

Ending Violence against Children: Child Marriage

World Vision

WVB's Calls for Policy Amendment by FY 22-25

- Strong monitoring of the implementation of CMRA, 2017 so that no girl gets married off before the age of 18 years.
- Specify the minimum age of the child below which the court cannot grant permission of marriage under Section 19 of the CMRA, 2017



Expected Outcomes of this calls:

- Reduced child marriage: Specifically, the girl child will not be married before the age of 18 years.
- Enhanced gender equity that discourages men to marry girl children (minors)
- Strengthened advocacy that prevents the marriage of minors as per the special provision 19 of the CMRA, 2017.

Background:

There are currently 650 million child brides in the world, including newly married underage girls and women who were married in their childhood. As a result of the COVID-19 pandemic, up to 10 million more girls are at risk of becoming child brides. Child marriage includes any legal or customary union involving a boy or girl below the age of 18. This definition is based on Article 1 of the Convention on the Rights of the Child (CRC), which defines a child as "any human being below the age of 18 years". The Universal Declaration of Human Rights states that men and women of 'full age' have the right to marry (Article 16.1) and that marriage shall be entered into only with the, "...free and full consent of the intending spouses" (Article 16.2). The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) further elaborates that the marriage of a child will have no legal effect (Article 16.2). In Bangladesh, according to the Child Marriage Restraint Act, 2017, 'Child marriage means a marriage to which either or both of the contracting parties are minors'; while 'minor' means, in case of marriage, a person who, if a male, has not completed 21 (twenty-one) years of age, and if a female, has not completed 18 (eighteen) years of age.

Child marriage is a major threat to the survival, health, and well-being of children. Child marriage is a violation of basic human rights which places children, especially girls, at an increased risk of physical, sexual and psychological, and economic violence throughout their lives. While both girls and boys are subject to child marriage, girls are three times more vulnerable due to cultural norms and traditions and gender-based discrimination.

Underlying Causes:

Cultural norms and traditional practices are leading causes of child marriage. These norms and traditions originate from fundamentalism, certain religious beliefs, patriarchal mindsets, prevailing 'honour codes', and archaic justice mechanisms. These beliefs and practices over the decades have pervaded the mindsets of people in such a way that gender-based discrimination often remains unnoticed and they are hardly challenged. Boys are considered 'more valuable' and families prioritise investing in boys considering them as the future 'bread earners'. In some societies, family honour is associated with a daughter's virginity. Due to these mindsets, girls are often considered for early marriage to protect the family from dishonour.

Poverty plays a significant role in driving the practice of child marriage. In many parts of the world, parents marry off their daughters early to get rid of financial burden. For many poor families, early marriage of daughters is considered an easy means to get rid of an economic burden.¹

Lack of access to safe and affordable education also leads to child marriage. Literature supports that child marriage is more acceptable in contexts where there are limited alternatives available, particularly in the form of education and employment. In addition, inadequate safety and security of girls on their way to school encourage the parents to marry off their daughters as a solution to sexual harassment in public spaces. Lower levels of education are found amongst women who were married in their childhood. In Malawi, for example, nearly two-thirds of women with no formal education were child brides, compared to 5 percent of women who attended secondary school or higher levels of education.²

Marriage also acts as a safeguard. In communities where girls are at high risk of abuse and violence, families often believe child marriage could ensure their safety. In fragile contexts, parents are likely to consider marriage as a

safeguard for their daughters from hardship and uncertainty. In unstable and conflict-affected settings, girls are particularly vulnerable to rape, sexual violence, unwanted pre-marital pregnancies, homelessness, hunger or starvation, which pushes families into believing child marriage is the only option.³

Dowry is a common practice in Bangladesh. The amount of dowry increases with the age of the bride. According to a study by Bangladesh Population Council, the amount of dowry varies depending on the age of the girls. It was found that if the age of the bride is below 16 years, parents paid around BDT 50,000, if it is below 18 years, the amount is around BDT 80,000, and in the case of 20 years, the amount is BDT 1 lakh. This data is from surveys conducted in two districts of Bangladesh: Bogura and Jamalpur in 2017.

Consequences and Costs

Health: Child marriage is detrimental to girls' healthy transition from childhood through adolescence and into adulthood. Evidence shows that child marriage contributes to the early onset of sexual activity, early pregnancy, and early childbearing. Early pregnant mothers are less likely to receive proper nutrition, less likely to be immunized against childhood diseases, and are at higher risk of childhood mortality. Child marriage is also detrimental to the mental health of children. Infants born to mothers younger than 18 years of age have a 60 percent higher risk of dying in the first year of life, compared to those born to mothers older than 19 years. Just a 10 percent reduction in child marriage could contribute to a 70 percent reduction in maternal mortality and a 3 percent reduction in infant mortality rates.⁴

Education: UNICEF studies consistently demonstrate that girls who marry early are left without a formal education. The home management responsibilities along with raising children mean they have little opportunity to pursue education or receive vocational skills. Every additional year of schooling of a girl can increase her earning potential by 10 to 20 percent.⁵ Furthermore, the absence of formal education limits children's capacity to break the poverty cycle.

Vulnerability to violence: Girls who are married early face an increased risk of violence, abuse, and exploitation due to their lack of agency and the power imbalance within their new families. Recent global figures indicate that about one in three women (35 percent) worldwide has experienced physical and/or sexual violence in their lifetime.⁶ Girls who marry under 18 years of age, report experiencing physical violence twice as often; girls marrying under 15 years report experiencing physical violence **three times** more often than those who married at a later age.⁷ According to the Bangladesh Bureau of Statistics, around 72.6 percent of married women have, at some point in their lives, faced intimate partner abuse, where over half the cases involved physical assault.

Economic and social development: Child marriage impedes the productive capacity of future generations, contributing to a country falling behind in economic development and prosperity. The preliminary findings of a joint study by the International Centre for Research on Women (ICRW) and the World Bank, show that child marriage resulted in high costs for society due to increased population growth, reduced educational attainment, and loss of earnings for women and girls.⁸ Child marriage reduces 9% of future income opportunities for the women who got married early.⁹

Global legal framework

The Universal Declaration of Human Rights (UDHR) was the first international instrument to articulate the world's commitment to end and prevent child marriage and protect children from harmful traditional practices. Article 16 stipulates that the free and full consent of intended adult spouses is integral to a legally acceptable marriage, as well as equal rights during the marriage and its dissolution.¹⁰ The Convention on the Consent to Marriage, Minimum Age for Marriage, and Registration of Marriage (1962) contains further provisions asserting that child marriage is a violation of children's rights. The Convention on the Rights of the Child (CRC) calls for the abolition of all traditional practices that are prejudicial to a child's health¹¹; the CRC's positions on the Best Interest Principle¹² – the rights to freedom of expression, education, and protection from all forms of abuse – are all directly breached by the practice of child marriage.

The CEDAW and the CRC are mutually reinforcing conventions that forbid child marriage in international law. This is exemplified in CEDAW's General Recommendation No. 31 and CRC General Comment No. 18 on harmful traditional practices. The CRC holds the minimum age for marriage to be 18 years; CEDAW's General Recommendation No. 21 on equality in marriage and family relations includes comprehensive guidelines to ensure national legislation and policies to translate international standards into national legislation.¹³ The UN General Assembly's resolution on Ending Child, Early and Forced Marriage¹⁴ further reinforces the need to eliminate child marriage, outlining a raft of measures that member states must undertake to end this form of violence. Most recently, the Agenda 2030 which outlines global development priorities for the next fifteen years specifically refers to and commits to ending child marriage under Target 5.3: Eliminate all harmful practices, such as child, early, and forced marriage.

National legal framework

Like the other global legal framework in the sections above, Bangladesh has also enacted a law to address child marriage. The new law, which is called the Child Marriage Restraint Act, was passed in February 2017 by the Bangladesh Parliament and replaced the previous law of 1929. The Government has also circulated the rules for Child Marriage in October 2018. The law was enacted with the purpose of dealing with the issue of underage marriage comprehensively and contains several positive innovations including:

- a. Reiterating the cognizable, non-bailable and non-compoundable nature of the offense
- b. Setting up of Child Marriage Prevention Committees
- c. Strengthening the powers of government officials
- d. Increasing penalties for underaged marriage

WVB's Master plan and ITAW Campaign to End child marriage

Advocacy wider calls for further policy amendment

- The legal provisions should exclude the minor party from being penalized for contracting child marriage.
- The law should include that child marriage is voidable at the option of the minor.
- The legal provisions should clearly specify the requirement to obtain free and full consent of the minor concerned when applying for marriage under the 'special provision'.
- Amend "The Child Marriage Restraint Act, 2017" keeping the legal age of marriage for both men and women the same, preferably 21 years age for both.

Advocacy calls for Prevention

- Ensure that national strategies and plans to end child marriage are resourced and adopt a cross-sectoral approach, engaging the education, health, civil registration, justice, and protection sectors.
- Invest in compulsory primary and secondary education: remove barriers – especially for girls – and ensure school environments are inclusive, safe, and child friendly.
- Design, implement and scale-up national awareness-raising campaigns that are sensitive to specific cultural and social values: change the harmful traditions and practices that cause child marriage.
- Support income generation and economic development opportunities through the provision of microfinance, training, cash and non-cash incentives, subsidies, loans, and scholarships for vulnerable families and for adolescents, especially girls.
- Create supportive services for girls and young women at risk, such as girls' clubs, vocational training, and livelihood activities that empower them and improve their life chances.
- Recognise the heightened risk of child marriage in emergencies and fragile contexts to ensure action to prevent and respond to these risks from the outset of the humanitarian response.
- Involve the religious leaders as the agents of change to stop child marriage.
- Popularizing the national toll-free Helpline numbers: 109, 1098, and 999.

Advocacy calls for Protection

- Establish child protection mechanisms to identify the warning signs, address the risks and provide support to survivors of child marriage.
- Support girls who are already married by providing them with options for schooling, SRHR- sexual and reproductive health services (including HIV prevention), livelihoods skills and recourse from violence in the home.
- Promote and advocate for free and late birth registration, particularly in rural areas; ensure the registration process is simple and accessible – and part of the overall civil registration and vital statistics system.
- The Government should make provisions with regard to establishing an independent fund for shelter and protection homes, rescue, rehabilitation, legal aid, medical treatment, psychosocial counselling, etc. for the survivors of child marriage.
- The CMRA should make specific provisions for a shelter home for victims of child marriage or for victims escaping child marriage.

Advocacy calls for Restoration

- Provide vital social protection services – such as social transfers and access, support, and care services – targeting the most vulnerable households;
- Routinely monitor interventions to prevent and respond to violence against all children and adolescents with the strong participation of civil society, communities and children.

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- ¹UNICEF (2009) State of the World's Children
- ²UNICEF (2014), Ending Child Marriage: Progress and Prospects.
- ³World Vision, "Untying the Knot: Exploring Early Marriage in Fragile States," page 11
- ⁴Raj A, Boehmer U. (2013) Girl child marriage and its association with national rates of HIV, maternal health, and infant mortality across 97 countries. *Violence against Women*, 19: 536-51.
- ⁵Women Deliver: <http://womendeliver.org/wp-content/uploads/2016/05/Deliver-for-Good-Card-6.pdf>.
- ⁶World Health Organization (2016) Violence against women: Intimate partner and sexual violence against women fact sheet [online] www.who.int/mediacentre/factsheets/fs239/en/
- ⁷International Centre for Research on Women (2007). *New Insights on Preventing Child Marriage*
- ⁸International Centre for Research on Women (ICRW) & World Bank (2015): *Economic Impacts of Child Marriage: Preliminary findings from analyses of existing data*
- ⁹*Economic Impact of Child Marriage*, ICRW & the World Bank, 2017
- ¹⁰Universal Declaration on Human Rights (UDHR), Article 16
- ¹¹Article 24(3) of the Convention on the Rights of the Child (1989)
- ¹²UNHCR Guidelines on Determining the Best Interests of the Child (2008): <http://www.unhcr.org/4566b16b2.pdf>
- ¹³CEDAW General Recommendation No. 21: Equality in Marriage and Family (1994)
Relations <http://www.refworld.org/docid/48abd52c0.html>
- ¹⁴Human Rights Council (1 July 2015): *Strengthening efforts to prevent and eliminate, child early and forced marriage*