watch interview with Parveen L., Laxmipur, October 28, 2014.



There is also a fear of boys or men “taking girls away,” a phrase which encompasses both abduction and elopement.

“If our daughter went off or someone took her away it would hurt our pride and our respect and we could never get it back,” Shahida A. said, explaining why she forced her daughter to marry at age 16. “At this age girls sometimes start liking boys and do something wrong, or boys take girls away. We are poor people and this would be very shameful for us, so we decided to get her married.”<sup>85</sup>

Many of those interviewed for this report linked social pressure with poverty. “The poor people’s daughters always have to suffer,” said Fatima A., who married her daughter, Ayesha L., at age 15. “Rich people’s daughters can become old and no one says anything, but when our daughters become a little old everyone says things.”<sup>86</sup>

Religious leaders play an influential role, which can be positive or negative. In some areas, local activists cited growing religious conservatism as a cause of increased child marriage.<sup>87</sup> “Sometimes *imams* [Muslim religious leaders] are encouraging child marriage, asking why girls who are 18 or 20 are not married yet,” a civil society activist told Human Rights Watch.<sup>88</sup>

Social pressures can be so intense that parents sometimes end up feeling that arranging an early marriage is an act of kindness and loving parenting.<sup>89</sup>

“Twelve is a normal age for marriage here,” said Laki B., explaining why her father, a religious leader, arranged her marriage when she was 12 years old. Laki’s mother said, “Her father is very fond of her— that’s why he wanted to get her married young. He thought she was his only daughter so it would be very good to get her married early. He didn’t

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<sup>85</sup> Human Rights Watch interview with Shahida A., Laxmipur, October 28, 2014.

<sup>86</sup> Human Rights Watch interview with Fatima A. and Ayesha L., Laxmipur, October 28, 2014.

<sup>87</sup> Human Rights Watch interview with NGO activist, Noakhali, October 26, 2014.

<sup>88</sup> Human Rights Watch interview with civil society activists, Noakhali, October 27, 2014.

<sup>89</sup> In most cases, the social pressure was of the type described in this section. In one case, however, a mother told Human Rights Watch that she arranged for her son to get married when he was 15, to a 13-year-old girl, because “He has epilepsy. Bad air had hit him. A lot of people in the area said he should get married and it will cure him. It didn’t get rid of the seizures, but he’s a little better now.” Human Rights Watch interview with Saima A., Noakhali, October 26, 2014.

understand that this would happen.” Laki, at age 15, has moved back in with her parents after serious abuse by her husband and in-laws.<sup>90</sup>

“My parents have no other children and they love me very much,” said Marjina A., who is not sure of her age but looks 14 or 15 and has been married for more than one and a half years. “Out of their caring they got me married because we didn’t have any money to send me to school, so they thought it was better to get me married.”<sup>91</sup>

Some interviewees made it clear that while social pressure is a significant driver of child marriage, it can be resisted and it can be changed.

“When I got married I was so young I was not ready, but my parents forced me,” said Noor B., who married at age 11 and has 2 sons and 2 daughters. “So I decided if I had children I would not get them married young.” Noor’s husband does not work and is physically abusive to her, but she has started her own business and has a shop selling clothing where she has earned enough to pay for her children’s education with assistance from loans that are available specifically to pay for education fees. Her daughters are now 22 and 26 years old and neither are married—the older one just finished her bachelor of arts degree and the younger one is applying to universities. “I had to struggle a lot because a lot of people say, ‘You are feeding milk and mangoes to your daughters, but they are getting old.’ I say I am the one who will understand my daughters,” Noor said. “As soon as my daughters start working and earn money to stand on their own two feet I will choose their husbands.”<sup>92</sup>

Omar N., a 60-year-old rickshaw driver, never attended school himself. He has three daughters and three sons and is determined that his children should go to school. His oldest daughter married at 19 but his younger daughters, ages 18 and 15, are unmarried and are still students. “Of course I have to listen to these things—people saying, ‘You have to get your daughter married, or she will do bad things,’” he said. “I listen and try to explain. In some places I use bad words to them [people who say these things] and sometimes I explain calmly. I say, ‘Look at female politicians—my daughter could be one of them one day but only if I educate them.’”<sup>93</sup>

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<sup>90</sup> Human Rights Watch interview with Laki B., Sirajganj, November 3, 2014.

<sup>91</sup> Human Rights Watch interview with Marjina A., Sirajganj, November 3, 2014.

<sup>92</sup> Human Rights Watch interview with Noor B., Khulna, October 30, 2014.

<sup>93</sup> Human Rights Watch interview with Omar N., Noakhali, October 27, 2014.

One mother suggested, however, that pressure could escalate into physical violence.

“When my daughter got to a certain age people in society said, ‘You have to get her married,’” Abida N., age 40, said. “You have to remember I am a very poor person, so I have to listen to what society says. I have to go out sometimes and they said, ‘Your daughter will do bad things with boys while you’re out.’ I have to go out to work— I do agricultural work and I am out all day. If while I’m out something happens to my daughter I will be taken out of my house and beaten up and held responsible.”<sup>94</sup>

## Harassment, Intimidation, and Coercion

He was afraid my parents would marry me to someone else— that’s why he did this to me.

– Reena F., explaining why a classmate raped her when she was 14 years old.

A significant minority of the women and girls Human Rights Watch interviewed reported that their parents had tried to resist marrying them as children but had later agreed to marriages as a result of harassment or threats, including threats of abduction or even assault.<sup>95</sup> Families facing these threats felt that they had little or no ability to obtain help and protection from police or other local government officials, even when the behavior clearly constituted a crime.

“There is so much sexual harassment. Parents who are better off who get their daughters married [young] usually do so because of sexual harassment,” an NGO worker told Human Rights Watch. “Poorer parents do it for financial reasons.”<sup>96</sup>

Reena F. was 14 when she was raped by a classmate who carried out the assault with the specific intention of forcing her to marry him. “He used to disturb me all the time and one time he forced himself on me,” she said. “He was afraid my parents would marry me to someone else— that’s why he did this to me.” Reena F. is now 21 years old and has a 7-

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<sup>94</sup> Human Rights Watch interview with Abida N., Noakhali, October 26, 2014.

<sup>95</sup> In 11 cases, girls or parents interviewed by Human Rights Watch said that a decision for a girl to marry had been the result of harassment or threats.

<sup>96</sup> Human Rights Watch interview with NGO worker, Sirajganj, November 1, 2014.

year-old son, conceived as a result of the rape, and a 2-year-old daughter. “He called me and said, ‘I want to talk,’” Reena F. said, describing the circumstances of the rape. “I said, ‘No, my parents will be angry.’ I was very young. He promised to give me clothes. He took me to a jungle area and raped me. I screamed but no one heard me.”

After the attack, Reena F. did not know what to do. “I really didn’t understand anything at that time. I didn’t tell my parents because I was in fear. When I started having morning sickness, I told my grandmother and she told my parents.” Neither Reena F. nor her family reported the rape to the police. “We didn’t go out of fear,” she said. “If other people knew [about the rape] we were afraid of what would happen. My parents are very simple— they thought it would cause shame for our family.” Reena F. left school after the attack and after she had the baby her parents arranged a marriage to another man who knew about the rape and agreed to accept her son and have him live in their home. The rapist kept harassing Reena F. until soon after she was married. “He kept saying, ‘I gave you a baby so you need to come back to me.’ But after my husband threatened him he stopped.”<sup>97</sup>

Several families interviewed by Human Rights Watch described marrying a daughter out of fear, in the face of threats that she would be abducted by a thwarted suitor. Many interviewees lived in extremely marginal communities—isolated geographically from law enforcement and local government and sometimes cut off from roads and accessible only by foot or by boat. These are often areas where the population is in flux, undermining social cohesion that might provide protection in the absence of police. In these environments, everyone is vulnerable, and unmarried girls who are nearing or have reached puberty are particular targets of harassment and seen by their parents as being at great risk.

“He threatened my mother and that’s why she agreed to the marriage. I do whatever my mother says,” Musamat C. said. Musamat is not sure how old she was when she married, but she is 20 years old now, and her children are 6 years old and 3 years old, so it seems likely that she married at about the age of 13. “He spoke to my mother, but my mother was not interested because his parents didn’t want to accept me because they were well off and I was very poor.” After Musamat’s future husband threatened Musamat’s mother, the marriage went ahead.<sup>98</sup>

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<sup>97</sup> Human Rights Watch interview with Reena F., Noakhali, October 26, 2014.

<sup>98</sup> Human Rights Watch interview with Musamat C., Noakhali, October 27, 2014.

Farida A., a widow with 3 children, arranged a marriage for her oldest daughter, Sanjida H., when the girl was 17 after threats of kidnapping from her own relatives. Her brother-in-law wanted Sanjida to marry his son. Farida resisted at first, because the boy's mother was dead and his father had recently lost his home to river erosion. "But my other brother-in-laws started saying, 'If you don't marry her to the boy we will kidnap her,'" she explained. "I live alone here and I am very vulnerable so I decided to get her married to him. I was very intimidated because I couldn't really protect her."<sup>99</sup> Sanjida's husband now lives in Farida's house along with Sanjida and Farida's two younger children. "He doesn't really feed her," Farida says. "He works when he wants to but sometimes he doesn't want to work."

Parents' fears of leaving girls unprotected in the home also prompted some marriages, Human Rights Watch found. "If my mother wasn't there and we were in the house alone, anyone could do anything to us," Rumi C. said, explaining why her father had her married at 15. Rumi's mother was ill with cancer and expected to die, and did in fact die after Rumi married. Rumi's father is a day laborer and was away from the house all day; he feared for the safety of Rumi and her two younger sisters if their mother died and could no longer protect them in the home. "Before anything bad happened, he decided to get me married," Rumi said.<sup>100</sup>

Girls looking to their families for help in combating harassment sometimes found that their family's solution was child marriage.

"Boys said that they love me. I was very pretty—they wanted to marry me," Rabiya A. said, describing the events that led to her marriage at age 13. "I told my mother because I wanted her to tell the boys' parents that they should stop, because it was making it hard for me to go to school or to go anywhere. After I told my mother she went and talked to their parents and they scolded their sons and the sons stopped and I was able to move about in peace. But my mother was afraid for their respect. Six days after I told my mother boys were disturbing me, I got married."<sup>101</sup>

Several girls described how they had quit school because of harassment and that child marriage quickly followed the decision to leave school.

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<sup>99</sup> Human Rights Watch interview with Farida A. and Sanjida H., Noakhali, October 27, 2014.

<sup>100</sup> Human Rights Watch interview with Rumi C., Khulna, October 31, 2014.

<sup>101</sup> Human Rights Watch interview with Rabiya A., Sirajganj, November 2, 2014.

Aliya B. left her studies at a *madrassa* and agreed to a marriage because of harassment.<sup>102</sup> “Boys used to say they wanted to go out with me all the time. I felt very scared and didn’t feel secure. I said yes [to getting married] because of all these boys,” she said. She has not yet gone to live with her in-laws. She says she is glad about getting married because it has ended the harassment. “Now the boys have stopped harassing me so I feel happy.”<sup>103</sup>

Rohima M., age 13, quit school two months ago, one month before she was due to take her exams for class five. She explained that her parents did not want her to quit school, but she quit “because one particular boy was coming to say he wanted to marry me,” and she was afraid of him. She said that another reason was that she is taller than other girls in her class, and looks older. “People in the neighborhood laugh at me for [still] going to school at this age,” she said.<sup>104</sup>

The fear of harassment or dishonor to the family resulting from pre-marital relationships is so pervasive that many girls and parents we interviewed described child marriages resulting not from harassment itself, but merely the fear of harassment.

“My mother is old-fashioned,” said Nabila C., who left school at class 6 when she was 12 years old and married at age 14. “She thought boys would disturb me so she stopped my education. No one disturbed me—she was just afraid. When I became mature at age 12 my mother started wanting to marry me so when she found this boy she got me married.”<sup>105</sup>

## Dowry

Now she is pretty and young and we can give her away for free. If you bring the police we will have more problems when she gets older.

– Ruhana M.’s older brother, arguing for why Ruhana should marry at age 12.  
The marriage went forward.

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<sup>102</sup> Aliya B. said that she is 17 years old, but an NGO representative working in the area said that she is 15 or 16 years old. During the interview her face was covered by a veil, so it was not possible to estimate her age based on her appearance.

<sup>103</sup> Human Rights Watch interview with Aliya B., Gaibandha, November 4, 2014.

<sup>104</sup> Human Rights Watch interview with Rohima M., Noakhali, October 26, 2014.

<sup>105</sup> Human Rights Watch interview with Nabila C., Khulna, October 31, 2014.



The practice of a bride's family paying a "dowry" to the groom's family, in the form of cash, jewellery, or goods, creates incentives for poor families to marry off their daughters earlier. It also constitutes a form of gender discrimination that further impoverishes poor families who have daughters, and disputes about dowry payments can lead to domestic violence against girls and women.

A 1980 law banned the practice of the payment of dowry to the groom's family by the family of the bride.<sup>106</sup> In spite of this, the payment of dowry remains widespread in Bangladesh, including among extremely poor people, where a bride's parents may give some of their own belongings, for example, the mother's jewellery, in lieu of cash.<sup>107</sup> "Seventy to eighty percent of Muslim families give dowry," an NGO worker in Laxmipur said, "and in Hindu families they all give dowry. Rich families give 'gifts' and don't use the term dowry."<sup>108</sup>

Farhana B. paid a dowry of 45,000 taka [\$584] when her daughter married at age 14. "An NGO gave us some money, and I borrowed some cows and looked after them for someone else and made some money from that," Farhana said, explaining how she raised the money. Her husband is a rickshaw driver in Dhaka who earns about 200 taka [\$2.60] per day. "If I don't give money then they don't want to take my daughter. It's really impossible to marry a daughter without a dowry even though it's illegal," she said.<sup>109</sup>

Dowry, however, is typically lower or may not be necessary at all for child brides. "The reason girls from very poor families get married very early is that when they are young they are very beautiful and don't have to pay any dowry, so their parents think this is the only way they can deal with this," a community activist explained.<sup>110</sup>

"If they get older, dowry becomes compulsory," Asma C., a mother of 3 teen daughters who married at 14, 15, and 16, told Human Rights Watch.<sup>111</sup>

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<sup>106</sup> Ministry of Law, Justice and Parliamentary Affairs, "The Dowry Prohibition Act, 1980," 2010, [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=607](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=607) (accessed January 10, 2015).

<sup>107</sup> For example, see Mohammad Abu Taher, "Dowry Practice in Rural Bangladesh," *The Daily Star*, March 8, 2015, <http://www.thedailystar.net/dowry-practice-in-rural-bangladesh-52912> (accessed April 19, 2015).

<sup>108</sup> Human Rights Watch interview with NGO worker (name withheld), Laxmipur, October 28, 2014.

<sup>109</sup> Human Rights Watch interview with Farhana B., Sirajganj, November 1, 2014.

<sup>110</sup> Human Rights Watch interview with Dipanjali B., Khulna, October 30, 2014.

<sup>111</sup> Human Rights Watch interview with Asma C., Noakhali, October 26, 2014.

“My uncle said, ‘Don’t get her married now—I will bring the police if you do,’” said Ruhana M., who married at age 12. “But my older brother said, ‘Don’t bring the police. Now she is pretty and young and we can give her away for free. If you bring the police we will have more problems when she gets older.’”<sup>112</sup>

“People should not give dowry.” Shilpa A., who married at 15, told Human Rights Watch. “It’s a vicious cycle that makes people want to marry their children young because the dowry goes up if they wait. At these times there is very little value of women in the market—without a dowry a woman has no value. In this area very few people agree to get married without a dowry. It’s a very big problem— often they are asking for 50, 75, 100 thousand taka [\$649, \$974, \$1299].”

Shilpa’s family was able to refuse to pay dowry for her marriage because her uncle and grandfather are both religious leaders. Her father-in-law, however, had to sell some of the family’s land to pay the 20,000 taka [\$260] dowry necessary for his oldest daughter to get married. “My sister-in-law’s dowry went to pay for her husband’s sisters’ dowries— it gets passed on.”<sup>113</sup>

“Child marriage happens mostly because of economic reasons, because people are so poor and feel if they get their daughter married younger they can pay less dowry,” an NGO worker in Sirajganj said. “But then they get more problems, because there is more divorce and more pressure on girls for more dowry [after they’ve married].”<sup>114</sup>

“They needed to get me married early or they would have had to pay dowry,” Aaliya M. said, explaining why her parents had her married at age 17. “They don’t have any money and can’t pay dowry, so they fixed my marriage with my father’s sister’s son.”<sup>115</sup>

Interviewees reported great pressure on girls to agree to marriages, even at a young age not only because of their own lack of agency, but also because of their feelings of responsibility regarding the impact a failure to get married on their part may have on the rest of the family.

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<sup>112</sup> Human Rights Watch interview with Ruhana M., Khulna, October 31, 2014.

<sup>113</sup> Human Rights Watch interview with Shilpa A., Noakhali, October 26, 2014.

<sup>114</sup> Human Rights Watch interview with NGO worker (name withheld), Sirajganj, November 1, 2014.

<sup>115</sup> Human Rights Watch interview with Aaliya M., Laxmipur, October 28, 2014.

Soraya A., who married when she was 15 and is now 18 years old, told Human Rights Watch, “I wasn’t happy at all when they asked me to get married because I was too young. But I had to agree because I had two sisters and it would cause problems for them. If I waited two years, then they would be old and have problems [finding a husband].”<sup>116</sup>

So entrenched is the practice of dowry that several parents told Human Rights Watch that they had insisted on paying dowry for their daughter, believing that the girl would be valued more highly and treated better by her in-laws if she came with a dowry. “His family said, ‘We really like her— we don’t want any dowry,’” Alima A., who married at age 13, said describing her 25-year-old husband’s parents’ enthusiasm for the match. “My father insisted on a 40,000 taka [\$519] dowry and jewellery because he said, ‘I only have two girls and I won’t marry them for nothing.’”<sup>117</sup>

Dowry practices also create pressure for boys and men to marry well and enrich their families through the dowry their brides bring. Adnan M., a 16-year-old boy, told Human Rights Watch, “The rate of taking dowry is going up. Parents are very evil— they want to use their sons to make some money.”<sup>118</sup>

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<sup>116</sup> Human Rights Watch interview with Soraya A., Noakhali, October 26, 2014.

<sup>117</sup> Human Rights Watch interview with Alima A., Gaibandha, November 4, 2014.

<sup>118</sup> Human Rights Watch interview with Shilpa A., Sharmin K., and Adnan M., Noakhali, October 26, 2014.

## II. Harmful Consequences of Child Marriage

The United Nations Population Fund recently described the impact of child marriage on girls and their families in the following terms: “Child marriage robs girls of their girlhood, entrenching them and their future families in poverty, limiting their life choices, and generating high development costs for communities.”<sup>119</sup> Girls and women interviewed for this report echoed these findings, speaking poignantly of the harm they had seen in their own lives as a result of child marriage.

### Termination of Education

I quit school because I got married. I was in class nine. My husband wouldn't allow me to continue studying. I had to work [in the home]. Continuing education was unthinkable.

– Soraya A., age 18, who married at age 15.

For the girls interviewed who were still studying at the time of their engagement or marriage, child marriage ended their studies in all but a few cases. Even families who wished to support their daughters' education after their marriages were largely unable to do so. “In the village people don't study after marriage,” Saima A. told Human Rights Watch. “In a city or town, yes, but here things are different.”<sup>120</sup>

“I quit school because I got married,” Soraya A., age 18, who married at age 15, told Human Rights Watch. “I was in class nine. My husband wouldn't allow me to continue studying. I had to work [in the home]. Continuing education was unthinkable.”<sup>121</sup>

Some of the girls and their families interviewed by Human Rights Watch had included access to education as an explicit part of the marriage negotiation process— but after

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<sup>119</sup> UNFPA, “Marrying too Young: End Child Marriage,” 2012, <http://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf> (accessed January 8, 2015), pp. 4 and 11.

<sup>120</sup> Human Rights Watch interview with Saima A., Noakhali, October 26, 2014. Child marriage is only one of a number of causes of children leaving school in Bangladesh. Other common reasons, which affect both girls and boys, include families being unable to afford education costs and children being sent to work.

<sup>121</sup> Human Rights Watch interview with Soraya A., Noakhali, October 26, 2014.



marriage, in virtually all of these cases, husbands and in-laws reneged on the agreement and forced the girls to leave school.

Rabiya A. married when she was 13 and her husband was 30. “My in-laws said, ‘If you want to study you can,’ but as soon as I was married they said, ‘It’s not possible,’” Rabiya said. Rabiya is now 14 and said her in-laws and husband are disappointed that she is not pregnant yet.<sup>122</sup>

Kalpana B. told Human Rights Watch that her prospective in-laws had promised to continue her daughter’s education when they negotiated for their 20 or 21-year-old son to marry Kalpana’s 15-year-old daughter. Her daughter had just finished class nine and had already bought her books for class ten. The family has a shrimp cultivation business and could afford education for their three daughters. “I didn’t want to get her married at that age, but a lot of people said, ‘You have three daughters, you should get the oldest married,’” Kalpana said.

As soon as Kalpana’s daughter was married, however, her in-laws reneged on their promise and she was forced to drop out of school. “Her husband said, ‘My mother is ill so it’s not possible for us to continue her education now.’ Her mother-in-law said, ‘We need a grandchild so it is time for you to get pregnant.’” Kalpana’s daughter is 17 now, and has a six-month-old child. The baby was born by c-section, and the daughter had a hard time recovering from the operation. “I made a mistake, and I’ll never make this mistake again,” Kalpana said about having agreed to the marriage. About her 2 younger daughters, now ages 13 and 7, she said, “I will not get them married so soon. They will study and stand on their own feet and then get married.”<sup>123</sup>

In some cases, Human Rights Watch was told that girls themselves decided to leave school because they did not like studying. Doing so led swiftly to marriage, however, sometimes making them regret their decision.

“My parents tried very hard to keep me in school,” Reba B. said. “But I refused.” Reba says she is 17 years old but looks much younger. She married four months ago and moved in

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<sup>122</sup> Human Rights Watch interview with Rabiya A., Sirajganj, November 2, 2014.

<sup>123</sup> Human Rights Watch interview with Kalpana B., Khulna, October 30, 2014.

with her in-laws, about an hour's travel from where her parents live. She said that she left school because she found studies difficult. Her parents arranged her marriage about eight months later. "Because I left school, they got me married," Reba said. She now regrets her decision. "Girls should study as much as possible. I didn't and I made a mistake." There is no chance of her returning to school now. "My in-laws won't allow it. I have to stay at home. I am the only one there to help my mother-in-law."<sup>124</sup>

"I would have married later if I had studied," said Tahmina L., age 15. Tahmina said she hated school and wouldn't stay. Because she was out of school, her mother arranged a marriage for her just after she turned 15.<sup>125</sup>

A few girls we interviewed had managed to return to school, but only after a separation or divorce.

Marufa B. married 2 years ago at age 15, but was immediately unhappy in her in-laws' home. "My mother-in-law used to treat me very badly and my husband was also with her. I would always have to work all day and I wasn't allowed to take any rest. My husband hit me once or twice," she said. Marufa went back to visit her parents after four months of marriage and refused to return to her husband's house; she is now separated from her husband. "At first [my parents] told me to stay on in the marriage, but then when I still resisted they said they can't force me and it's better that I come back now because it's harder if I have a child." Marufa had already been admitted to class 11 when she left school to get married. She is now back in school and preparing for her class 12 exam. She hopes to go to university and study psychology.<sup>126</sup>

"I always said even if I got married I would continue my education," said Sabina B., whose parents arranged for her to marry at age 14 after losing their house to river erosion. "My in-laws agreed, but as soon as we were married they said, 'No'— so I refused to go to their house and got divorced." Sabina got divorced one month after her marriage and remained with her parents. She continued her education and now, at the age of 18, is applying to

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<sup>124</sup> Human Rights Watch interview with Reba B., Laxmipur, October 28, 2014.

<sup>125</sup> Human Rights Watch interview with Tahmina L., Laxmipur, October 28, 2014.

<sup>126</sup> Human Rights Watch interview with Marufa B., Khulna, October 30, 2014.

university. She remarried in spring 2014, but is waiting for her husband to finish his undergraduate degree before she goes to live with him.<sup>127</sup>

Some girls encountered resistance from their parents when they tried to return to school after divorce, typically because they were still seen as “marriageable” and subject to some of the same pressures as unmarried girls.

“They got me married and I came back and now they want to get me married again and I’m refusing,” said Sara A., who married at 14 but returned to live with her parents after just a month. Her father took her back home after her in-laws locked her up to prevent her from running away. Sara, now 19 or 20, is back in school, but has to pay all her school expenses herself, which she does by tutoring other children. “My parents only give me rice, but nothing else— no clothes and no money for education. They think if they cut off my education I’ll agree [to marry again].” Sara hopes to make it at least as far as her class 12 exam, and says she may marry again “if I finish my education and stand on my own two feet and meet someone good.”<sup>128</sup>

Hafsa A. left class 6 when she married at 12 but has been back home living with her parents for a year since her husband abandoned and divorced her when she was 13. “I really want to go back to school. I told my parents and they say no. I say, ‘You didn’t give me a chance,’ but they are still refusing. The neighbors say, ‘If you send her to school she will fall in love with someone.’ That’s why I’m still not able to go to school.”<sup>129</sup>

A small number of the girls Human Rights Watch interviewed had managed to continue their studies after a child marriage while living with their in-laws.<sup>130</sup>

Haniya M., who is unsure of her age, married a neighbor six months earlier and was preparing for her SSC exam at the time of the interview. “My in-laws just didn’t mind my going to school,” she said. Haniya’s husband is also a student, studying in Dhaka at a computer training institute. She is grateful to be continuing her studies, however, especially since at the *madrassa* where she studies the other girls who married have all left

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<sup>127</sup> Human Rights Watch interview with Sabina B., Khulna, October 31, 2014.

<sup>128</sup> Human Rights Watch interview with Sara A., Gaibandha, November 4, 2014.

<sup>129</sup> Human Rights Watch interview with Hafsa A., Sirajganj, November 2, 2014.

<sup>130</sup> A total of 3 girls out of 59 interviewed.



school. Haniya hopes to become a social worker and have a job where she can “explain to girls not to get married, stay in school, and don’t get pregnant too soon.” She attributes the fact that she has managed to continue her education in part to her family’s financial situation; her parents both work, her father selling food in the bazaar and her mother as a seamstress, making them slightly better off than others in the community. “People are very poor and they can’t send their children to school,” Haniya said. “My family is also poor but there are many people poorer than us.”<sup>131</sup>

## Early Pregnancy, Lack of Access to Family Planning, and Health Problems

My in-laws didn’t really want babies, but I didn’t understand how to take medicines to not have a child. I was very young, so I just got pregnant.

– Lakshmi S., who married at 12 and now, at 18, is the mother of a 6-year-old son and an infant daughter.

In Bangladesh and elsewhere, child marriage often leads to early pregnancy, which can have severe health consequences for both mothers and babies, including dramatically elevated rates of mortality.<sup>132</sup> Women in Bangladesh have a 1 in 110 chance of dying in childbirth, making such deaths “unacceptably common,” according to UNICEF.<sup>133</sup> Part of the reason for this is a high birth rate among adolescent girls.<sup>134</sup> Complications resulting from pregnancy and childbirth are the main cause of death among adolescent girls aged 15-19 years old in developing countries.<sup>135</sup> Globally, research shows that girls aged 10-14 are five times more likely to die during delivery than mothers aged 20-24; girls aged 15-19 are still twice as likely to die during delivery than women aged 20-24.<sup>136</sup>

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<sup>131</sup> Human Rights Watch interview with Haniya M., Laxmipur, October 28, 2014.

<sup>132</sup> UNFPA, “Marrying too Young: End Child Marriage,” 2012, <http://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf> (accessed January 8, 2015).

<sup>133</sup> UNICEF, “Maternal Mortality,” undated, [http://www.unicef.org/bangladesh/children\\_4856.htm](http://www.unicef.org/bangladesh/children_4856.htm) (accessed February 17, 2015).

<sup>134</sup> Bangladesh had a birth rate of 128 per 1000 girls aged 15 to 19 years old during the period from 1999 through 2012. UNFPA, “State of the World Population 2014,” 2014, [http://www.unfpa.org/sites/default/files/pub-pdf/EN-SWOP14-Report\\_FINAL-web.pdf](http://www.unfpa.org/sites/default/files/pub-pdf/EN-SWOP14-Report_FINAL-web.pdf) (accessed February 17, 2015), p. 104.

<sup>135</sup> UNFPA, “Marrying too Young: End Child Marriage,” 2012, <http://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf> (accessed January 8, 2015), p. 64.

<sup>136</sup> World Health Organization (WHO), “WHO Guidelines on Preventing Early Pregnancy and Poor Reproductive Outcomes Among Adolescents in Developing Countries,” 2011, [http://whqlibdoc.who.int/publications/2011/9789241502214\\_eng.pdf](http://whqlibdoc.who.int/publications/2011/9789241502214_eng.pdf) (accessed January 8, 2015), p. 2. Studies on other countries show that women who marry early have the highest proportion of unfavorable pregnancy outcomes at all stages throughout their childbearing years. S. Shawky and W. Milaat, “Early Teenage

The children of young mothers also face higher mortality rates.<sup>137</sup> Young mothers are less likely to get prenatal care and often do not have enough information about or access to proper nutrition while pregnant. Babies born to mothers under 20 years of age in low and middle-income countries face a 50 percent higher risk of still birth or dying in the first few weeks versus babies born to mothers aged 20-29.<sup>138</sup> Babies born to adolescent mothers are also more likely to have low birth weight, which can have long-term health consequences.<sup>139</sup>

Due to physical immaturity, young girls are more susceptible to obstructed labor, which is a leading cause of maternal mortality globally.<sup>140</sup> Obstructed labor can cause obstetric fistula, a childbirth injury that leaves its victims with urine or fecal incontinence.<sup>141</sup>

Data on fistula is difficult to collect because of the stigma associated with the condition and the effort involved in reaching remote areas where many of those with fistula live. A 2003 study estimated the prevalence of obstetric fistula in Bangladesh at 1.69 per 1,000 women who had ever been married.<sup>142</sup> The report links child marriage and lack of medical care as key factors leading to fistula, saying, “While the proximate causes of fistulas are physical injuries, the larger causes are social i.e. poverty, lack of education, childbearing at too early age and lack of medical care. In many rural areas, girls are married off just after they experience their first menstrual flow, between 10 and 15 years of age. These girls become pregnant which leads to many unwanted conditions including mortality and long term morbidity like obstetric fistula.”<sup>143</sup> Globally, UNFPA estimates that 2 million women are living with obstetric fistula injury, with 50,000 to 100,000 new cases occurring each

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Marriage and Subsequent Pregnancy Outcome,” *Eastern Mediterranean Health Journal*, vol. 6, issue 1 (2000): 46-54, accessed July 22, 2014, <http://www.emro.who.int/publications/emhj/o6o1/o6.htm>.

<sup>137</sup> Nawal M. Nour, “Health Consequences of Child Marriage in Africa,” November 2006, [http://wwwnc.cdc.gov/eid/article/12/11/06-0510\\_article.htm](http://wwwnc.cdc.gov/eid/article/12/11/06-0510_article.htm) (accessed May 11, 2015).

<sup>138</sup> World Health Organization, “Adolescent pregnancy, Fact sheet N°364,” updated September 2014, <http://www.who.int/mediacentre/factsheets/fs364/en/> (accessed May 11, 2015).

<sup>139</sup> Ibid.

<sup>140</sup> Nawal Nour, “An Introduction to Maternal Mortality,” *Journal of Obstetrics and Gynecology*, Vol. 1, No. 2 (2008): 77-81, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2505173/> (accessed May 11, 2015).

<sup>141</sup> Amy Tsui et al., “The Role of Delayed Childbearing in the Prevention of Obstetric Fistulas,” *International Journal of Gynecology and Obstetrics*, vol. 99 (2007), p.98; World Health Organization, “Obstetric Fistula: Guiding Principles for Clinical Management and Programme Development,” p.3; and UNFPA, “Marrying too Young: End Child Marriage,” p. 22.

<sup>142</sup> Engender Health, “Situation Analysis of Obstetric Fistula in Bangladesh,” September 2003, <http://www.engenderhealth.org/files/pubs/maternal-health/bangladesh-fistula-report.pdf> (accessed February 17, 2015), p. 20.

<sup>143</sup> Nashid Kamal Waiz et al., “Situation Analysis of Obstetric Fistula in Bangladesh,” September 2003, <http://www.engenderhealth.org/files/pubs/maternal-health/bangladesh-fistula-report.pdf> (accessed February 17, 2015), p. 20.

year, in spite of the fact that the condition is almost entirely preventable through adequate medical care.<sup>144</sup>

A doctor supervising a maternal health care program in Dhaka told Human Rights Watch, “In my hospital we see many adolescent pregnancies each day, representing about 20 to 25 percent of the total antenatal cases.” She said that these adolescent patients often suffer from complications including, “pre-term labour, waters breaking early, prolonged and obstructed labour, pulmonary hypertension, restricted growth of the foetus in the uterus, anaemia, intractable nausea, vomiting and dehydration, genital injuries, malnourishment, and psychological trauma.” She described efforts her staff members make to counsel married girls and their in-laws regarding the risks of early pregnancy— and of child marriage. “I consider prevention of early marriage as very important. Counselling against early marriage and early pregnancy is a very important intervention,” she said.<sup>145</sup>

The majority of women and girls who give birth in Bangladesh do so at home, receiving neither professional prenatal care nor the attendance of a health professional during the birth, according to the World Bank.<sup>146</sup> During the period from 2006 through 2013, only 31 percent of births in Bangladesh were attended by skilled health personnel.<sup>147</sup>

In the course of researching this report, many girls described experiencing health problems which they believed were related to early pregnancy. Because few of them had seen a doctor or other health professional, they typically received neither formal diagnosis nor treatment.

“I had a miscarriage three months into my pregnancy, six months after I got married,” said Shapna A., who married at 12, and is now 13 years old. She felt unwell after the miscarriage. “I wouldn’t feel hungry, I was dizzy, fainting, and became very thin. I don’t want a child now,” she said. Shapna said no one ever taught her anything about contraception.<sup>148</sup>

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<sup>144</sup> UNFPA, “Obstetric Fistula,” undated, <http://www.unfpa.org/obstetric-fistula> (accessed March 16, 2015).

<sup>145</sup> Human Rights Watch email correspondence with Dr. Ishrat Jahan, director, Maternal & Child Health Training Institute, Dhaka, March 28, 2015 (on file with report author).

<sup>146</sup> Engender Health, “Situation Analysis of Obstetric Fistula in Bangladesh,” September 2003, <http://www.engenderhealth.org/files/pubs/maternal-health/bangladesh-fistula-report.pdf> (accessed February 17, 2015), p. 8. The World Bank, “World Development Indicators: Reproductive Health,” 2014, <http://wdi.worldbank.org/table/2.17> (accessed April 28, 2015).

<sup>147</sup> UNFPA, “State of the World Population 2014,” [http://www.unfpa.org/sites/default/files/pub-pdf/EN-SWOP14-Report\\_FINAL-web.pdf](http://www.unfpa.org/sites/default/files/pub-pdf/EN-SWOP14-Report_FINAL-web.pdf) (accessed February 17, 2015), p. 104.

<sup>148</sup> Human Rights Watch interview with Shapna A., Khulna, October 31, 2014.

Researchers have found that 70 percent of women who married as children in Bangladesh did not use contraception prior to childbirth, compared to 49 percent of women who married as adults.<sup>149</sup> The majority of girls interviewed for this report became pregnant soon after they married, because they had no information about or access to family planning, because their husbands or in-laws demanded that they become pregnant, or because they themselves felt that they needed to have children as soon as possible.<sup>150</sup> Schools in Bangladesh do not provide any education on family planning, let alone assistance to students in obtaining contraceptive supplies.<sup>151</sup> The most effective way to ensure that all young people have the information they need about puberty, family planning, and contraception would be to include this information in the standard mandatory school curriculum like any other examinable subject, according to UNFPA.<sup>152</sup>

Many girls do not learn about family planning from their mothers or other family members. Abida N.'s daughter married at age 13 and had a son 2 years later. "She didn't know anything about contraception, and I didn't tell her anything," Abida said. "We didn't have this knowledge."<sup>153</sup>

"I'm the mother— how can I talk to her about these things?" said Farhana B., whose daughter married at 14 and had a child 2 years later. "I feel shy. Even my own mother would never talk to me about this."<sup>154</sup>

Bangladesh has been seen as a model for other countries for its success in reducing its birth rate, an achievement often attributed to its adoption of a model of using health outreach workers.<sup>155</sup> The married girls interviewed for this report, however, seemed largely

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<sup>149</sup> S. M. Mostafa Kamal, "Decline in Child Marriage and Changes in Its Effect on Reproductive Outcomes in Bangladesh," *Journal of Health, Population and Nutrition* 30:3 (2012): 317–330, accessed February 17, 2015, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3489948/>.

<sup>150</sup> There were some exceptions— i.e. girls who were informed about and had obtained access to contraception, but they were a minority. E.g. Human Rights Watch interview with Fatima A. and Ayesha L., Laxmipur, October 28, 2014; Human Rights Watch interview with Rumi C., Khulna, October 31, 2014.

<sup>151</sup> Human Rights Watch interview with NGO worker, Laxmipur, October 28, 2014; Human Rights Watch interview with NGO worker, Khulna, October 29, 2014.

<sup>152</sup> UNFPA, "Education in Empowerment: Promoting Goals in Population, Reproductive Health and Gender," December 2003, [http://www.unfpa.org/sites/default/files/pub-pdf/education\\_empowerment.pdf](http://www.unfpa.org/sites/default/files/pub-pdf/education_empowerment.pdf) (accessed April 28, 2015), p. 47.

<sup>153</sup> Human Rights Watch interview with Abida N., Khulna, October 30, 2014.

<sup>154</sup> Human Rights Watch interview with Farhana B., Sirajganj, November 1, 2014.

<sup>155</sup> Kenneth R. Weiss, "Bangladesh: A Mecca for Health Research on Population and Poverty," *Pulitzer Center on Crisis Reporting*, March 11, 2014, <http://pulitzercenter.org/reporting/asia-bangladesh-maternal-health-contraceptives-population-growth> (accessed February 17, 2015).



unreached by government efforts to promote family planning. Some NGOs working in the areas where interviews were conducted teach women and girls about family planning and contraception and may also provide contraceptive supplies, but these programs reach only a small proportion of women and girls, representatives from the NGOs told Human Rights Watch.<sup>156</sup> Government hospitals and health clinics have programs that provide condoms, hormonal pills, and other forms of contraception, including hormonal injections and patches, but NGO workers said that fees charged for these supplies and services are a barrier for very poor people.<sup>157</sup>

“Girls don’t really understand [about family planning],” an NGO worker said. “Usually their husbands decide. They usually end up having children very soon. Children usually come in a very unplanned way.”<sup>158</sup>

Lakshmi S. married at 12 years old and now, at age 18, has a 6-year-old son and a daughter who she cradled during the interview who was one month and 6 days old. “My in-laws didn’t really want babies, but I didn’t understand how to take medicines to not have a child. I was very young, so I just got pregnant,” she said.<sup>159</sup>

“My in-laws weren’t asking for kids, but I didn’t understand how not to have them,” said Nabila C., who married at 14 and had a daughter when she was 15. “If I knew how, I would have waited another two or three years.”<sup>160</sup>

Even when girls manage to get access to contraceptive supplies, they do not necessarily know how to use them correctly in order to prevent pregnancy.

“My husband didn’t want me to take pills, so I was hiding it from him,” said Nafisa K., who is not certain about her age but thinks she is about 14 or 15. She has been married for a year and 7 months and has a 10-month-old daughter. “I took them from my mother without her knowing— they were hers. I didn’t take them every day— I don’t know how to take them.”<sup>161</sup>

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<sup>156</sup> Human Rights Watch interview with NGO worker, Laxmipur, October 28, 2014.

<sup>157</sup> Human Rights Watch interview with NGO worker, Laxmipur, October 28, 2014.

<sup>158</sup> Human Rights Watch interview with NGO worker, Khulna, October 29, 2014.

<sup>159</sup> Human Rights Watch interview with Lakshmi S., Khulna, October 31, 2014.

<sup>160</sup> Human Rights Watch interview with Nabila C., Khulna, October 31, 2014.

<sup>161</sup> Human Rights Watch interview with Nafisa K., Sirajganj, November 3, 2014.

In addition to a lack of information about family planning and access to contraception, married children also often face pressure from their husbands and in-laws to get pregnant immediately—and may fear negative consequences, including abandonment and divorce, if they fail to produce children.

“My husband wanted a child right away,” said Rekha H., who married at age 12. “I had no information about contraception. I didn’t know anything [about contraception] or use anything.” At age 17 or 18, Rekha has 2 sons, and says she and her sister, who married at age 11, both have health problems she believes are a result of early pregnancy. “We feel weak and we can’t work properly,” she said.<sup>162</sup>

“They’ve already asked me to have children,” Azima B., who is 14 and married a year ago, said of her in-laws. “I am thinking I will have to have children. I live in their house— I have to keep them happy. My husband has also asked me to have children. I said I wanted to wait for two years, but they said, ‘No, you should have children now.’ So I guess I will have to have children now.”<sup>163</sup>

## Domestic Abuse and Violence Including Rape

[H]e forcibly entered me and I would cry so much that everything would get wet from my tears. It was so difficult, so painful. The first time, the next day I couldn’t even move and they took me and gave me a bath.

– Rashida L., who married when she was 10 or 11.

An estimated 60 percent of married women in Bangladesh have experienced abuse at the hands of their spouse or in-laws according to the UN special rapporteur on violence against women.<sup>164</sup> Bangladesh government responses, including police response, legal assistance, and the provision of emergency shelter for women fleeing violence, are not adequate.

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<sup>162</sup> Human Rights Watch interview with Rekha H., Sirajganj, November 2, 2014.

<sup>163</sup> Human Rights Watch interview with Azima B., Laxmipur, October 28, 2014.

<sup>164</sup> Office of the High Commissioner for Human Rights, “Special Rapporteur on Violence against women, its causes and consequences finalises country mission to Bangladesh,” May 29, 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13374&> (accessed January 13, 2015). This figure is echoed by research cited here: Sajeda Amin et al., “Mapping Violence Against Women in Bangladesh: A Multilevel Analysis of Demographic and Health Survey Data,” p. 23 in ICDDR,B and Population Council, “From Evidence to Policy: Addressing

Research demonstrates a strong correlation between earlier marriage and greater risk of experiencing spousal violence. A study across 7 countries found that girls who married before the age of 15 were more likely to experience spousal abuse than women who married after 25.<sup>165</sup> Married girls interviewed for this report described abuse as commonplace and themselves as having limited options to resist and escape it.

Most of the girls we interviewed were sent to live with their husbands and in-laws immediately after marriage and were expected to have sex with their husbands. They had little ability to refuse sexual relations or to determine how and when sex took place.

Rashida L. married when she was 10 or 11, before she had begun menstruating. Her husband was about 25 years old. “At that time when my period started I didn’t know what it was and I didn’t tell my husband. I told another woman, and she asked how old I was and she said I shouldn’t have had sex with my husband. I said he forcibly entered me and I would cry so much that everything would get wet from my tears. It was so difficult, so painful. The first time, the next day I couldn’t even move and they took me and gave me a bath.”<sup>166</sup>

“He forced himself upon me and beat me and finally divorced me and sent me home,” Hafsa A., who married at age 12, said. “I didn’t know what I was supposed to do.”<sup>167</sup>

Ruhana M. married at age 12, just a few days after she began menstruating. “When my husband used to come to stay with me [have sex] I wouldn’t know how to stay with him,” she said. “I would lose consciousness and my teeth would clench and they would throw water on me. I would go out from my husband’s room to sleep with my sister and she would explain to me and then take me back to my husband’s room.” The couple were living

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Gender-Based Violence Against Women and Girls in Bangladesh,” January 2013, [http://r4d.dfid.gov.uk/pdf/outputs/ORIE/VAWG\\_Bangladesh\\_Final\\_Report.pdf](http://r4d.dfid.gov.uk/pdf/outputs/ORIE/VAWG_Bangladesh_Final_Report.pdf) (accessed April 28, 2015).

<sup>165</sup> This correlation was clear in all seven countries, but there was significant variation between countries in the extent to which early marriage was linked to greater risk of spousal violence. For example, in India and the Dominican Republic, the two countries with the strongest correlation, women who married before age 15 were more than three times more likely to have experienced spousal abuse in the previous 12 months than women who had married over age 25 (17.3 percent v. 4.4 percent in the Dominican Republic, and 13.6 percent v. 4.2 percent in India). Sunita Kishor and Kiersten Johnson, “Profiling Domestic Violence: A Multi-Country Study,” Measure DHS+ ORC Macro, <http://dhsprogram.com/pubs/pdf/od31/od31.pdf> (accessed January 13, 2015), p. 29.

<sup>166</sup> Human Rights Watch interview with Rashida L., Sirajganj, November 2, 2014.

<sup>167</sup> Human Rights Watch interview with Hafsa A., Sirajganj, November 2, 2014.

in Dhaka, but Ruhana's husband became frustrated with her and took her to his parents who live in a village and left her there to live with them.<sup>168</sup>

Many young brides we interviewed had experienced assault and other physical abuse at the hands of their husbands and in-laws.<sup>169</sup>

"He tied my hands and feet and started putting me in a bag and said he would kill me with a machete and throw my body in the river," Rashida L. said, about the husband she married at age 10 or 11.<sup>170</sup>

Laki B., age 15, was eight months pregnant and asleep along with her parents and siblings in her parents' two-room bamboo home when they awoke to the sound of crackling. Laki's estranged husband had set fire to their house. The family managed to escape, but the house was half destroyed.

Laki, who married when she was 12 and her husband was 27, told Human Rights Watch she fled back to her parents several months earlier when her husband's long history of beating her culminated in him kicking her in the stomach when she was 5 months pregnant. The abuse began immediately after the marriage, she said, first at the hands of Laki's parents-in-law but then from her husband too. Laki's explanation for why they beat her was, "Because I wasn't very good looking, and also because I eat too much rice. Since I was pregnant, if I eat too much rice they beat me up."

Laki left and moved back in with her parents. But her husband showed up at their home several months later. "He wanted to stay with me. I refused because I was afraid he would kick me again. Then he tried to hang himself. We cut him down and got his aunt to come get him. But a few days later he came back and tried to burn our house down," Laki said. The fire was nine days earlier and Laki had not seen her husband since then. Laki's mother

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<sup>168</sup> Human Rights Watch interview with Ruhana M., Khulna, October 31, 2014.

<sup>169</sup> In 14 cases, girls or their parents described physical violence inflicted by husbands or in-laws. Four other girls described other forms of abuse, including being denied food or confined to the house. Human Rights Watch did not ask all interviewees about their experience of abuse, so this is likely an underestimate. We did not ask about abuse when the interview was not private, or when there seemed to be a risk of retraumatization associated with asking the interviewee to discuss this topic.

<sup>170</sup> Human Rights Watch interview with Rashida L., Sirajganj, November 2, 2014.



said they saw him the night of the fire and tried to catch him, but he got away. Laki's baby was due in 10 or 12 days. She hopes to get a divorce and stay with her parents.<sup>171</sup>

"One day he kicked me in the lower abdomen, another time he came in and put a pillow over my mouth," said Shahina L., age 14, describing the abuse she encountered from the husband she married 5 or 6 months earlier. "[The abuse] started as soon as I got married. My husband used to beat me up and my in-laws shouted at me because I would protest about his beating me." Shahina's husband had severe scarring from burns from his ankle to his back; she does not know how he got the scars, but wonders if perhaps he has mental health problems because of being burned. After two months of this abuse, she managed to call her sister's husband and ask him for help and he came and rescued her and brought her back to her parents.<sup>172</sup>

"My mother-in-law and other elders come and say he won't gamble and play cards and beat me anymore and then they take me back [to my husband]. After they take me back, he starts those things again," said Paramita B., who married at 14 or 15 to a man who was 20 or 22 years old at the time. She said she has endured regular physical abuse from her husband, as well as being denied food, since about three months after they married. Paramita showed Human Rights Watch multiple old scars and new bruises on her legs. "When I had appendicitis he refused to treat my illness. Recently when he beat my leg he also kicked my stomach," said Paramita, who has a 3-year-old son. She has fled back to her parents' house seven or eight times to escape violence, and her parents are encouraging her to get a divorce, but she always goes back. "I have a small child— I don't want him to be fatherless," Paramita said. "It will be a dishonor. Anyway, if I come back home to my parents how long will I be able to stay? They are also poor— how long will they be able to feed us?" Paramita's father is old and struggles to do agricultural work in an area where the rice fields are damaged every year by flooding. "I got married for happiness, but this is how it is now," said Paramita.<sup>173</sup> Disputes over dowry were often a trigger for abuse.

"My mother-in-law scolded because we didn't give anything good for dowry," said Bibi M., who married at 14. "During marriage a lot of people give jewellery or furniture but we were

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<sup>171</sup> Human Rights Watch interview with Laki B., Sirajganj, November 3, 2014.

<sup>172</sup> Human Rights Watch interview with Shahina L., Khulna, October 30, 2014.

<sup>173</sup> Human Rights Watch interview with Paramita B., Sirajganj, November 2, 2014.

in such a state that we couldn't give them anything. My mother-in-law would go to other weddings and compare: 'They got this and this and my son got nothing.' Even now my husband says: 'A lot of people give vans [motorized rickshaws] to their husband, but you didn't give me anything.'"<sup>174</sup>

"My mother-in-law said lots of things, like, 'She hasn't given you anything. I'll get you a prettier girl from a rich family,'" said Hafsa A., who married at age 12 and was abandoned by her husband after about a year of marriage. "She told him to take me back home."<sup>175</sup>

Some girls whose families paid dowry told Human Rights Watch they faced pressure after the marriage to pay more or to pay more quickly.

"They got me married with one lakh [100,000 taka – US\$1,299] but they wanted another 50,000 [\$649] and they all started beating me— my husband, my mother-in-law, my father-in-law, and my sister-in-law," said Roshana M., who married at the age of 14. "When I said I couldn't pay they sent me back home."<sup>176</sup>

Nasima A. married at 16. Her parents promised a dowry of 62,000 taka [\$805] but still owed 10,000 [\$130] at the time of the wedding. "After marrying, for one month it was okay," Nasima said. "But my husband used to drink and do drugs and he started to beat me up and say I ruined his life and demand money. I couldn't give him money, so he beat me. My father-in-law used to say, 'This girl doesn't want to live with you— if she did, she would have brought the money.'" Nasima's father eventually managed to pay the remaining 10,000 taka [\$130], but the abuse continued and after about 2 years of marriage, Nasima fled back to her parents. With the help of an NGO, she has now filed a court case seeking a divorce and return of the dowry, but her husband and his family have not appeared for the court dates.<sup>177</sup>

"When I first got married, my husband and in-laws were very caring," said Musamat N., who married at age 12, to a 19-year-old husband. "But there were some dues for the dowry and because we hadn't paid it they started behaving badly with me." Musamat's father had abandoned her mother and Musamat's mother, who does domestic work, had told

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<sup>174</sup> Human Rights Watch interview with Bibi M., Khulna, October 31, 2014.

<sup>175</sup> Human Rights Watch interview with Hafsa A., Sirajganj, November 2, 2014.

<sup>176</sup> Human Rights Watch interview with Roshana M., Sirajganj, November 2, 2014.

<sup>177</sup> Human Rights Watch interview with Nasima A., Sirajganj, November 3, 2014.

Musamat's in-laws she would need one to two years to pay the second half of the dowry. "But after two months they started asking for it," Musamat said. "She managed to get the money from the people she works for. I came and took the money and paid the rest of the dowry. Now things are a bit better."<sup>178</sup>

A number of young wives, especially those from slightly more well-off families, found that their husbands expected to be financially supported either by their wife or her family, and when such financial support was not forthcoming, these husbands responded with abuse.

Taslima A. was 15 years old and already working in a garment factory in Dhaka when her stepmother (her father's second wife) arranged for her to marry the son of a neighbor. "He was not nice," Taslima said. "He didn't do any work. He expected me to bring money and when I didn't he beat me." Taslima's father, seeing the abuse, took Taslima away from her husband and back to the home where he lives with Taslima's stepmother three months prior to Taslima being interviewed by Human Rights Watch. "I'm not divorced from him yet," Taslima said. "I'm trying to get divorced, but he refuses to give me a divorce. I refuse to eat his rice, though— he has no money and can't provide rice." Taslima's mother and siblings live in a small village in Noakhali; Taslima is solely responsible for providing their financial support from her wages at the factory, as her father has no legs and does not work. "I'm like a son and a daughter," she says. She earns 6,000 taka [\$78] a month. She says that her parents are looking for another husband for her to marry after her divorce comes through. She says she does not know whether she wants to get married again but she will do whatever her parents tell her to.<sup>179</sup>

Household responsibilities and the tight grip of control by in-laws may mean that some girls do a disproportionate amount of the household's work and even become virtual prisoners in the home.

"Before I would go out and play and do whatever I want," said Masuma A., who married at the age of 15 to a 25-year-old husband. "Now that I am married I can't really go out much because if I go to the road my mother-in-law says bad things. I only go to weddings and to see my parents." Masuma's first child was born when she was 15.<sup>180</sup>

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<sup>178</sup> Human Rights Watch interview with Musamat N., Sirajganj, November 3, 2014.

<sup>179</sup> Human Rights Watch interview with Taslima A., Noakhali, October 27, 2014.

<sup>180</sup> Human Rights Watch interview with Masuma A., Khulna, October 31, 2014.

“She was tortured several times after her marriage,” Suresh M. said, about his daughter who married when she was 16. “They used to beat her up. When her husband goes away for work her mother-in-law gives her so many tasks and she doesn’t finish them and then when her husband comes home her mother-in-law complains to her husband about her. She came back home, but she prefers to go back even when she’s beaten because in Hindu society it is very difficult to get married for a second time so she thought she wouldn’t have a future if she didn’t go back.”<sup>181</sup>

“When a woman wakes up in the morning and sets her foot on the floor a man finds fault with this,” said Saima A. “Women work much harder than men do here.”<sup>182</sup>

## Abandonment

I begged him on my knees to take me back, but he refused. For a girl, after her parents’ home, her in-laws’ house is her home, so I wanted to go back there. Girls don’t get married twice, so I knew I had to go back.

–Hafsa A., who married at age 12.

A number of girls interviewed by Human Rights Watch described facing extreme financial hardship and/or social stigma as a result of being abandoned by their husbands who were not compelled to pay support, even for children.

The marriages that preceded abandonment were often violent and deeply troubled. Faced with a reality of being unable to feed their children, being returned to parents who do not want them back, and/or facing extreme social stigma as a result of the broken marriage, some girls interviewed by Human Rights Watch saw returning to abusive husbands and in-laws who had rejected them as the best of their intolerable options.<sup>183</sup>

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<sup>181</sup> Human Rights Watch interview with Suresh M., Khulna, October 30, 2014.

<sup>182</sup> Human Rights Watch interview with Saima A., Noakhali, October 26, 2014.

<sup>183</sup> While abandonment by a spouse can also happen to women who marry after age 18—and to men and boys as well—married girls face particular obstacles in asserting their rights to divorce, alimony, and child support, and establishing an independent life, based on their youth and lack of education. Some also faced a cold welcome when they returned to the parents who had arranged their marriages.



“When I was five months pregnant, I was sent back,” said Roshana M., who married at 14. Her in-laws demanded 50,000 taka [\$649] in additional dowry after she was married and abandoned her after she was unable to pay. That was a year and a half ago—Roshana is now 15 or 16 and has a one-year-old daughter. “They’re not taking me back. I want to go back. Even if they beat me, I want to go back,” Roshana said. “People will say bad things about me now that I have a child, so even though it is very painful for me I still want to go back.”<sup>184</sup>

“I begged him on my knees to take me back, but he refused,” said Hafsa A., who married at 12. Her husband abandoned her under pressure from his mother who was unhappy that Hafsa’s family had not been able to pay a dowry. Hafsa’s mother-in-law also told her son falsely that Hafsa spoke on the phone to other men. “One day he brought me home and said, ‘I’ll come and get you in a few days,’ but then he sent me a divorce paper. For a girl, after her parents’ home, her in-laws’ house is her home, so I wanted to go back there. Girls don’t get married twice, so I knew I had to go back.” Hafsa has now been back with her parents for a year; her husband shows no signs of changing his mind and taking her back.<sup>185</sup>

“My in-laws asked my parents to take me back, but my parents refused – they said we married her and she will stay here,” said Sediqa A., who married at age 15 to a 28-year-old man. “Then my in-laws forcibly divorced me.” Because Sediqa’s parents did not want her back, she had planned to stay with her husband, even though she was beaten almost daily by her husband and in-laws, often with a stick, and deprived of food. However, one day after she had been married for about a year, her in-laws took her to the house of the chair of the Union Parishad (the local government council), where divorce papers had already been prepared and were awaiting signature. “They told me to sign. They didn’t give me a chance to say anything, and I signed,” Sediqa said. She then returned to live with her parents, at age 16, and she is now studying again. “I said no to the marriage, but despite that they got me married. I’ll continue studying and find my own way.”<sup>186</sup>

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<sup>184</sup> Human Rights Watch interview with Roshana M., Sirajganj, November 2, 2014.

<sup>185</sup> Human Rights Watch interview with Hafsa A., Sirajganj, November 2, 2014.

<sup>186</sup> Human Rights Watch interview with Sediqa A., Gaibandha, November 4, 2014.

### III. Bangladesh Government Responses to Child Marriage

The current government of Bangladesh, in power since 2009, has pledged swift action on child marriage and committed to end it by 2041. At the July 2014 Girl Summit in London, Bangladesh's Prime Minister Sheikh Hasina further committed to end marriage for girls under the age of 15 by 2021 and reduce by more than one-third the number of girls between the ages of 15 and 18 who marry. As part of this effort, she pledged that her government would revise the Child Marriage Restraint Act (CMRA), develop a national plan of action on child marriage before 2015, and take other steps to change social norms and engage civil society in the fight against child marriage.<sup>187</sup>

These are welcome and important changes, but as this report shows, current efforts are insufficient and the government is already falling behind on meeting its commitments, with the end-2014 deadline for reform of the CMRA and development of the national plan of action already past with neither goal achieved. Worse yet, the government risks going in the wrong direction and making it even harder to stop child marriage through its proposal to lower the age of marriage for girls to 16 with parental consent.<sup>188</sup> The commitments by Prime Minister Hasina will not be achieved unless they are backed up by legislation, policies, and programs specifically and effectively designed to take on Bangladesh's serious problem with child marriage.

Bangladesh has been hailed in recent years as an impressive success story in terms of development. The United Nations Development Program (UNDP) cites the country's "remarkable" progress in reducing poverty, improving infant health, reducing maternal mortality, and reducing the incidence of communicable diseases.<sup>189</sup> The Asia Foundation calls Bangladesh's economic and social development a "unique success story", citing a decline in poverty from 60 percent to 30 percent since the 1990s, the achievement of

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<sup>187</sup> Sheikh Hasina's efforts to follow through on the commitments she made at the Girl Summit have already been marred by delay, including as a result of a debacle over a proposal to revise the CMRA by changing the age of marriage in Bangladesh to 16 years old for girls and 18 years old for boys. This proposal was vigorously opposed by civil society activists in Bangladesh, as well as international experts. At the time of writing, the government still appears to be moving forward with this proposal, while the process of reforming the law has been delayed. For example, see "Bangladesh: Don't Lower Marriage Age," Human Rights Watch news release, October 13, 2014, <http://www.hrw.org/news/2014/10/12/bangladesh-don-t-lower-marriage-age>.

<sup>188</sup> Mansura Hossain, "Age of marriage 18, but 16 with parental consent," *Prothom Alo*, March 7, 2015, <http://en.prothom-alo.com/bangladesh/news/60481/Age-of-marriage-18-but-16-with-parental-consent> (accessed April 19, 2015).

<sup>189</sup> UNDP, "Bangladesh's progress on the MDGs," undated, <http://www.bd.undp.org/content/bangladesh/en/home/mdgoverview/> (accessed January 12, 2015).

gender parity in primary and secondary school enrollment, declining fertility rates and infant and maternal mortality, and rising life expectancy which it says “are among the fastest improvements in basic living condition ever seen in history.”<sup>190</sup> Many of these achievements, especially the increase in access to education for girls and poverty reduction, should play an important role in reducing child marriage, even in the absence of the specific focus on ending child marriage that Bangladesh’s prime minister announced in July 2014.

Plan International has conducted research which suggests that there has been a decline in the rate of child marriage in Bangladesh, although the rate remains high.<sup>191</sup> The research found that 77 percent of women currently aged 45–49 reported that they had married before they turned 18, whereas 70 percent of women currently aged 20–24 had married before age 18.<sup>192</sup> The decline was more pronounced in relation to marriages before the age of 15, where 43 percent of women currently aged 45–59 had married before they reached the age of 15, in comparison to 23 percent of women who are currently 15 to 19 years old.<sup>193</sup>

The United Nations Population Fund (UNFPA) expresses concern about the lack of greater progress in reducing child marriage saying, “The median age of marriage for girls is approximately 15.5 years reported by married women ages 20–49 in 2007—men by contrast average approximately 26 years of age as of their first marriage—figures which have remained stagnant for decades despite improvements in girls’ education.”<sup>194</sup>

Bangladesh’s ruling party, the Awami League, claims significant success in reducing child marriage, saying in a July 2014 statement: “In Bangladesh, the practice of child marriage has declined in the last two decades. The marriageable age for women is 18, but 20 years ago 52% of the nation’s women would be married within 15 years of age. At present this

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<sup>190</sup> Syed A. Al-Muti, “Bangladesh’s Development Surprise: A Model for Developing Countries,” *The Asia Foundation*, June 25, 2014, <http://asiafoundation.org/in-asia/2014/06/25/bangladeshs-development-surprise-a-model-for-developing-countries/> (accessed January 12, 2015).

<sup>191</sup> Plan International, “Child Marriage in Bangladesh: Findings from a National Survey 2013,” undated, <http://plan-international.org/files/Asia/publications/national-survey-on-child-marriage-by-plan-bangladesh-and-icddr-b> (accessed February 17, 2015), p. 14.

<sup>192</sup> *Ibid.*

<sup>193</sup> *Ibid.*

<sup>194</sup> UNFPA Bangladesh, “About Bangladesh,” undated, <http://unfpabgd.org/index.php?option=page&id=49&Itemid=4> (accessed March 13, 2015).

rate has declined to 17%. The proportion of women marrying in their early teens continues to decline as a result of education, employment and social awareness.”<sup>195</sup>

Research for this report produced a wide variety of views on whether the current government’s efforts to end child marriage are effective. A significant number of NGO workers and community members cited some progress, but they generally felt that it was too slow and many obstacles remained. Donors have invested increasing funds recently in supporting efforts to reduce the prevalence of child marriage in Bangladesh, both through support for government efforts and through community-level NGO programs.

“Ten years ago the situation was much worse” an NGO worker in Gaibandha said. “Ten years ago, there were both a larger number of girls getting married and the ages of marriage were younger. The government already has a law, but the implementation isn’t there.”<sup>196</sup>

Reshma L., age 22, who married at 15, said she believed that attitudes are changing somewhat. “I know the right ages to get married are 18 for women and 22 for men, but at that time we didn’t know. My niece is 15 and we are blocking her marriage for the next 2 to 3 years. The government has done publicity through mobile phones to tell people not to do child marriage. My parents knew [it was forbidden] but the laws weren’t as strict then as they are now. Now they know better and they are protecting my niece.”<sup>197</sup>

Other interviewees were less hopeful, and a few NGO workers and community activists said child marriage is actually increasing in their areas, attributing this to various factors including religious conservatism and parents’ increasing fear of premarital relationships due to growing use of mobile phones. Some community members felt hopeless about the situation of women. “The government is doing nothing to prevent these things. People are getting killed. The government could prevent violence against women. [But] men have all the value. Women have no value here,” Saima Z. said.<sup>198</sup>

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<sup>195</sup> Bangladesh Awami League, “Uncompromising Stance On Empowering Women,” July 23, 2014, <https://www.albd.org/index.php/resources/special-reports/1415-uncompromising-stance-on-empowering-women> (accessed March 13, 2015).

<sup>196</sup> Human Rights Watch interview with NGO worker (name withheld), Gaibandha, November 4, 2014.

<sup>197</sup> Human Rights Watch interview with Reshma L., Noakhali, October 26, 2014.

<sup>198</sup> Human Rights Watch interview with Saima Z., Noakhali, October 26, 2014.

This section examines the efficacy of some of the existing measures the government has taken that should directly or indirectly help to prevent child marriage, and identifies areas where the government should do more.

## Efforts to Promote Access to Education

One of the government's key strategies for increasing access to education was the abolition of primary school fees in the 1990s, making education through class five free for all children. The government has also made primary education compulsory.

While abolishing fees made education far more affordable, there are still associated costs parents must pay in order for children to go to school. For the poorest of families, these costs put education beyond reach. One family after another described how the costs of exam fees, uniforms, copies, pens, stationery, and tutoring put school out of reach for them, even for young children for whom there are no school fees and for whom books are free.<sup>199</sup> Some families struggled or failed to keep their children in primary school because the primary schools closest to their home were non-government schools, where fees are charged.

These findings are echoed by research on Bangladesh funded by the UK's Department for International Development which found that income and food security, both indicators used to measure poverty, had the "most cross-cutting and significant effects" on access to education.<sup>200</sup> The researchers wrote: "[D]ata suggest that policies that have been introduced to enable the poor to attend school such as free schooling; subsidised schoolbooks and stipends for the poor to attend school are not accurately targeted or having the desired effects."<sup>201</sup> The research also documented the prevalence of major

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<sup>199</sup> "Free" books are not necessarily really available or free. A World Bank study found that "while only 15 percent of households with school-going children had difficulty in getting books, 55 percent of 'very poor' households and 67 percent of rural households experienced problems, including delays, extra payments, and outright purchase." Karen Tietjen, "The Bangladesh Primary Education Stipend Project: A Descriptive Analysis," Partnership for Sustainable Strategies on Girls' Education, November 2003, <http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099080014368/BangladeshStipend.pdf> (accessed March 15, 2015), p. 18.

<sup>200</sup> Altaf Hossein and Benjamin Zeitlyn, "Poverty and Equity: Access to Education in Bangladesh," Consortium for Research on Educational Access, Transitions and Equity, December 2010, [http://r4d.dfid.gov.uk/PDF/Outputs/ImpAccess\\_RPC/PTA51.pdf](http://r4d.dfid.gov.uk/PDF/Outputs/ImpAccess_RPC/PTA51.pdf) (accessed January 12, 2015), p. 1. While these researchers found that poverty was the most significant determinant of access to education, they also identified barriers related to gender. "Despite increases in enrollment, girls in Bangladesh are still less likely to complete secondary school, gain an academic qualification, study subjects that have a good marketable value, or to move on to paid employment. Girls are still significantly less likely to be entered for secondary school exams or to pass them – so despite equal enrollment what happens in school is not equal." p. 2.

<sup>201</sup> *Ibid.*, p. vii.



associated costs of education, even in primary school, finding that the average cost of primary school per child per year was US\$55, a major burden in a country where the gross national income per capita was \$520. This was in spite of the fact that school is “free.”<sup>202</sup>

Some associated costs of education that exclude poor children are a result of questionable practices or corruption by teachers. Private coaching is a particularly expensive associated cost, often beginning from around class four or five but sometimes even earlier, and is easily subject to abuse.<sup>203</sup> Teachers often offer private coaching to their own students, essentially charging students for teaching outside of regular class hours subjects which should be fully covered during class hours. “You have to take private coaching to pass the exam,” an NGO worker explained. “Teachers only pass those who pay them for coaching. When parents are not educated, they have no choice but to take coaching. It should be abolished.”<sup>204</sup>

Another problem is that even when books are free, students may be under pressure to use “guidebooks” which are not free. “The government has made a rule to use no guidebook or have private coaching until class eight,” a teacher in Sirajganj said. “But in guidebooks, they have all the answers to questions in the text books – and people are trying to sell these guidebooks. Teachers are lazy and parents who are uneducated can’t help their children. There is corruption between teachers and the people selling the guidebooks. The salesman will say, ‘Send me five students [to buy books] and I will pay you this much.’”<sup>205</sup>

There were many suggestions that the government should look for ways to abolish costs associated with education. “That would be of some help,” an NGO worker said. “Of course the government has made education free, but if they did a little more it would go a long way.”<sup>206</sup>

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<sup>202</sup> Ibid., p. 4.

<sup>203</sup> For example, see Anika Huq, “Bangladesh education worthless without tutoring?” *Global Post*, November 27, 2010, <http://www.globalpost.com/dispatch/study-abroad/101116/bangladesh-education-bangladesh-schools> (accessed January 10, 2015).

<sup>204</sup> Human Rights Watch interview with NGO worker, Laxmipur, October 28, 2014. A 2003 study on education in Bangladesh commissioned by a partnership including the World Bank found that, “A quarter of households surveyed indicated that teachers would inflict some sort of retribution (not teach in school, give poor grades) if not engaged for private tutoring.” Karen Tietjen, “The Bangladesh Primary Education Stipend Project: A Descriptive Analysis,” Partnership for Sustainable Strategies on Girls’ Education, November 2003, <http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099080014368/BangladeshStipend.pdf> (accessed March 15, 2015), p. 19.

<sup>205</sup> Human Rights Watch interview with teacher (name withheld), Sirajganj, November 1, 2014.

<sup>206</sup> Human Rights Watch interview with NGO worker, Khulna, October 29, 2014.

“[Girls will stay in school] if the government makes sure education is free until the SSC exam [normally taken at age 16] and makes a law saying all girls have to go to school until the SSC,” a community leader in Noakhali said, when asked how the government could decrease the number of girls dropping out of school and getting married. “At least for girls, the government should pay for exam fees, books, et cetera. Uniforms should be provided for free. School committees should meet with all parents and tell them not to marry their girls.”<sup>207</sup>

Some families had managed to get their children through class five but could not afford to pay once older children reached levels where fees are charged. Many girls told Human Rights Watch that they left school after class five because the greater costs of subsequent grades were prohibitive for their families or sometimes because continuing to class six would involve going to a different school and such a school was not accessible from their home.

Gender discrimination also plays a role in whether girls will receive an education and a few families interviewed for this report prioritized education for their sons, or simply did not value education for girls beyond primary school. Other families choose to keep girls home while boys continue to attend school because of concerns about harassment and safety as girls travel to school, especially if the distance to school becomes greater in later grades. In the majority of cases, parents did see the value of education for girls and had often tried desperately to find ways to keep their daughters in school, but failed in the end.<sup>208</sup>

The government has established several stipend and scholarship programs, including a major stipend program specifically for assisting girls in secondary school. These programs however fail to reach many girls at risk of child marriage. To be eligible for some benefits, girls must meet strict criteria on grades and attendance which are often particularly difficult for children from poor families.<sup>209</sup> Poverty is likely to lead to gaps in attendance, sometimes because the family simply has no food. These gaps exclude girls from eligibility for stipends that require 80 percent attendance.<sup>210</sup> Girls from poor families are also more likely to have

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<sup>207</sup> Human Rights Watch interview with community leader (name withheld), Noakhali, October 27, 2014.

<sup>208</sup> If for no other reason, parents may be interested in continuing a girl’s education because it will improve her marriageability. “I would have continued her education for longer if I had more money because then she could have married someone from a good background,” said Fatima A., of her daughter who she married at age 15 to a man who had no education himself. Human Rights Watch interview with Fatima A. and Ayesha L., Laxmipur, October 28, 2014.

<sup>209</sup> Human Rights Watch interview with community activists, Noakhali, October 27, 2014.

<sup>210</sup> Altaf Hossein and Benjamin Zeitlyn, “Poverty and Equity: Access to Education in Bangladesh,” Consortium for Research on Educational Access, Transitions and Equity, December 2010, [http://r4d.dfid.gov.uk/PDF/Outputs/ImpAccess\\_RPC/PTA51.pdf](http://r4d.dfid.gov.uk/PDF/Outputs/ImpAccess_RPC/PTA51.pdf) (accessed January 12, 2015), p.18.

uneducated parents, which leaves them at a disadvantage as they have no one to help them with their studies at home; they are thus less likely to earn merit-based scholarships.<sup>211</sup>

Human Rights Watch also heard concerns that the impact of stipends and scholarships may be undermined by corruption and nepotism. One teacher told Human Rights Watch:

The subsidy is a good initiative by government, but it is being abused. People who aren't poor are getting it because of corruption by the [Union Parishad] chair who is the one who gets to determine who gets the subsidy. There is a lot of nepotism by the chairman – the subsidy may go to people he knows, not people who really deserve it.<sup>212</sup>

This concern was echoed by researchers who examined a stipend program in Bangladesh for poor primary school students where participants in the program were selected by school management committees. The researchers' study, which included interviews with 21 officials from the Bangladesh government, donors, NGOs, and administrators of the stipend program, concluded: "With no clear-cut guidelines or empirical methods for identifying the poorest students, it is possible that the vacuum could be filled by deliberate or unintended biases and distortions. Almost universally, those interviewed expressed scepticism that SMCs would not succumb to some form of corruption or bias."<sup>213</sup>

## Social Protection and Disaster Relief

They eat everything that is meant for us.

–Hasina A., 15 or 16 years old, on government assistance.<sup>214</sup>

The government has extensive social protection programs. In its 2011-2015 plan, "Accelerating Growth and Reducing Poverty," the government lays out a detailed plan for

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<sup>211</sup> Human Rights Watch interview with NGO worker, Laxmipur, October 28, 2014.

<sup>212</sup> Human Rights Watch interview with teacher (name withheld), Sirajganj, November 1, 2014.

<sup>213</sup> Karen Tietjen, "The Bangladesh Primary Education Stipend Project: A Descriptive Analysis," Partnership for Sustainable Strategies on Girls' Education, November 2003, <http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099080014368/BangladeshStipend.pdf> (accessed March 15, 2015), p. 16.

<sup>214</sup> Human Rights Watch interview with Hasina A., Laxmipur, October 28, 2014.

social protection, including listing dozens of separate social protection programs.<sup>215</sup> The plan repeatedly mentions early marriage as a challenge, and reiterates the government's goal of increasing the age of marriage, especially for women. The plan also discusses prioritizing women within social protection programs, saying: "The existing programs for social protection for disadvantaged women would be continued. Gender sensitive measures would be taken to protect women from economic vulnerability and risk due to natural disasters."<sup>216</sup>

The government acknowledges the difficulties and gaps in reaching the staggering number of people in need in Bangladesh:

The main challenges of implementing social protection programs are coverage issues, targeting beneficiaries, leakages, and disparity in regional distribution...Given the large demand for social protection support and the present low coverage, public expenditures on social protection programs will be increased from 2 percent of GDP in 2009 to 3 percent by the end of [2015]. At the same time, efforts will be made to make the existing and new programs much better focused on reaching the intended beneficiaries and serving the needs of long term poverty reduction strategy.<sup>217</sup>

Among the many people Human Rights Watch interviewed who were apparently living in extreme poverty, including widows, people with disabilities, and elderly people, only a few had received any government assistance, and almost none had received long-term help. Instead there were consistent complaints from those we interviewed that assistance is given not to the poor and the needy but as a form of nepotism or political patronage.

A member of a Union Parishad (local government council) attributed this frustration to what she said was a supply of assistance that was miniscule compared to the need. "There might be 3,000 eligible people in a Union and we might get 10 cards," she said, referring to the cards that are distributed to people who have been granted monthly assistance by the

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<sup>215</sup> Ministry of Planning, Government of the People's Republic of Bangladesh, "Sixth Five Year Plan, FY2011-FY2015, Accelerating Growth and Reducing Poverty, Part 1, Strategic Directions and Policy Framework," July 2011, <http://www.imf.org/external/pubs/ft/scr/2013/cr1363.pdf> (accessed February 18, 2015), pp. 412-433.

<sup>216</sup> Ibid., p. 420.

<sup>217</sup> Ibid., p. 168.

government. She described a process through which the chair and members of the Union Parishads consulted with community members, local police, teachers, doctors, and family planning officers to determine which families should receive government assistance. “I’ve heard in various places that corruption takes place,” she said. “But not with our chair – he is very well off and gives his own money sometimes. He has a big heart.”<sup>218</sup>

Human Rights Watch heard allegations of corruption from NGO workers who alleged that in some districts assistance never reached needier members of the community. “If you go to the government offices there are a lot of services, but they are not functioning,” an NGO worker in Noakhali said. “It all goes to [local officials’] own networks.”<sup>219</sup>

This view seemed to be shared by the former deputy governor of the Bangladesh Bank who in a 2014 speech suggested that an official database of poor and extremely poor people was needed to make social protection programs effective and avoid inadequate beneficiary targeting, nepotism, corruption and leakage, and overlapping of program distribution. “Otherwise,” he said, “no projects will be successful.”<sup>220</sup>

Interviewees often said that they knew or knew of people who did receive assistance, but that they believed that receiving it was based on connections or bribes, not need or clear eligibility criteria.

“They bribe the government officials – they give 2,000 taka [\$26] and then they continue to get relief,” Fatima A. said, explaining why she believes others in her community receive government assistance but her family does not, even after their house and land were swept away by river erosion. “The member and chair [of the Union Parishad] when they need our votes they come to our house but then [after the election] they forget. Those who pay two or three thousand taka [\$26 or \$39] get assistance for two or three years, but we can’t give anything so we don’t get anything.”<sup>221</sup>

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<sup>218</sup> Human Rights Watch interview with UP member (name withheld), Khulna, October 30, 2014.

<sup>219</sup> Human Rights Watch interview with community activists, Noakhali, October 27, 2014.

<sup>220</sup> Care Bangladesh, “Seminar Report: Social Protection Interventions in Bangladesh: Key Challenges and Ways Forward for Enhancing Food Security, Care Bangladesh,” May 22, 2014, [http://www.carebangladesh.org/shouhardoll/reportStory/files\\_2014052920786.pdf](http://www.carebangladesh.org/shouhardoll/reportStory/files_2014052920786.pdf) (accessed April 20, 2015), p. 13

<sup>221</sup> Human Rights Watch interview with Fatima A. and Ayesha L., Laxmipur, October 28, 2014.



Although most interviewees were living in extreme poverty, often to the point of regularly going hungry, virtually none of them had received government assistance. None of the interviewees who had lost their land and homes to river erosion had received any assistance from the government. Interviewees described a system where decisions about who would receive assistance are in the sole discretion of local government officials.

“I have never received any help from the government,” Beauty A., a single mother of three said. Beauty has supported her three children since her husband abandoned her eight years ago—she also supports her mother. “I have asked the member and the chair for help several times but they never give it. I asked to put my mother on the old age list but he refused. The member and chair say, ‘There are so many poor people in this country – how do you expect us to help?’ My mother is injured now and I can’t even pay her medical bills.”<sup>222</sup>

“The government gives a lot of food for us – rice, pulses,” Musamat C., a 20-year-old single mother of two told Human Rights Watch. “It’s given to the UP. But when we go to ask for it they say, ‘Come back later,’ or, ‘We have none.’ I never got anything. When we go to the member [of the Union Parishad] they say, ‘If we help you, you will feel insulted. You people eat better than us – we shouldn’t give you anything.’”<sup>223</sup>

“The government gives relief sometimes to people here,” Shahnara N., a 25-year-old widow and mother of two said. “But my name is not on the list. I don’t know how to get on the list. The local UP [Union Parishad] member makes the list so she decides whether I can be on it. My mother and I went to her house several times to ask to be on the list but so far she hasn’t agreed.” Shahnara’s husband was murdered four years ago. She struggles to feed her children by caring for other people’s livestock. She left school after class two because her father, a fisherman, could not afford to pay for her education.<sup>224</sup>

Some people said they believe that local government officials kept assistance for themselves rather than distributing it. Human Rights Watch put questions about how assistance is distributed and concerns that needy families are excluded to the central

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<sup>222</sup> Human Rights Watch interview with Beauty A., Noakhali, October 27, 2014.

<sup>223</sup> Human Rights Watch interview with Musamat C., Noakhali, October 27, 2014.

<sup>224</sup> Human Rights Watch interview with Shahnara N., Noakhali, October 27, 2014.

government of Bangladesh in a February 2015 letter. At the time of writing, we had received no response.

“Whatever is given for the [Union Parishad] chairman and others never reaches us. They keep it for themselves,” said Khadija A., a mother of 4 whose oldest child, a 13-year-old daughter, just left school because the family cannot afford for her to continue attending. “I am living in such a condition that even if it rains I won’t be able to stay in my house. We have no roof on our house. Please let the government know how we are living.”<sup>225</sup>

“The government doesn’t do anything,” said Hasina A., who left school and married at age 15 because her family was too poor to pay for her education. “They eat everything that is meant for us. They don’t do anything for the poor.” Hasina said the government should give rice to poor people, especially to people who lose their land and become homeless, as her grandfather did a year earlier. “His house and everything was taken away by the river,” she said. “They don’t give anything even to those who lose their land to river erosion.”<sup>226</sup>

Aside from the challenges in accessing assistance programs for people grappling with poverty, our research found gaps in assistance to families affected by natural disasters. The government’s national plan for disaster management for 2008 through 2015 states that the government’s vision is “to reduce the risk of people, especially the poor and the disadvantaged, from the effects of natural, environmental and human induced hazards, to a manageable and acceptable humanitarian level, and to have in place an efficient emergency response system capable of handling large scale disasters.”<sup>227</sup> The plan includes a one-page “Plan for women, children, elderly and disabled” which instructs each “concerned” ministry to develop a plan for protecting these populations from disaster.<sup>228</sup>

The national government has also made efforts towards developing a national climate change adaptation policy that prioritizes the impact of climate change on vulnerable

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<sup>225</sup> Human Rights Watch interview with Khadija A., Noakhali, October 27, 2014.

<sup>226</sup> Human Rights Watch interview with Hasina A., Laxmipur, October 28, 2014.

<sup>227</sup> Ministry of Food and Disaster Management, Government of the People’s Republic of Bangladesh, “National Plan for Disaster Management 2008-2015,” May 2008, [http://www.preventionweb.net/files/9472\\_NationalPlanforDisastermanagement.pdf](http://www.preventionweb.net/files/9472_NationalPlanforDisastermanagement.pdf) (accessed February 18, 2015), p.43.

<sup>228</sup> Ibid.

groups. In the National Adaptation Plan of Action (NAPA)<sup>229</sup> submitted to the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) in 2009, the Ministry of Environment and Forests acknowledged the impact of climate change in Bangladesh and recognized that “adverse impacts from climate change will fall disproportionately on [the] most vulnerable groups within the country as a whole as well as within each vulnerable region of the country.”<sup>230</sup> The NAPA specifically identifies poor women and children as most vulnerable and states that “[a]ny attempt to adapt or to cope with the adverse impacts of climate change will need to have special emphasis on protecting and helping these most vulnerable groups.”<sup>231</sup> Similarly, the Bangladesh Climate Change Strategy and Action Plan, the primary national climate change policy document for 2009 through 2018, states that “[t]he needs of the poor and vulnerable, including women and children, will be mainstreamed in all activities under the Action Plan”.<sup>232</sup> However, none of these disaster reduction and climate change plans mention child marriage or target any interventions at the link between natural disasters and child marriage.

A number of families interviewed who had been directly affected by Cyclone Aila reported that they had received small amounts of food or cash assistance in the immediate aftermath of the cyclone. Aside from this assistance, none of the interviewees affected by disasters, including those who had lost their homes and all of their land to river erosion, described receiving any type of disaster assistance.

Khushi M., who lost her home to river erosion, told Human Rights Watch:

The government hasn’t given us anything – even people who lost their houses [to river erosion] didn’t get anything. They made a colony [resettlement community] for some people who lost their houses, but the member and the chair [of the Union Parishad] handpicked who could settle

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<sup>229</sup> Under article 12 of the United Nations Framework Convention on Climate Change, countries are required to submit periodic national communications on the implementation of their obligations. Least Developed Countries (LDCs) are invited to submit a National Adaptation Programme of Action (NAPA) in order to provide information related to the climate vulnerability of the country and to identify priority adaptation projects.

<sup>230</sup> Ministry of Environment and Forests, Government of the People’s Republic of Bangladesh, “National Adaptation Programme of Action (NAPA) Updated Version June 2009,” June 2009, <http://unfccc.int/resource/docs/napa/bano2.pdf>, (accessed April 13, 2015), p. 34.

<sup>231</sup> Ibid.

<sup>232</sup> Ministry of Environment and Forests, Government of the People’s Republic of Bangladesh, “Bangladesh Climate Change Strategy and Action Plan 2008,” September 2008, <http://www.sdnbd.org/moef.pdf> (accessed April 13, 2015), para. 49.

there and it wasn't the most vulnerable. The colonies were given to government goons who then sold them for 5,000 taka [\$65] to each family. The goons paid 2 to 3,000 taka [\$26-39] to the government for each place and then sold them for 5,000 taka [\$65]. This country is a poor country and they've sent us to this place where there is nothing but poverty. What can I say? We always have to worry.<sup>233</sup>

An NGO worker in Laxmipur made similar allegations: "Sometimes the government builds colonies for them [people displaced by river erosion], but the local leaders always give them to the people they know. There is never enough for everyone."<sup>234</sup>

## Birth Registration

The government has taken significant steps to ensure that all births are registered and that all Bangladeshis have birth certificates. A 2004 law made registration of births mandatory within 45 days of the birth.<sup>235</sup> UNICEF expressed concern in 2014 that many families delay registering births until they need to enroll their children in school.<sup>236</sup> However, activists interviewed for this report felt that the law has had a positive impact and new births are now consistently registered and have been for about two years.<sup>237</sup>

The 2004 law also aimed to issue birth certificates for adults and by 2008, 40 percent of people had received birth certificates and another 30 percent were expected to receive them soon.<sup>238</sup> In 2009, the government established an online database of birth registrations which by February 2014 had captured 101 million registrations (out of a population of over 166 million), with plans for all manual registrations to migrate to the online system by the end of 2014.<sup>239</sup> This system is designed to fully replace manual registration.<sup>240</sup>

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<sup>233</sup> Human Rights Watch interview with Khushi M., Laxmipur, October 28, 2014.

<sup>234</sup> Human Rights Watch interview with NGO worker, Laxmipur, October 28, 2014.

<sup>235</sup> Birth and Death Registration Act, 2004. An amendment to this act in 2013 created the Office of the Registrar General, a government body responsible for birth and death registration.

<sup>236</sup> UNICEF Bangladesh, "Factsheet: Birth Registration," May 2014, [http://www.unicef.org/bangladesh/Birth\\_Registration%282%29.pdf](http://www.unicef.org/bangladesh/Birth_Registration%282%29.pdf) (accessed January 12, 2015).

<sup>237</sup> Human Rights Watch interview with community activists, Noakhali, October 27, 2014.

<sup>238</sup> "Bangladesh moving towards universal birth registration," *IRINnews*, July 15, 2008, <http://www.irinnews.org/report/79258/bangladesh-moving-towards-universal-birth-registration> (accessed January 12, 2015).

<sup>239</sup> UNICEF Bangladesh, "Factsheet: Birth Registration," May 2014, [http://www.unicef.org/bangladesh/Birth\\_Registration%282%29.pdf](http://www.unicef.org/bangladesh/Birth_Registration%282%29.pdf) (accessed January 12, 2015).

<sup>240</sup> Ibid.

One of the explicit goals of the new initiative on birth registration is to prevent child marriage.<sup>241</sup> Child marriage could be significantly curbed if births were universally and accurately registered and officials conducting and registering marriages verified the ages of all spouses through the online system and refused to permit underage marriages.<sup>242</sup>

In cases documented by Human Rights Watch, the ages of the spouses were either not verified by religious leaders conducting marriage ceremonies or registrars registering marriages or, where they were, false birth certificates had been issued by local government officials. In other cases, officials remained willing to perform or register marriages even when they knew that the girl was underage and the marriage unlawful.

Many interviewees described the ease with which families found registrars or other officials willing to conduct weddings with no proof of age, or who actively assisted families, with the payment of a bribe, to forge birth certificates. NGO workers and community leaders interviewed by Human Rights Watch indicated that officials issuing birth certificates or performing marriages are not obliged to verify information through the online registration system and do not typically do so even though this should be a key mechanism for preventing the use of forged birth certificates.<sup>243</sup>

“The *kazi* [Muslim marriage registrar] came here to perform my marriage,” Soraya A., age 18, who married at age 15, told Human Rights Watch. “He said, ‘She’s not 18 so you need to change that [birth] certificate.’ We got it changed and then I got married.” Soraya explained that her family had her birth certificate changed by the Union Parishad (local council) office and paid an official 500 taka [\$6.49] to change it. The official issued a new birth certificate with the same registration number but a different date of birth.<sup>244</sup>

“When the *kazi* saw that my daughter’s birth certificate said that she was 14, he refused to do the marriage,” said Farhana B. “He took it to the [Union Parishad] chairman and got it

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<sup>241</sup> Ibid.

<sup>242</sup> Muslims and Christians are required to register their marriages; Hindus have the option of registering their marriage. Human Rights Watch, *“Will I Get My Dues...Before I Die?”: Harm to Women from Bangladesh’s Discriminatory Laws on Marriage, Separation, and Divorce*, September 17, 2012, <http://www.hrw.org/reports/2012/09/17/will-i-get-my-dues-i-die-o>, p. 95.

<sup>243</sup> Another issue is that while registration of births could be helpful in preventing child marriages 10 or 15 years from now, children of the age likely to be getting married now are not necessarily registered, or if registered are likely to have registered recently with their ages dictated by their parents, making the birth register of limited use in preventing child marriages today. Human Rights Watch interview with community activists, Noakhali, October 27, 2014.

<sup>244</sup> Human Rights Watch interview with Soraya A., Noakhali, October 26, 2014.



changed and then did the marriage.” The chairman charged the family 100 taka [\$1.30] to change the birth certificate.<sup>245</sup>

Shilpa A. told Human Rights Watch that her uncle who was running for political office initially got her a fake birth certificate saying she was 18 so that she could vote for him and her parents later used the fake birth certificate to have her married, when she was 15.<sup>246</sup>

“We did a lot of demonstrations against child marriage,” Saima A., a community activist in Noakhali, told Human Rights Watch. “But in reality the government representatives [at the Union Parishad] change the age on birth certificates to allow child marriage. So our work seems futile in the face of the government people themselves.”<sup>247</sup> “We need to stop corruption and the changing of birth certificates [by the government],” Saima A.’s husband told Human Rights Watch. “All of the birth certificates are [accessible] at the Union Parishad information center, but if you pay 500 or 1,000 taka [\$6.49 or \$13] it will be changed. This needs to stop. One way to stop this is to have a certificate both at birth and at school and require both to be shown so it is harder to do corruption.”<sup>248</sup>

Girls interviewed by Human Rights Watch said officials rarely ask the future spouses themselves about their ages. Instead they rely on the word of the fathers, who are typically the ones who have arranged the marriage.

“I don’t know if he asked for my birth certificate,” Marufa B. said about the *maulvi* [Muslim religious leader] who performed her marriage ceremony when she was 15 years old. “He didn’t ask my age.”<sup>249</sup>

“The *kazi* asked for my age, but he asked my father,” said Rumi C., who married at 15. “I don’t know what he said.”<sup>250</sup>

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<sup>245</sup> Human Rights Watch interview with Farhana B., Sirajganj, November 1, 2014.

<sup>246</sup> Human Rights Watch interview with Shilpa A., Noakhali, October 26, 2014.

<sup>247</sup> Human Rights Watch interview with Saima A., Noakhali, October 26, 2014.

<sup>248</sup> Human Rights Watch interview with Saima A. and her husband and daughter-in-law, Noakhali, October 26, 2014.

<sup>249</sup> Human Rights Watch interview with Marufa B., Khulna, October 30, 2014.

<sup>250</sup> Human Rights Watch interview with Rumi C., Khulna, October 31, 2014.

“My marriage ceremony was by a *kazi*. He asked my age and elders in my area who were there said I was 18. I had a birth certificate but he didn’t see it. The birth certificate had my real age,” said Karuna M., who married at 14.<sup>251</sup>

In some cases, even when officials saw a birth certificate that showed that a bride was underage, they were still willing to perform the marriage.

“A *maulvi* performed my marriage,” said Nabila C., who married at 14. “He saw my birth certificate. It said I was 15. He didn’t mind. I faced no obstacles in getting married – no one tried to stop me.”<sup>252</sup>

Families also seemed to have little difficulty finding a notary public or other official who did not require a birth certificate at all.

“The *kazi* came to my house to do my marriage. He asked my age and my parents said 18. He didn’t ask for a document,” said Mala D., who married at age 13.<sup>253</sup>

## Local Government’s Role in Preventing Child Marriage

Many interviewees believed that local government had a critical role to play in devising and implementing effective solutions to child marriage. Some activists reported that they had been successful at stopping planned child marriages by reporting them to local government officials and asking them to intervene.<sup>254</sup> By contrast, many others Human Rights Watch spoke to alleged that corruption in local government and a lack of political will impede an adequate response to child marriages.

“The best way to end child marriage is if people in the administration – the chair, the member, the police, the officer in charge, and the deputy member sit together and decide to end child marriage,” a community leader in Noakhali told Human Rights Watch. “If they do this, I am 100 percent certain they can end child marriage forever. They need to take more initiative, be more active, sit together more.”<sup>255</sup>

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<sup>251</sup> Human Rights Watch interview with Karuna M., Sirajganj, November 3, 2014.

<sup>252</sup> Human Rights Watch interview with Nabila C., Khulna, October 31, 2014.

<sup>253</sup> Human Rights Watch interview with Mala D., Khulna, October 31, 2014.

<sup>254</sup> E.g. Human Rights Watch interview with community activist (name withheld), Gaibandha, November 4, 2014.

<sup>255</sup> Human Rights Watch interview with community leader (name withheld), Noakhali, October 27, 2014.

“If the government forms a committee and does campaigns in every village, [child marriage] can be stopped,” said Latifa A., who married at age 14.<sup>256</sup>

Some interviewees pointed to the crucial role of the central government in ensuring that laws and policies are consistently enforced across all institutions and in all parts of the country and to the current gaps in enforcement. In numerous cases, people described situations where local officials, both from the Union Parishad (local council) and the police, had intervened to prevent a child marriage in one village only to have the family easily circumvent their efforts by going to another jurisdiction or a different official instead. A number of interviewees said that they had gone “to court” to get married; these people had seen a notary or lawyer and signed an affidavit which they believed made them married. In fact, such an affidavit has no legal validity.<sup>257</sup>

“My wedding ceremony was supposed to be in my [parents’] house but someone filed a complaint regarding it being a child marriage, so the middleman moved us to Khulna town and we signed an affidavit of marriage at the court instead,” said Laila B., who married a man of 25 or 26 when she was 12 years old. “We just had to go to Khulna for two hours.”<sup>258</sup>

“I took her to court to marry because she was young so the *kazi* wouldn’t marry her,” Anika M. said, regarding her daughter’s marriage at age 14. “I knew the *kazi* wouldn’t marry a girl this age.” At the court she said she encountered no such problems. “I just went there and told them her name and age. You don’t have to show a birth certificate—we did it through a lawyer.” The lawyer’s fee for the service was 600 taka [\$8].<sup>259</sup>

“A lot of people get married in court after someone tried to stop them at the UP [Union Parishad],” a community leader explained. “They get a fake birth certificate elsewhere.” He said he had also been involved in situations where police intervened, took prospective child spouses into custody, and released them only if the parents agreed not to go ahead with the marriage. “It is very difficult to monitor the undertaking, though,” he admitted. “They might go to a relative’s place and get married there. We’ll never know.”<sup>260</sup>

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<sup>256</sup> Human Rights Watch interview with Latifa A., Khulna, October 31, 2014.

<sup>257</sup> Human Rights Watch, *“Will I Get My Dues...Before I Die?”* p.33.

<sup>258</sup> Human Rights Watch interview with Laila B., Khulna, October 30, 2014.

<sup>259</sup> Human Rights Watch interview with Anika M., Khulna, October 31, 2014.

<sup>260</sup> Human Rights Watch interview with community leader (name withheld), Noakhali, October 27, 2014.

Increasingly child marriages are conducted secretly for fear of intervention by authorities. This can be seen as a sign of progress and that enforcement efforts are having an impact. But it also points to the need for more effective measures to detect planned child marriages before they take place and to respond with assistance for underage spouses and sanctions for those who arrange and conduct weddings of children.

“My wedding was performed secretly because the government wouldn’t have allowed me to get married before 18,” said Lucky C., who married at age 15. “We told the *kazi* I was 19. The neighbors knew but they were happy because it was better for me than suffering in poverty. The police didn’t know – if they had they would have arrested my parents.” Although Lucky says she has heard that you can be arrested for child marriage, she does not know of any cases where anyone actually was arrested.<sup>261</sup>

“A lot of child marriages these days are taking place in secret because when they come to know that social workers will try to stop them they do the marriage secretly,” a community activist said.<sup>262</sup>

A Union Parishad member confirmed that this is a problem. “We try to stop child marriage,” she said. “When I hear of one about to happen I tell the UP head and sometimes he tells the deputy commissioner. A few months ago we stopped a child marriage. The police came in and the husband ran away. But two months later they got married someplace else. They went to a notary public and did an affidavit. The government should stop allowing [marriage] affidavits by a notary public.”<sup>263</sup>

The Union Parishad member explained that although the police will sometimes assist in trying to prevent a child marriage, they will never arrest anyone responsible for such a marriage, even though the CMRA makes child marriage a criminal act with anyone who contracts, performs, conducts, or directs a child marriage subject to imprisonment.<sup>264</sup> “Police aren’t able to arrest them,” she said. “The police come and the marriage is stopped.” She believed, however, that a tougher response by police was merited. “The

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<sup>261</sup> Human Rights Watch interview with Lucky C., Khulna, October 31, 2014.

<sup>262</sup> Human Rights Watch interview with Dipanjali B., Khulna, October 30, 2014.

<sup>263</sup> Human Rights Watch interview with UP member (name withheld), Khulna, October 30, 2014.

<sup>264</sup> Child Marriage Restraint Act, arts. 4 and 5. The law also provides for punishment by imprisonment for parents or guardians of children who marry. art. 6.

government should jail *maulvis* who do marriages without birth certificates,” she said. “Then this would immediately stop.”<sup>265</sup> In researching this report, Human Rights Watch did not hear of any cases of arrest and prosecution for child marriage.

Some local activists expressed cynicism about how genuine the government’s will to end child marriage really is. “If the prime minister and the Awami League decide to stop child marriage, it is possible because they have a committee in every area, but they have no will to do this,” an activist in Noakhali told Human Rights Watch.<sup>266</sup>

## Reform of the Child Marriage Restraint Act (CMRA)

Child marriage has been illegal in Bangladesh since 1929 under the CMRA.<sup>267</sup> Bangladesh’s prime minister tacitly acknowledged the gaps in the law, however, when she pledged in July 2014 to reform the CMRA. While many of the gaps that permit child marriage in Bangladesh have to do with enforcement of the law, the law itself is also an obstacle.

The CMRA is flawed, outdated, and cursory. It violates international law by setting different ages of marriage for women and men (18 for women; 21 for men).<sup>268</sup> It sets penalties that are outdated, for example, a fine of 1,000 taka (\$13) for arranging or conducting a child marriage. It provides only for punishment, with no attention to preventive measures, or legal and social assistance to people who have been victims of child marriage.

Even in the area of punishing child marriage, its provisions are not supportive of victims, giving victims only one year to bring a complaint, permitting a complainant to be compelled to pay a bond, and failing to oblige police and local government to respond to complaints. By applying the same punishments to anyone involved in planning or solemnizing a child marriage, whether that person is a family member, an official, or religious leader, the law fails to ensure that any responses to a child marriage are in the best interest of the victim. The law gives the court the power to issue an injunction against a child marriage in a specific situation where there are indications that such a marriage is

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<sup>265</sup> Human Rights Watch interview with UP member (name withheld), Khulna, October 30, 2014.

<sup>266</sup> Human Rights Watch interview with community activists, Noakhali, October 27, 2014.

<sup>267</sup> Among the amendments to the CMRA have been changes to the age of marriage. The 1929 version banned the marriage of girls under 14. A law pertaining only to Muslims in 1961 raised the age of marriage for Muslim girls to 16, and a 1984 amendment of the CMRA made 18 the minimum age of marriage for women of all religions.

<sup>268</sup> Human Rights Committee, General Comment No. 28, para. 23.



planned, but fails to provide any detail on how such an injunction should be monitored and enforced and the child at risk assisted.

## Access to Temporary Protective Shelters

Shelters can provide an important emergency option for girls at risk of child marriage, and girl brides seeking to flee, including from violence in the home. None of the child brides interviewed for this report had ever used a shelter or expressed awareness of the existence of shelters.

Bangladesh has both government and NGO-run shelters, but they have limited geographic reach and inadequate capacity.<sup>269</sup> The 2010 Domestic Violence (Prevention and Protection) Act obliges the government to create shelter homes that victims of domestic violence may be referred to as a temporary measure. The Ministry of Women and Child Affairs runs 7 shelters, one in each of Bangladesh's 7 divisions or regions, but a ministry official acknowledged in discussion with Human Rights Watch that this is too few and that shelters are needed in each of the country's 64 districts.<sup>270</sup> The CEDAW Committee, which monitors government compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), also expressed concern about the limited number of shelters in Bangladesh, saying that it "views these to be inadequate in responding to the needs of the victims of violence against women."<sup>271</sup>

## Domestic Violence (Prevention and Protection) Act

In 2010, Bangladesh passed the Domestic Violence (Prevention and Protection) Act. This law offered new hope to victims of domestic violence, but has suffered from lack of enforcement.

The law provided new forms of recourse and assistance for women and children who are victims of abuse within their families. The law includes a broad definition of domestic violence, including physical, psychological, sexual, and economic abuse. The law grants magistrates the power to issue orders providing victims with protection, housing

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<sup>269</sup> Human Rights Watch interview with the executive director of an NGO (name withheld), Dhaka, November 5, 2015.

<sup>270</sup> Human Rights Watch, *"Will I Get My Dues...Before I Die?"*, p.80-81.

<sup>271</sup> CEDAW Committee, "Concluding observations of the Committee on Elimination of Discrimination Against Women, Bangladesh," 48th session, January 17-February 4, 2011, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-BGD-CO-7.pdf> (accessed January 13, 2015), para. 19.

arrangements, maintenance, compensation, and child custody. The act also provides for victims to be connected with shelter and medical and legal services. Perpetrators of domestic violence can be jailed and/or fined for violations of court orders under the act.

The UN special rapporteur on violence against women in 2013 visited Bangladesh and assessed the status of the government's enforcement of the act. She found that the greatest challenge was a lack of awareness of the law by both government authorities and victims. Advocates reported that the number of cases filed under the act actually went down in the second year that it was in force, compared to the first, and that domestic violence cases are still typically dealt with under previous laws including the Penal Code and the Dowry Prohibition Act which lack the same range of protections for victims.<sup>272</sup>

In her report on the visit, the special rapporteur wrote that in spite of the act's new provisions, "[V]ictims of violence are reluctant to seek support through the justice system due to several factors, including community pressure and stigma, the lack of responsiveness by the justice system, pressure to withdraw complaints by local police and also the length of proceedings. The [Domestic Violence] Act remains underutilized and limits the protective value of the law."<sup>273</sup>

Women and girls interviewed for this report echoed this sense of futility about turning to the justice system.

Aqlima C. sued for repayment of about 500,000 taka (\$6,494) her husband received from her family over their six years of marriage, funds he received after threatening to harm her if he was not paid. He also frequently beat her. When her family stopped meeting his demands for money, he divorced Aqlima without her knowing until after the divorce had already been granted. "I didn't file a case while I was married, but after divorce I filed a case for violence," Aqlima said. "But he knows the local MP very well so they influenced the case and it got pushed aside." The court denied Aqlima's request for repayment of the

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<sup>272</sup> Report 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.

<sup>273</sup> Ibid., p. 16.

money her family had given to her husband, but ordered her husband to pay her *mahr*.<sup>274</sup> So far he has not paid it.<sup>275</sup>

The special rapporteur cited the call of advocates for the development of policies to fully implement the act in areas including the duties of police and courts in cases of domestic violence, coordination on cases by different intervening authorities, case management systems, and data collection.<sup>276</sup> She also called on the Bangladesh government to “Strengthen the implementation of relevant legislation applicable to violence against women, and ensure that appropriate sanctions are imposed on perpetrators and State agents who fail to protect and prevent.”<sup>277</sup>

## Difficulty Obtaining a Fair Divorce

Many of the girls interviewed for this report had fled from or been abandoned by their husbands. A few had managed to obtain a divorce, usually with the assistance of an NGO, but others were struggling to legally end their marriages and to obtain their *mahr*, child support, and other support due to them from their husbands. Hindu girls must grapple with the fact that Bangladesh law does not recognize divorce for Hindus. These difficulties are all reflections of how Bangladesh’s laws governing marriage, separation, and divorce explicitly discriminate against women.

Since independence in 1971, the bulk of Bangladesh’s laws are applicable to all citizens without discrimination based on sex or religious belief, with one major anomaly: personal status laws. Personal status laws on marriage, separation, and divorce set separate rules for Muslims, Hindus, and Christians.<sup>278</sup> Some of these laws date to the 19th century; they remain largely frozen in time and have not been reformed in decades. The separate personal status

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<sup>274</sup> *Mahr* is the sum of money promised by a husband to his wife as part of the marriage contract. The *mahr* often is not paid but remains a debt owed to the wife which she can collect at a later date. *Mahr* is typically paid at the time of divorce, though in some cases negotiations between families over a divorce may result in an agreed forfeiture of *mahr*.

<sup>275</sup> Human Rights Watch interview with Aqlima C., Sirajganj, November 3, 2014.

<sup>276</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Addendum, Mission to Bangladesh, p. 15.

<sup>277</sup> *Ibid.*, p. 21.

<sup>278</sup> These laws also set different—and often discriminatory—rules for different faiths in the areas of guardianship and inheritance. The Law Commission, Government of the People’s Republic of Bangladesh, “Report on a reference by the government towards the possibility of framing out of a uniform family code for all communities of Bangladesh relating to marriage, divorce, guardianship, inheritance etc.,” July 18, 2005, <http://www.lawcommissionbangladesh.org/reports/69.pdf> (accessed February 18, 2015).

laws for Bangladesh's Muslims, Hindus, and Christians discriminate in overlapping but distinct ways. They all grant men greater powers than women in marriage and accessing divorce. Each erects barriers to divorce and economic equality during marriage and after, and none of the laws provides for women's equal right to marital property.

Muslim personal status laws in Bangladesh are discriminatory in their embrace of polygamy for men, their greater barriers to divorce for women, and their limited provisions on maintenance.<sup>279</sup> Under the Muslim family laws in Bangladesh, women have no right to maintenance beyond 90 days after notice of divorce (or birth of a child, if the woman is pregnant at the time of divorce).<sup>280</sup> In an earlier report, Human Rights Watch found that even the limited procedural protections for women under the Muslim Family Laws Ordinance, 1961, were often not implemented.<sup>281</sup>

The Hindu personal status law also discriminates against women.<sup>282</sup> It recognizes polygamy for men, and contains significant barriers for women accessing maintenance payments.<sup>283</sup> Hindu women can seek judicial separation, but the law does not recognize divorce, making it impossible for Hindu women to legally separate from their husbands. In May 2012 the Bangladesh cabinet approved a bill providing Hindus the option of registering marriages. The bill still falls short of the many demands of women's rights activists in the country who are campaigning for a separate law governing Hindu marriages and divorce.<sup>284</sup> Necessary reforms not included in the bill include a prohibition on polygamy, allowing divorce, and compulsory marriage registration.<sup>285</sup>

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<sup>279</sup> Human Rights Watch, *"Will I Get My Dues...Before I Die?"*, p. 5.

<sup>280</sup> *Ibid.*

<sup>281</sup> Human Rights Watch, *"Will I Get My Dues...Before I Die?"*, pp. 80-81.

<sup>282</sup> *Ibid.*, p. 40-42.

<sup>283</sup> *Ibid.*

<sup>284</sup> "Bangladesh: Discriminatory Family Laws Fuel Female Poverty," Human Rights Watch news release, September 17, 2012, <http://www.hrw.org/news/2012/09/16/bangladesh-discriminatory-family-laws-fuel-female-poverty>.

<sup>285</sup> Bangladesh parliamentarians subsequently in September 2014 endorsed the need for universal compulsory marriage registration, in the conclusions of a regional parliamentary seminar on violence against girls. The conclusions, prepared by the whip of the Bangladesh parliament, state that, "[L]egislation on child marriage should also include mandatory birth and marriage registration." Inter-Parliamentary Union (IPU) and the Parliament of Bangladesh, "Conclusions of the Regional Parliamentary Seminar on Ending the Cycle of Violence Against Girls in Asia-Pacific," September 23, 2014, <http://www.ipu.org/splz-e/dhaka14/conclusions.pdf> (accessed March 19, 2015), p. 2.

In the Christian personal status law, divorce is allowed on limited grounds for both men and women, but the grounds are far more restrictive for women.<sup>286</sup> Men can divorce if they allege their wife committed adultery. Wives, on the other hand, must prove adultery plus other acts to secure a divorce. Such acts include: conversion to another religion, bigamy, rape, sodomy, bestiality, desertion for two years, or cruelty. The requirement to demonstrate adultery by the spouse can be humiliating for women in Bangladesh's conservative society.<sup>287</sup>

A gap in all the personal status laws mentioned above is the absence of the equal right to marital property upon divorce, which means the extensive contributions that women make to their marital homes are ignored and divorce and separation leave women impoverished, with child brides and women married as children at particular risk. This gap has been partially addressed by the domestic violence law discussed above, which gives women a right to reside in the matrimonial home. The domestic violence law represents a vital step forward, but does not fully address the equal right to marital property, notably in cases where there is no domestic violence.

The few economic entitlements for women recognized under the law, namely maintenance and *mahr*, are often meager and difficult to secure. As a result, rather than offer protection, Bangladesh's personal status laws can trap women in abusive marriages or prevent them from separating from their husbands or propel them into poverty when marriages fall apart. In many cases these laws directly contribute to homelessness, hunger, and ill health for divorced or separated women and their dependents.

Nasima A. has been trying unsuccessfully through the court to obtain a divorce and repayment of her dowry from her husband of two years who was physically abusive. Her husband has not attended the court dates and while there is a warrant for his arrest as a result, the case is dragging on. "I just want him to return the money so I can use it for something and live in peace," said Nasima. "I can do some sewing work or keep the money in the bank for my future. I don't want to get married again."<sup>288</sup>

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<sup>286</sup> Human Rights Watch, *"Will I Get My Dues...Before I Die?"* pp. 43-44.

<sup>287</sup> Ibid.

<sup>288</sup> Human Rights Watch interview with Nasima A., Sirajganj, November 3, 2015.

## IV. Bangladesh's International Legal Obligations

The government of Bangladesh has obligations under international human rights law to protect the rights of girls and women. These include the rights to equality and non-discrimination, to the highest attainable standard of health, to education, to information, to free and full consent to marriage, to choose one's spouse, and to be free from physical, mental, and sexual violence. Those whose rights are violated are entitled to an effective remedy. Child marriage in Bangladesh can result in the inadequate fulfilment and protection of these rights, and the failure to protect these rights can also increase the risk of child marriage.

Bangladesh is a party to the core international treaties that protect women's and girls' human rights. Bangladesh has ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC).<sup>289</sup>

International human rights law recognizes state accountability for abuses by private actors and requires governments to show due diligence in preventing and responding to human rights violations. According to the CEDAW Committee, which monitors government compliance with CEDAW, "States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence."<sup>290</sup> Under international law, governments are obligated to work towards eliminating

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<sup>289</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A.Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S.171, entered into force March 23, 1976. Bangladesh acceded to the ICCPR on September 28, 2000; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A(XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976. Bangladesh acceded to the ICESCR on October 12, 1999; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc.A/34/46, entered into force September 3, 1981, acceded to by Bangladesh on November 6, 1984. Bangladesh currently has a reservation to articles 2 and 16(1)(c): "The Government of the People's Republic of Bangladesh does not consider as binding upon itself the provisions of article 2, [... and ...] 16(1)(c) as they conflict with Sharia law based on Holy Quran and Sunna." The CEDAW committee has said that reservations to these articles are incompatible with the object and purpose of the convention, and are therefore impermissible under international law and should be withdrawn. It has repeatedly called on Bangladesh to withdraw its reservations. In 2010 the government said in its report to the CEDAW committee that "withdrawal of the reservations...was under consideration"; Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Bangladesh on August 3, 1990.

<sup>290</sup> Committee on the Elimination of Violence Against Women (CEDAW Committee), General Recommendation No. 19, Violence against women, (Eleventh session, 1992), Compilation of General Comments and General Recommendations



harmful traditional beliefs, values, stereotypes, or practices that contravene human rights. They must not invoke “traditional values” to justify violations of human rights.<sup>291</sup>

CEDAW explicitly acknowledges social and cultural norms as the sources of many women’s rights abuses, and requires governments to take appropriate measures to address such abuses. Governments need to “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”<sup>292</sup>

The argument that some practices are cultural norms and thus impervious to alteration cannot justify a government’s failure to address discriminatory practices. The Human Rights Committee, which monitors compliance with the ICCPR, affirms that governments “should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women’s right to equality before the law and to equal enjoyment of all Covenant rights.”<sup>293</sup>

## Right to Equality and Non-Discrimination

Bangladesh has obligations under international law to ensure women’s rights to equality and non-discrimination. The ICCPR calls for “the equal right of men and women to the enjoyment of all civil and political rights,” including the right to birth registration, to free

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Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 84 (1994), (contained in document A/47/38), para. 9. See also, UN Human Rights Committee, General Comment 31, Nature of the general legal obligation on states parties to the Covenant, para. 8, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004); UN Committee Against Torture, General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008.CAT/C/GC/2. Regarding the responsibility of states extending to all within their jurisdiction.

<sup>291</sup> Human Rights Council Resolution 16/3, “Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind,” A/HRC/RES/16/3, April 8, 2011, <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G11/124/92/PDF/G1112492.pdf?OpenElement> (accessed September 23, 2014), p.2. See also, Sexual Rights Initiative, “Submission Regarding Best Practices In The Application of Traditional Values While Promoting And Protecting Human Rights And Upholding Human Dignity,” <http://www.ohchr.org/documents/issues/hrvalues/sri%20.pdf> (accessed September 23 2014), p. 1.

<sup>292</sup> CEDAW, art. 5.

<sup>293</sup> UN Human Rights Committee, General Comment No. 28, para. 5. See also UN General Assembly, Report of the Special Rapporteur in the field of cultural rights. A/67/287. New York, UN General Assembly, August 10, 2012, [http://www.unesco.lacult.org/docc/2012\\_Cultural\\_Rights\\_A\\_67\\_287\\_eng.pdf](http://www.unesco.lacult.org/docc/2012_Cultural_Rights_A_67_287_eng.pdf) (accessed July 22, 2014), p. 4. The UN special rapporteur on cultural rights reiterated in 2012 that: “Many practices and norms that discriminate against women are justified by reference to culture, religion and tradition,” and recommended that states ensure “The freedom of women to refuse to participate in traditions, customs and practices that infringe upon human dignity and rights, to critique existing cultural norms and traditional practices and to create new cultural meanings and norms of behavior.”

and full consent to marriage, to equality of rights and responsibilities of spouses during marriage and at its dissolution, to life, to liberty, and security of the person, and to freedom of expression.<sup>294</sup> The ICESCR includes similar provisions.<sup>295</sup> The CRC recognizes the right of children to be free from discrimination, including on the grounds of sex.<sup>296</sup>

The CEDAW Committee has explained that “[I]nherent to the principle of equality between men and women, or gender equality, is the concept that all human beings, regardless of sex, are free to develop their personal abilities, pursue their professional careers and make choices without the limitations set by stereotypes, rigid gender roles and prejudices.”<sup>297</sup> Child marriage disproportionately affects girls, and negatively impacts the realization of many of girls’ and women’s other human rights. The impact of these violations is felt by women throughout their lives, and extends to their families and societies.

Since personal status laws in Bangladesh for Hindus and Muslims permit polygamy, there is a risk that child brides could be forced into polygamous marriages, thereby undermining their right to equality and non-discrimination. CEDAW, in its General Recommendation No. 21 on Equality in Marriage and Family Relations, explains that “polygamous marriage contravenes a woman’s right to equality with men and can have such serious emotional and financial consequences for her and her dependents” and ought to be discouraged and prohibited.<sup>298</sup>

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

The right to marriage based on “full and free consent” of the spouses is recognized in several international instruments.<sup>299</sup> CEDAW upholds the equal right of men and women to enter into marriage, and the Convention on the Consent to Marriage further specifies that each spouse must give his or her consent “in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses as

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<sup>294</sup> ICCPR, arts. 3, 6, 9, 19, 23, and 24.

<sup>295</sup> ICESCR, art. 3.

<sup>296</sup> CRC, art. 2.

<sup>297</sup> 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. Doc. CEDAW/C/ GC/28, 2010, <http://www.iwraw-ap.org/convention/details28.htm> (accessed September 21, 2014), paras. 9 and 22.

<sup>298</sup> CEDAW Committee, General Recommendation No. 21, Equality in Marriage and Family Relations, UN CEDAWOR, 13<sup>th</sup> Sess., UN Doc. A/47/38, (1994), para. 14.

<sup>299</sup> See Universal Declaration on Human Rights, adopted December 10, 1948, G.A. Res. 217A(III), U. N. Doc. A/810 at 71 (1948), art. 16, ICCPR, art. 23, and ICESCR, art. 10 (1).

prescribed by law.”<sup>300</sup> The CRC Committee has repeatedly, including in reference to Bangladesh, addressed the need for countries to establish a definition of a child in all domestic legislation that is consistent with the provisions of the CRC.<sup>301</sup> It has also taken a clear position on 18 as the minimum age for marriage, regardless of parental consent.<sup>302</sup>

In 2009, the UN Committee on the Rights of the Child strongly recommended that Bangladesh, “Take necessary measures to define the child as any person below 18 years old” in accordance with the Convention on the Rights of the Child.<sup>303</sup> The Committee expressed its “concern that there is no uniform definition of the child in the laws and policies of the State party and that understandings and legal provisions vary according to civil law, the Convention, and sharia, as reflected in conflicting legal minimum ages of children for marriage.”<sup>304</sup> A new Children Act passed in Bangladesh in 2013 that dealt with the rights of children who are crime victims or are in conflict with the law, sets the age of adulthood at 18 for both girls and boys for the purpose of that act.<sup>305</sup>

The UN Human Rights Committee clarified in General Comment No. 19 that the marriageable age for both men and women shall be based on the ability of both spouses to give their full and free consent.<sup>306</sup> In its General Comment No. 28, the committee affirms the obligation of governments to treat men and women equally with regard to marriage.<sup>307</sup> CEDAW General

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<sup>300</sup> CEDAW, art. 16. See also Convention on the Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages, art. 1. Bangladesh acceded to the Convention on the Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages on October 5, 1998 with the following declarations and reservations: “The Government of the People’s Republic of Bangladesh reserves the right to apply the provisions of articles 1 and 2 in so far as they relate to the question of legal validity of child marriage, in accordance with the Personal Laws of different religious communities of the country. The Government of the People’s Republic of Bangladesh, in acceding to the Convention will not be bound by the exception clause of article 2 viz. except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.”

<sup>301</sup> CRC Committee, Concluding observations of the Committee on the Rights of the Child: Bangladesh, UN. Doc. CRC/C/BGD/CO/4 (2009), para 30-31.

<sup>302</sup> See, 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.

<sup>303</sup> CRC Committee, Concluding observations of the Committee on the Rights of the Child: Bangladesh, UN. Doc. CRC/C/BGD/CO/4 (2009), para 31.

<sup>304</sup> Ibid., para. 30.

<sup>305</sup> Children Act, 2013.

<sup>306</sup> UN Human Rights Committee, General Comment No. 19 (The Family), Protection of the Family, the Right to Marriage and Equality of the Spouses, (Article 23), (Thirty-ninth session, 1990), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty bodies, UN Doc. HRI/Gen/1/Rev.7 (2004), para. 4.

<sup>307</sup> General Comment No. 16 of the Committee on Economic, Social and Cultural Rights, which oversees implementation of the ICESCR, para. 27, sets out obligations of governments to “ensure that men and women have an equal right to choose if, whom, and when to marry.”

Comment No. 21 on the right to marriage reiterates men's and women's equal right to enter into marriage, conditioned on their free and full consent.<sup>308</sup> Consent cannot be "free and full" when one of the parties involved is not sufficiently mature to make an informed decision about a life partner, or the meaning and responsibility of marriage.<sup>309</sup>

The accounts in this report indicate that many girls felt that they had no ability to object to a marriage. Many were also unaware of the implications of marriage and the responsibilities that come with it. These forms of marriage generally disregard the free and full consent and wishes of the girls involved, thus placing them at high risk of violence and other forms of abuse and exploitation.

## Right to Education

The interviews conducted for this report suggested a strong link between school attendance and girls' ability to avoid child marriage. International law provides that everyone has the right to education and the right to equal opportunity in education.<sup>310</sup> While the right to education under the ICESCR is subject to progressive realization, governments also have core obligations that have to be fulfilled immediately. In particular, governments need to "provide primary education for all, on a non-discriminatory basis" and ensure that primary education is free of charge and compulsory.<sup>311</sup>

The 2005 CRC Committee's General Comment No. 7 on implementing child rights in early childhood interprets the right to education during early childhood as beginning at birth and closely linked to young children's right to maximum development.<sup>312</sup> With regards to secondary education, the ESCR Committee, which monitors state compliance with the ICESCR, in its General Comment No. 13 on the Right to Education has stated that governments also

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<sup>308</sup> CEDAW Committee, General Recommendation No. 21, Equality in Marriage and Family Relations, (Thirteenth Session, 1994), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc.HRI/GEN/1/Rev.1(2004), paras. 16, 1 (a) and (b).

<sup>309</sup> General Comment No. 16 of the Committee on Economic, Social and Cultural Rights, which oversees implementation of the ICESCR, para 27, sets out governments' obligations to "ensure that men and women have an equal right to choose if, whom, and when to marry." It notes that "the legal age of marriage for men and women should be the same, and boys and girls should be protected equally from practices that promote child marriage."

<sup>310</sup> ICESCR, art. 13, CRC, art. 28, African Charter, art. 17, Maputo Protocol, art. 12, ACRWC, art. 11. ESCR Committee, General Comment No. 13, The Right to Education (article 13 of the Covenant), E/C.12/1999/10 (1999), para. 57. Providing primary education is a core obligation for governments.

<sup>311</sup> ESCR Committee, General Comment No.13, The Right to Education, UN Doc. E/C.12/1999/10 (1999), paras. 10 and 57.

<sup>312</sup> CRC Committee, General Comment No. 7, U.N. Doc. CRC/C/GC/7/Rev.1 (2006), para. 28.

have “an obligation to take concrete steps towards achieving free secondary and higher education.”<sup>313</sup> According to the ESCR Committee, secondary education must not be dependent on a student's apparent capacity or ability, and should be distributed throughout the country in such a way that it is available on the same basis to all.<sup>314</sup>

The CRC Committee has highlighted the need for Bangladesh to do more to ensure access to education for children, especially girls. The Committee expressed concern over compulsory education being limited to five years, disparities between different types of schools including non-government schools such as *madrasas*, “the hidden costs of education,” and disparities in access to education in different regions of the country. The Committee also raised concerns about sexual harassment of girls at school and on the way to school, and about the low allocation for education in the government budget.<sup>315</sup>

The UN Independent expert on the right to water and sanitation has noted that where schools do not have sex-segregated toilets, girls often drop out of school, notably at the age of menstruation.<sup>316</sup> The CRC Committee identified the issue in its 2009 review of Bangladesh.<sup>317</sup> The UN special rapporteur on the right to education has recommended that states, to increase the availability of schools, “establish efficient mechanisms for supplying sanitary towels to adolescent girls who so wish, especially in rural areas, and ensure they can always have the use of the sanitation facilities they need.”<sup>318</sup>

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

Many of the married girls interviewed for this report had experienced physical, mental, and sexual violence following child marriage. Under international law, the government of Bangladesh has an obligation to prevent, investigate, prosecute, and punish violence

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<sup>313</sup> ESCR Committee, General Comment No. 13, The Right to Education (article 13 of the Covenant), E/C.12/1999/10 (1999), para. 14.

<sup>314</sup> ESCR Committee, General Comment No. 13, The Right to Education (article 13 of the Covenant), E/C.12/1999/10 (1999), para. 13.

<sup>315</sup> CRC Committee, Concluding observations of the Committee on the Rights of the Child: Bangladesh, UN. Doc. CRC/C/BGD/CO/4 (2009), paras. 73-74.

<sup>316</sup> Human Rights Council, Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, July 1, 2009, UN Doc. A/HRC/12/24, para. 30.

<sup>317</sup> CRC Committee, Concluding observations of the Committee on the Rights of the Child: Bangladesh, UN. Doc. CRC/C/BGD/CO/4 (2009), para. 74.

<sup>318</sup> Commission on Human Rights, Report of the special rapporteur on the right to education, February 8, 2006, UN Doc. E/CN.4/2006/45, para. 132.

against girls and women.<sup>319</sup> The responsibility is grounded in the rights of non-discrimination and equality, security of person, health, and freedom from torture and other ill-treatment provided in treaties that Bangladesh has ratified.

The CRC obligates governments to protect children from physical, mental, and sexual abuse or exploitation through legislation and other social and educational measures. The obligation to protect children from violence includes protection from parents or other caregivers.<sup>320</sup> The CRC also sets out the obligation of governments to protect children from sexual exploitation and abuse.<sup>321</sup>

The CEDAW Committee has identified key steps necessary to combat violence against women, among them: effective legal measures, including penal sanctions, civil remedies, and compensatory provisions; preventive measures, including public information and education programs to change attitudes about the roles and status of men and women; and protective measures, including shelters, counselling, rehabilitation, and support services.<sup>322</sup>

Violence targeting women prevents them from enjoying a host of other rights. These rights include the right not to be subject to cruel, inhuman, or degrading treatment or punishment, security of person, and at times, the right to life.<sup>323</sup>

The CEDAW Committee has also noted that “gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on the basis of equality with men,” including “the right to the highest attainable standard of physical and mental health.”<sup>324</sup> As this report shows, girls in Bangladesh who are subjected to child marriage may experience violence from their spouses, in-laws, and other family members. This includes physical, verbal, sexual, and psychological abuse. Girls and women often do not report violence to the authorities due to a number of cultural

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<sup>319</sup> Human 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.

<sup>320</sup> CRC, art. 19.

<sup>321</sup> Ibid., art. 34.

<sup>322</sup> CEDAW Committee, General Recommendation No. 19, Violence against Women, (Eleventh session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI\GEN\1\Rev.1 (1994), paras. 9 and 24.

<sup>323</sup> ICCPR, arts. 6, 7, and 9.

<sup>324</sup> CEDAW Committee, General Recommendation No. 19, paras. 1 and 7 (g).



and legal barriers as noted. Nonetheless, some women do report abuse, including forced marriages, but they rarely get redress.

Bangladesh's obligations to prevent, investigate, prosecute, and punish violence against girls and women includes ensuring that state actors, such as the police, the justice system, and customary processes, take all reasonable steps to provide everyone within its territory with effective protection against violence by private parties. Governments should also address the barriers that deter women and girls from reporting abuse and accessing protection—to better prevent abuse in the first place—and to change discriminatory attitudes. This includes effectively investigating such violence in a manner capable of leading to the identification, prosecution, and punishment of those responsible.<sup>325</sup>

The inaction of government authorities, police, prosecutors, and customary bodies in the face of violence against women creates an atmosphere of impunity facilitating further abuse, and dissuades women from seeking help. Their failure to act exposes girls and women to further violence.

## Right to Health

Child marriage—in Bangladesh and elsewhere—brings with it a great risk of health problems associated with early pregnancy. The right to health is enshrined in numerous international treaties. The ICESCR specifies that everyone has a right “to the enjoyment of the highest attainable standard of physical and mental health,” and obligates governments to implement the right without discrimination on the basis of sex, age, or other prohibited grounds.<sup>326</sup>

The CRC recognizes children's rights to health and to access health services, and notably the right to be protected from traditional practices prejudicial to the health of the child.<sup>327</sup> CEDAW obligates governments to take all appropriate measures to eliminate discrimination against women in the field of health.<sup>328</sup> The Human Rights Council has said

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<sup>325</sup> See generally, European Court of Human Rights, *Kaya v. Turkey*, judgment of February 19, 1998, Reports of Judgments and Decisions 1998-I, p. 324; *Jordan v. the United Kingdom*, No. 24746/94, judgment of May 4, 2001; *Finucane v. the United Kingdom*, No. 29178/95, judgment of July 1 2003; *Isayeva v. Russia*, 57950/00, judgment of July 27, 2004; *Adali v. Turkey*, 38187/97, judgment of March 31, 2005.

<sup>326</sup> ICESCR, art. 12.

<sup>327</sup> CRC, art. 24; See also ESCR Committee, General Comment No. 14, para. 22.

<sup>328</sup> CEDAW, art. 12(1).

that if resource constraints prevent states from immediately fulfilling women's rights to sexual and reproductive health, the state "must demonstrate that it has used all the resources at its disposal to do so as a matter of priority."<sup>329</sup> It also notes that some obligations, "including obligations related to a national plan of action, and the elimination of harmful practices and discrimination," are "not subject to resource availability."<sup>330</sup>

The CRC Committee has called on governments to reduce child mortality and to raise the age of sexual consent to prevent forced marriage and ensure the health of children.<sup>331</sup> The CRC Committee has expressed concern about inadequate access to reproductive health counselling and services for adolescents in Bangladesh and expressed "urgent concern" about health issues resulting from violence against girls and early marriage.<sup>332</sup> The Committee recommended that Bangladesh "take urgent legislative measures to prohibit early and forced marriages and other traditional practices harmful to the health and development of boys as well as girls."<sup>333</sup>

One of the factors leading to early pregnancy and childbearing is the lack of accurate reproductive health knowledge. The girls interviewed for this report appeared to have no access to information on reproductive health provided by the Bangladesh government, and only the patchiest of assistance from other sources.

## Right of Children to Express Their Views Freely

Married girls interviewed for this report often said that they had not wanted to marry, but they felt that they had no right to oppose a marriage chosen for them by their family. The right of children to express their views is set out in the CRC, which provides that they have this right in all matters affecting them, according to their age and maturity.<sup>334</sup> The CRC Committee's General Comment No. 12 on the right of the child to be heard affirms this right

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<sup>329</sup> Human Rights Council, Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality: Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/21/22 (2009), para 21.

<sup>330</sup> Ibid.

<sup>331</sup> CRC Committee, Concluding Observations: Costa Rica, U.N. Doc CRC/C/CRI/CO/4 (2011), paras. 27, 28.

<sup>332</sup> CRC Committee, Concluding observations of the Committee on the Rights of the Child: Bangladesh, UN. Doc. CRC/C/BGD/CO/4 (2009), para 63.

<sup>333</sup> Ibid., para. 68.

<sup>334</sup> CRC, art. 12.

in any judicial or administrative proceeding affecting their well-being.<sup>335</sup> In its comment, the Committee goes on to set out the obligations of governments to establish reporting mechanisms, such as telephone help lines and support mechanisms, to assist children in expressing their views. This includes access to physicians and to teachers who can offer a safe space for children to express their views freely or to seek help in any matter related to their well-being.<sup>336</sup>

## The Impact of Natural Disasters on Bangladesh's Legal Obligations

The challenges the Bangladesh government faces due to natural disasters do not change any of its obligations under international law to prevent child marriage. The United Nations Office of the High Commissioner on Human Rights has specifically addressed the link between disaster and human rights in a message on disaster risk reduction, saying:

All states have positive human rights obligations to protect human rights. Natural hazards are not disasters, in and of themselves. They become disasters depending on the elements of exposure, vulnerability and resilience, all factors that can be addressed by human (including state) action. A failure (by governments and others) to take reasonable preventive action to reduce exposure and vulnerability and to enhance resilience, as well as to provide effective mitigation, is therefore a human rights question.<sup>337</sup>

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<sup>335</sup> CRC Committee, General Comment No. 12, The Right of the Child to Be Heard, U.N. Doc.CRC/C/GC/12(2009), para.3.

<sup>336</sup> Ibid., para. 49.

<sup>337</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), "Organizational Profile," *PreventionWeb*, December 12, 2013, <http://www.preventionweb.net/english/professional/contacts/profile.php?id=1370> (accessed February 18, 2015).

## Recommendations

### To the Prime Minister of Bangladesh

- Support comprehensive reform of the Child Marriage Restraint Act (CMRA) by the end of 2015, including:
  - Setting the minimum age of marriage at 18 for men and women with no exceptions to this age limit;
  - Expanding prevention;
  - Making full consent a cornerstone of marriage;
  - Criminalizing marital rape;
  - Providing legal assistance and legal options for victims;
  - Simplifying bringing a complaint;
  - Extending the time period in which child marriage can be challenged;
  - Targeting penalties towards officials who are breaking the law;
  - Building effective enforcement into the law and the plan for its implementation.
- Make achievement of the child marriage targets you announced at the 2014 London Girl Summit (1. to, by 2021, end marriage for girls under age 15 and reduce by more than one-third the number of girls between ages 15 and 18 who marry by 2021; and 2. to end all child marriage in Bangladesh by 2041) a high priority for your government and ensure that they are achieved through the following steps:
  - Detailed planning with timebound and measurable intermediary benchmarks to track progress towards meeting the 2021 and 2041 targets;
  - Assign responsibilities for implementation across all relevant ministries and ensure coordination between them;
  - Engage and consult with all stakeholders within and outside government;
  - Allocate adequate resources—budgetary, human, and programmatic— to this effort;
  - Facilitate coordination with and support from the United Nations and donors to the achievement of the government’s timeline to end child marriage by 2041;

- Provide political leadership, including through public statements and support to the initiatives below.
- Produce a national plan of action to end child marriage and fully incorporate this plan of action into the government's seventh 5 year plan for fiscal years 2016 through 2020.
  - Support a consultative process, including with all relevant parts of government and with civil society, community leaders, and faith-based leaders to develop the plan of action;
  - Ensure the plan of action encompasses prevention of child marriage, protection and access to services, including for married adolescents, and accountability mechanisms;
  - Include a monitoring and evaluation component to identify lessons learned from policy implementation, campaigns, and service provision, including effective models for replication and expansion;
  - Provide for targeting of communities with the highest prevalence of child marriage, including those affected by natural disasters and extreme poverty;
  - Direct the Ministry of Foreign Affairs to withdraw Bangladesh's reservations to article 2 and article 16(1)(c) of the Convention on the Elimination of All Forms of Discrimination against Women, and make the necessary changes to domestic law to ensure that Bangladesh is in full conformity with the Convention in relation to child marriage;
  - Implement recommendations outlined in UN General Assembly resolution 69/156 and the April 2014 OHCHR report on preventing and eliminating child, early, and forced marriage;
  - Ensure that all relevant ministries are aware of the decisions taken at international forums, the commitments Bangladesh has made to reform and advance progress on human rights issues including child marriage, and their role in meeting these obligations;
  - Support a target on ending child marriage under goal 5 on gender equity and empowering all women and girls in the post-2015 Sustainable Development Goals.

## **REFORM THE CHILD MARRIAGE RESTRAINT ACT**

The government should move forward in revising the CMRA and should ensure that under the new CMRA the best interests of children are the primary consideration of the law. The drafters should make every effort to ensure that the law will cause no harm to children, or to adults who were married as children. The new law should be drafted through a consultative process that brings together all relevant government bodies and stakeholders in civil society to develop a comprehensive law with a strong focus on prevention, and formulate and implement an effective plan for enforcement of the new law. Specific issues the law reform process should address include:

### **Setting the Minimum Age of Marriage at 18 Years for Both Women and Men**

There should be no exceptions to this age requirement, including parental permission or permission from a court or other official.

### **Expanding Prevention**

The CMRA's present focus is solely on actions courts may take to prevent and punish child marriage. While these are important measures, and should be clarified and maintained, there is also a great need for expanded social support to prevent child marriage. The revised CMRA should include measures to increase prevention efforts, including public awareness programming about the harms of child marriage, enforcing universal mandatory birth registration, establishing and enforcing universal marriage registration, and further strengthening access to education and education retention programs for girls. There should also be detailed provisions on prevention of a planned child marriage in an individual case, including means for monitoring and enforcing an injunction and assisting the at-risk child. Criminal justice and local government officials should receive training on child marriage and their roles in preventing it and responding to violations of the law.

### **Making Full Consent a Cornerstone of Marriage**

The CMRA, in addition to ensuring that both parties to all marriages are adults, should contain provisions that ensure that no marriage can go forward without the full, free,



and informed consent of both parties to the marriage. Revision of the CMRA should also be accompanied by reform of personal status laws that discriminate against women and undermine full and free consent. The CMRA should explicitly prohibit the substitution of parental consent for that of the parties to the marriage.

### **Criminalizing Marital Rape**

Marital rape is not a crime under Bangladeshi law. Any revision of the CMRA should be accompanied by new legal provisions that clearly state that sex without consent in the context of marriage amounts to rape and incurs punishments as severe as those for other forms of rape.

### **Providing Legal Assistance and Legal Options for Victims**

The law should provide for legal assistance and representation specifically targeted to assist women and girls, and men and boys, who have been the victims of child marriage. They also need access to specialized social assistance, in the form of both financial support and services, which should be provided for under a revised CMRA. Bangladesh's personal status laws governing marriage, separation, and divorce discriminate against women. A comprehensive reform of all discriminatory personal status laws is required to ensure women and girls' equality and protect them from abusive husbands. Girls and women who were married as girls, who are seeking to leave their marital homes, require a full range of fair options for how the legal status of their marriage will be resolved, including access to legal separation, annulment, and divorce, all with appropriate options for child custody, maintenance, division of marital property, and child support.

### **Simplifying Bringing a Complaint**

The CMRA provides that a person bringing a complaint about a child marriage may be obliged to pay a bond to the court. The revised law should make it possible for any concerned person to bring a complaint regarding a child marriage and should remove the payment of any fees and any other obstacle that may deter bringing

such a complaint. The law should be revised to require that any complaint brought to the police or a criminal court official triggers an investigation and, if appropriate, legal action. The law should establish a transparent system of tracking complaints, monitoring the disposition of complaints, and reporting publicly on the handling of complaints in each local jurisdiction, to ensure that police and courts are fully responsive.<sup>338</sup>

### **Extending the Time Period Within Which a Child Marriage Can be Challenged**

The CMRA currently limits the time period during which a child marriage can be challenged to one year after the marriage has taken place. This is an arbitrary period and poses a major obstacle to justice for girls who have little ability to access the court system and should have access to help whenever they are ready and are able to seek assistance from the government or the courts. The new law should provide a longer time period accompanied by a provision specifying that only a spouse who was a child at the time that the marriage was contracted has the right to seek to void it on the grounds that it was a child marriage. This requirement is to ensure that any married girl who needs child support or other financial assistance can continue to go through regular divorce proceedings, since voiding the marriage would also eliminate any financial claim.

### **Targeting Penalties Primarily Toward Officials Who are Breaking the Law**

The CMRA provides for the same criminal punishment to be applied against anyone involved in a child marriage—including the spouse, the parents, and any official conducting the ceremony. In revising the CMRA, the government should give careful consideration to how the law can hold accountable those best able to systematically prevent child marriage, including officials who conduct or register marriages. The new law should put in place tough measures to detect and punish all officials who conduct or register child marriages or in any other way deliberately, negligently, or through

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<sup>338</sup> Such a tracking system can be a useful way of monitoring implementation of a new law. For example, in Afghanistan, the 2009 Law on the Elimination of Violence Against Women has been the subject of such monitoring by both the Afghan government and the United Nations.

corruption, fail to act to prevent child marriages. The authorities should give careful consideration to potentially harmful consequences to girls of bringing criminal prosecutions against parents and spouses.

### **Building Effective Enforcement into the Law and the Plan for its Implementation**

The failure of the CMRA to end child marriage in Bangladesh is not primarily a problem of an outdated law, but rather a problem of enforcement. For all of the problems with the law, it does make child marriage illegal, and the fact that Bangladesh has one of the highest rates of child marriage in the world in spite of the CMRA having been in place for so long suggests that there has been no willingness on the part of the government to enforce the law. In the research for this report, Human Rights Watch heard of numerous cases where police had intervened to try to prevent a child marriage, sometimes by threatening arrest, but not a single case where anyone—official or family member—faced any sanctions after a child marriage had taken place.

For a new CMRA to adequately support the government's goal of ending child marriage completely by 2041, the law will need to be fully and vigorously enforced. In drafting the new law, the government should carefully examine what obstacles have led to poor enforcement of the existing law. Such obstacles include: failure by law enforcement officials to take the law seriously and pursue cases; lack of access to legal assistance for victims of child marriage; gaps in birth and marriage registration systems; lack of consequences for public officials who fail to use birth and marriage registration systems to prevent child marriage; complicity of local officials in child marriages; corruption; gaps in public awareness; and gaps in programs designed to retain girls in education. As part of the process of revising the CMRA, the government should make a plan for addressing each obstacle through provisions in the new law and through a detailed plan to implement the law.

## To Members of Parliament, the Cabinet Division, and the Ministry of Law, Justice, and Parliamentary Affairs

- Draft and pass into a law a reformed version of the CMRA as discussed above with special attention to ensuring swift and full implementation of the new law.
- Make marriage registration compulsory for all religions. Create digital records that are accessible throughout the country as proof of marriage.
- Conduct a comprehensive assessment of how Bangladesh's laws and policies affect adolescents and develop and implement a plan to reform laws and policies that undermine the rights of adolescent girls and boys. Increase the role of parliament in ending violence against women and girls through following the steps outlined in the September 2014 Conclusions of the Regional Parliamentary Seminar on Ending the Cycle of Violence Against Girls in Asia-Pacific.<sup>339</sup>
- Enact a comprehensive law on social security, setting out clear criteria for eligibility for social assistance for divorced, separated, and abandoned women.
- Work toward comprehensive reform of Bangladesh's laws on marriage, separation, divorce, and related matters, in consultation with experts and civil society groups working on women's rights including those working with minority communities. Launch a participatory process involving all affected communities to enact civil laws that do not discriminate based on religion and gender. In the interim, amend personal status laws to eliminate discriminatory aspects, and strengthen mechanisms for implementing laws.

## To the Ministry of Women and Children Affairs

### *Take Steps to Prevent Child Marriage*

- Initiate a nationwide awareness campaign against child marriage in a variety of media and in formats accessible to those with disabilities and limited literacy, emphasizing the health risks of early pregnancy, the benefits of girls' education, the law prohibiting child marriage, the consequences for those who break the law, and the mechanism for reporting child marriage and obtaining assistance.

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<sup>339</sup> Bangladesh Parliament and Inter-Parliamentary Union, "Conclusions of the Regional Parliamentary Seminar on Ending the Cycle of Violence Against Girls in Asia-Pacific," <http://www.ipu.org/splz-e/dhaka14/conclusions.pdf> (accessed March 19, 2015).

- Provide funding to and partner with nongovernmental organizations to implement programs to better understand the root causes of child and forced marriage in Bangladesh, and to monitor and evaluate the effectiveness of programs addressing child and forced marriage and to use this information to improve programming.
- Develop and implement, in partnership with civil society organizations, nationwide programming to empower girls to refuse child marriage. Build on best practices by designing programs that equip girls with information about the harmfulness and illegality of child marriage, awareness about sexual and reproductive health, including menstrual hygiene management, skills training, career guidance, and support networks.
- Establish a national census on child marriage at regular intervals to provide reliable and detailed data that can be used to track trends and identify regional variation in the prevalence of child marriage and inform prevention efforts (and target assistance to victims).

### *Assist Married Girls*

- Provide legal assistance and counselling to married girls, both through shelters and through other walk-in programs.

### *Step Up the Fight Against Violence Against Women and Girls*

- Take steps to fully enforce the Domestic Violence (Prevention and Protection) Act of 2010.
- Initiate a nationwide awareness campaign against domestic violence in a variety of media and in formats accessible to those with disabilities, emphasizing the rights to marital home, protection against economic loss, and temporary maintenance. Encourage women to seek remedies under the law against domestic violence.
- Increase the number of women's shelters, aiming for at least one shelter in every district. Ensure that girls seeking to escape child marriage and women and girls in economic need after separation or divorce, as well as those subjected to domestic violence, are eligible for temporary housing in shelters. Do public outreach to ensure that girls and women are aware of the existence of shelters and know how to access them.

- Work with other ministries to establish measures to help women transition from temporary emergency housing to affordable housing of their own, including through income-generation and other social assistance programs.

### To the Ministry of Primary and Mass Education and the Ministry of Education *Keep Girls in School*

- Commit the resources necessary to guarantee access to free, compulsory primary education for all girls and boys.
- Provide school supplies and uniforms, if required, for free to students from low-income households, and remove barriers whereby attendance is conditional on having a uniform.
- Abolish all exam fees.
- Require that teachers teach the entire curriculum in class. In particular:
  - Ban “coaching” practices that unfairly disadvantage students who cannot or do not pay for coaching;
  - Take steps to reduce the use of supplemental “guidebooks” that must be purchased and prevent teachers from encouraging students to buy them.
- Ensure girls have access to safe, private latrines and appropriate materials needed to manage their menstrual hygiene in school.
- Require every school and local education officers to do outreach to students who have poor attendance or have dropped out to determine the cause of their absence and try to re-engage them.
- Develop programs through schools and communities to do outreach to, and seek to enroll or re-enroll, married children.
- Take steps to support married and pregnant students so that they can remain and re-enroll in school and are not discriminated against.
- Establish special awards for schools and colleges that achieve an equal gender ratio among their students completing secondary and higher secondary education.



### *Expand Access to Education Beyond Primary Education*

- Take concrete steps towards achieving access to a quality secondary education for all children, without discrimination, including for all children who, without the provision of free education or financial assistance, would otherwise be unable to access it.
- Prioritize ensuring equal access to education across the country by identifying communities without access to local schools and establishing schools to serve them.
- Expand stipend programs and develop new programs that specifically target girls from low-income households based on need with adjusted and appropriate attendance benchmarks but without achievement requirements.
- Explore measures to offset the cost of sending girls to secondary school, especially for poor families, such as providing a hot meal to students or providing food to families through schools.
- Increase the focus on skills training and pathways to employment for girls and help girls to train and plan for future employment.

### *Mobilize Schools to Play a Leading Role in Fighting Child Marriage*

- Add to the compulsory education curriculum comprehensive lessons on the harmfulness and illegality of child marriage, beginning when students are at an early age.
- Establish programs in all schools, including training of teachers and school administrators, to raise awareness about the harm and illegality of child marriage, and to monitor the student body for girls at risk of child marriage, and immediately raise this with parents.
- Institute a policy requiring every school to designate for students a specific staff member responsible for counselling and assisting individual students experiencing abuses, including risk of child marriage.
- Strengthen school responses to sexual harassment, including by coordinating schools to monitor problems of harassment of female students and intervene to prevent and end harassment, requiring schools to meet regularly with police in their area to facilitate cooperation on ensuring the security of students, and instructing school heads to contact the police in cases involving alleged criminal acts.

### *Empower Girls*

- Incorporate a detailed module on sexual and reproductive health into the national curriculum as an examinable, independent subject and ensure that it is taught in all schools. The module should include puberty education and methods of hygienic menstrual management.
- Link students with community healthcare providers through which they can access contraceptive supplies, and ensure that each school has designated staff members available to assist individual students seeking information and counselling on sexual and reproductive health, or access to contraceptive supplies.

### **To the Ministry of Health and Family Welfare**

- Work with the Ministry of Primary and Mass Education and the Ministry of Education to develop and implement education modules for all school children on sexual and reproductive health. These modules should be taught from early grades in school as part of the mandatory curriculum, should be linked with access to contraceptive supplies, and should include the following topics:
  - The detrimental effects of child marriage and health problems associated with early pregnancy;
  - Puberty education;
  - Methods of hygienic menstrual management;
  - Family planning and birth spacing;
  - The importance of antenatal care and skilled delivery.
- Expand community outreach teaching girls and women about sexual and reproductive health, including puberty education and methods of hygienic menstrual management, and helping them to access free contraception, with a priority on poor communities and girls in, or at risk of, a child marriage.
- Expand community outreach efforts to specifically target married girls, educate them about the importance of antenatal care and attended birth, and link them with antenatal services.

- Establish special health service units for young girls in government hospitals, district health centers, and at the lowest level administrative unit health complexes to provide sexual and reproductive health services and support to this population.
- Provide targeted and specialized health services to women and girls who have been the victims of violence, including both medical care and counselling and treatment for trauma.

### To the Ministry of Home Affairs

- Investigate all complaints of child marriage promptly, intervene to prevent child marriage whenever possible, and refer for prosecution anyone who has committed a crime under the CMRA, including officials who solemnize child marriages and those who provide forged birth certificates to facilitate child marriages.
- Develop an improved response to girls and women facing violence and abuse, including child marriage. Launch a program to develop protocols and training for police on their duties in assisting female crime victims. Accompany this with an outreach program to ensure that girls and women know that the police will assist them when their rights are violated, and to inform them how to seek help.
- Where the evidence merits it, arrest and criminally prosecute anyone suspected of violating the Dowry Prohibition Act.

### To the Local Government Division of the Ministry of Local Government and Rural Development and Cooperatives

- Provide clear guidance to local government officials regarding their responsibility to proactively enforce the law prohibiting child marriage.
- Ensure that all Union Parishad offices have access to the online database of birth registrations and issue policies requiring that all officials issuing or accepting birth certificates document that they have verified the information through the database.
- Establish a mechanism to receive and investigate reports of local government officials providing forged birth certificates. Dismiss and refer for prosecution any official found to have forged a birth certificate.
- Monitor the implementation of social assistance programs, creating complaints mechanisms for corruption and abuse of power by local government authorities.

## To the Ministry of Religious Affairs

- Institute a mechanism to receive and investigate complaints against *kazis* of registering and facilitating child marriages or helping to obtain forged birth certificates, and take swift action to revoke the license of any *kazi* found to have done so.
- Support this effort by advising all *kazis* of this new zero tolerance for child marriage and by undertaking proactive investigations into the conduct of *kazis* in areas with high rates of child marriage.
- Require all *kazis* conducting marriages to verify the age of the prospective spouses using the government's online database of birth registrations.

## To the Ministry of Social Welfare

- Undertake broader dissemination of information in a variety of media and in formats accessible to those with disabilities to improve awareness of existing social assistance programs, eligibility criteria, and application procedures among people in marginalized and disaster-affected communities.
- Expand assistance programs to disaster-affected communities, and increase transparency regarding eligibility criteria and application procedures.
- Develop a targeted assistance program (including poverty reduction and disaster risk reduction and response) designed specifically to prevent child marriage by assisting the families of at-risk girls.
- In consultation with the Local Government Division, improve oversight of assistance programs to ensure that disbursed funds reach the intended beneficiaries and to detect corruption and misuse of funds.

## To Union Parishads

- Coordinate with schools, community leaders, NGOs, and police to proactively identify and prevent planned child marriages before they happen, including identifying people who have come from other areas to get married because they have been prevented from marrying elsewhere.
- Work with police and school officials to identify and stop harassment of school girls.
- Institute strict policies to prevent and punish officials forging birth certificates.

- Work with local religious leaders to raise their awareness about the harmful impact of child marriage and the CMRA and engage them in helping to prevent child marriage.

## To International Donors and the United Nations

### *Urge the Bangladesh Government to Take Action*

- Encourage the Bangladesh government to develop a comprehensive national strategy to end child marriage through a broad consultative process, participate in its development, and support its implementation.
- Encourage the Bangladesh government to pass a reformed CMRA in 2015 which complies with international law and best practices.
- Include scrutiny of Bangladesh's efforts to end child, early, and forced marriage in human rights monitoring, reporting, and bilateral and multilateral dialogues.

### *Support the Global Effort to End Child Marriage*

- Support a target on ending child marriage under goal 5 on gender equity and empowering all women and girls in the post-2015 Sustainable Development Goals.
- Establish or strengthen financing and technical support for ending child, early, and forced marriage in high-prevalence countries, including Bangladesh, and ensure it is integrated as a cross-cutting issue in other donor assistance, including on education, health, natural disaster management, and economic development.

### *Fund Effective Programming on Preventing Child Marriage*

- Integrate strategies to prevent child, early, and forced marriage and to support married girls into assistance programs. These could include incorporating attention to child marriage in education, maternal health, poverty-alleviation, disaster preparedness/response, climate change adaptation, and economic development programs. Strategies include improving girls' access to education, including those supporting married girls to return to school; enhancing access to sexual and reproductive health information and services for adolescent girls; expanding income-generating opportunities for girls and their families, including married girls; building community awareness about the harms of child marriage and the importance of

delaying marriage; and helping girls at risk of, and in, forced marriages to access protection, justice, and redress.

- Urge and support the Bangladesh government to take measures to increase access to education for girls by taking all necessary measures to abolish associated costs; and ensure such measures are adequately resourced in future education sector plans financed by international education donors.
- Urge and support the Bangladesh government to introduce a comprehensive sexual and reproductive health education curriculum, including puberty education and menstrual hygiene management, in primary and secondary schools that complies with international human rights standards; implement this curriculum as an examinable, independent subject.

### *Assist Victims of Child Marriage*

- Support the establishment and maintenance of shelters for survivors of gender-based violence.
- Support the expansion of legal aid services for women and girls in both rural and urban areas, with a focus on assisting those who have experienced gender-based violence.
- Support justice sector reforms that pay particular attention to addressing discrimination against women in law and practice.

### *Support Research on What Works*

- Support nongovernmental organizations to implement programs to better understand the root causes of child and forced marriage in Bangladesh and actions needed to address it, and to monitor and evaluate the effectiveness of programs addressing child and forced marriage, share information about effective approaches, and use this information to improve programming.
- Support the replication and expansion of programs and strategies proven to be effective.

## Acknowledgements

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Most of all, we would like to thank the community members, especially the married girls, who generously shared their stories.

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## **Annex 1**

### **Letter to Bangladesh Government Presenting Human Rights Watch Research Findings on Child Marriage in Bangladesh**

February 18, 2015

Sheikh Hasina  
Prime Minister  
People's Republic of Bangladesh  
Prime Minister's Office  
Old Sangsad Bhaban  
Tejgaon  
Dhaka-1215.  
E-mail : [REDACTED]

Re: Child Marriage in Bangladesh

Dear Prime Minister Hasina:

I am writing to you on behalf of Human Rights Watch regarding an issue of great shared concern – the prevalence of child marriage in Bangladesh and your government's efforts to end the practice.

My colleagues and I were delighted to hear the commitments you made at the July 2014 Girl Summit in London to end child marriage under age 15 and reduce child marriage under 18 by more than one-third by 2021, and to end all child marriage in Bangladesh by 2041. We also welcome the specific steps you outlined at that time for how you intend to achieve these goals, including through reform of the Child Marriage Restraint Act and the development of a national plan of action to end child marriage.

Human Rights Watch has recently undertaken research on child marriage in Bangladesh, including by interviewing many married girls and their families, as well as community leaders and experts. I am writing to share with you the findings of our research and to request responses from your government to our findings and recommendations.

Our research largely focused on areas of Bangladesh that are affected by natural disasters, including remote villages. We interviewed many girls who had recently married at the ages of 12, 13 and 14-years-old; the youngest child bride we interviewed was 10-years-old, and a number of girls had married at age 11. In many of these locations, child marriage appeared to be not only accepted but actually expected. We identified a number of factors that seemed to drive very high rates of child marriage, including:

***Poverty:*** Many families made decisions to marry their daughters simply because they were in such economic desperation that they could not support all of their children. Some families suffered from serious food insecurity and malnutrition. None of the people we interviewed were receiving regular assistance from any government aid programs, although many of them were in the most extreme poverty. Under these circumstances, parents often arranged marriages for young daughters to reduce the number of mouths they had to feed and in hopes that the girl's in-laws would be better provide for her.

***Natural disasters:*** River erosion, flooding and cyclones played a major role in pushing many of the families interviewed into poverty, or worsening poverty they already faced. In many cases, there was a direct connection between natural disasters and decisions to arrange child marriages, with families deciding, for example, that they needed to marry their daughters off before they lost their home to river erosion.

***Lack of access to education:*** In spite of the government's efforts to make education accessible through abolition of school fees and other measures, associated costs for education including exam fees, school supplies, coaching and uniforms continue to put education financially out of reach for many very poor girls. When girls leave school, they face a likelihood of marriage as soon as they reach puberty.

***Social pressure, harassment and intimidation:*** Families with adolescent daughters often face a great deal of social pressure to marry their daughters early. In some cases families also face intimidation and threats, including threats to kidnap unmarried girls. These families do not receive any meaningful assistance from police when crimes have been committed or from local government in improving community security.

***Complicity of local officials:*** Across five different districts, families consistently described local government officials as facilitating child marriages, often enriching themselves through corruption in the process. It appears to be common practice for parents to obtain forged birth certificates from local officials for the payment of a small fee and then to be able to marry girls who are far underage using such forged birth certificates. Officials engaging in these offenses appear to face no risk of disciplinary or criminal sanctions.

In light of these findings, we would be very grateful for your responses to the following questions:

- 1) What is the current status of the process of reforming the Child Marriage Restraint Act?
- 2) What is the current status of the national plan of action to end child marriage?
- 3) Does your government have any plans to try to reduce child marriage by providing financial, food or other forms of direct assistance to needy families of at-risk girls?
- 4) Does your government have plans to integrate child marriage prevention strategies into government responses to natural disasters and climate change?
- 5) What steps is your government taking to improve local government and law enforcement responses to end harassment and intimidation of girls and to improve community security in remote areas?
- 6) What steps is your government taking to prevent and punish local officials from selling forged birth certificates and knowingly participating in illegal child marriages?

We also welcome any other responses or information you wish to share on this topic.

The findings of our research will be published in the coming months in the form of a Human Rights Watch report. We will gladly reflect your response in that publication, but in order to do so we would need to receive the response by March 13, 2015. Please feel free to contact me at



We sincerely hope that you and your government are prepared to engage in a dialogue with us about the crucial issue of child marriage. We would be very grateful for the opportunity to work together with you to try to end child marriage and improve the lives of Bangladeshi girls and women.

Best regards,

A handwritten signature in blue ink, appearing to read 'Liesl Gertholtz'.

Liesl Gertholtz  
Executive Director, Women's Rights Division

CC:

Honorable State Minister Meher Afroze Chumki  
Department of Women and Children Affairs

Honorable Secretary Dr. Akhtar Hussain  
Ministry of Primary and Mass Education

Honorable State Minister Asaduzzaman Khan  
Ministry of Home Affairs

Honorable Minister Dr. Khandaker Mosharraf Hossain  
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Honorable Minister Syed Ashrafur Islam  
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Honorable Minister Matiur Rahman  
Ministry of Religious Affairs

Honorable Minister Syed Mohsin Ali  
Ministry of Social Welfare

Honorable Minister Anisul Huq  
Ministry of Law, Justice, and Parliamentary Affairs



Bangladesh has the highest rate in the world of child marriage of girls under the age of 15 and the fourth-highest overall rate in the world. In the period 2005 to 2013, 65 percent of girls in Bangladesh married before age 18.

*Marry Before Your House is Swept Away*, is based on over a hundred interviews, most of them with married girls as young as age 10, and documents factors driving child marriage in Bangladesh, including poverty exacerbated by natural disasters, lack of access to education, social pressure, harassment, and dowry. The report also describes failure by the Bangladesh government to take adequate steps to prevent child marriage.

In 2014, Bangladesh's prime minister vowed to end child marriage. Awareness is growing among the population that marriage of girls under age 18 is illegal under Bangladeshi law. But this awareness is undermined by widespread complicity by local government officials in facilitating child marriages. Married girls are deprived of education, face serious health risks due to early pregnancy, and are at heightened risk for violence and abuse in the home compared to those who marry later as adults. Bangladesh's vulnerability to natural disasters adds additional hardship that increases the risk of child marriage for many girls.

The report calls on the Bangladesh government to step up efforts to prevent child marriage by reforming the Child Marriage Restraint Act, investigating and prosecuting crimes under the act, and ensuring and holding to account officials who fail to enforce the ban on child marriage. International donors should integrate strategies to prevent child marriage into assistance programs.

*(above) People living in a village affected by river erosion stand on the east bank of the Meghna River. River erosion destroys many families' houses and land. Some girls said concerns about erosion had prompted their parents to marry them before the family was affected by erosion. April 3, 2015.*

*(front cover) Belkis, 15 years old, holds her one-year-old son in the house where she lives with her mother, two sisters, and one brother. Belkis was married when she was 13 years old to a man who threatened to commit suicide if the family didn't agree to the marriage. After 14 months, her husband sent her home; he no longer financially supports her or the baby. Belkis fears her family's home will be washed away by river erosion by the end of the year. March 30, 2015.*

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