



Committee on the Rights of the Child  
Human Rights Treaties Division, OHCHR  
Palais Wilson - 52, rue des Paquis  
CH-1201 Geneva, Switzerland

November 17, 2014

Re: Supplementary information on Bangladesh, scheduled for review by the Committee on the Rights of the Child during its Pre-sessional working group

Dear Committee Members,

The Center for Reproductive Rights (the Center), an international non-governmental organization with offices in Nepal, Colombia, Kenya, Switzerland, and the United States, has prepared this letter to assist the Pre-Sessional Working Group of the Committee on the Rights of the Child (the Committee) in its review of Bangladesh's compliance with the Convention on the Rights of the Child (Convention) and formulation of the list of issues during the 70th session.

This letter focuses on child marriage, which is an issue of urgent concern for girls in Bangladesh. Particular emphasis is placed upon: (1) existing legal prohibitions of child marriage; (2) barriers to compliance with and enforcement of prohibitions upon child marriage, including the incongruence of national laws and personal laws with respect to the minimum age for marriage; the absence of legal remedies and recourse for married girls; and the state party's failure to prosecute in respect of breaches of the law prohibiting child marriage; (3) the continuum of reproductive rights violations stemming from child marriage, including early pregnancy, lack of access to reproductive health services and lack of reproductive autonomy, and marital rape. In addition, we invite the Committee to refer to the Center's publication titled *Child Marriage in South Asia: Stop the Impunity*, which we submitted in June 2014 as an annex to our submission on India, as well as our new fact sheet (attached) *Child Marriage and Personal Laws in South Asia: International Standards Requiring Governments to End Human Rights Violations Based on Religious Norms*.

The Committee has repeatedly expressed concern about the prevalence of child marriage in Bangladesh. In its review of Bangladesh's initial state report (1997), the Committee noted the persistence of the "harmful practice" of early marriage and its effect upon the enjoyment of rights to survival, health, nutrition and education.<sup>1</sup> These concerns were reiterated by the Committee in its review of Bangladesh's second periodic report (2003)<sup>2</sup> and combined third and fourth periodic reports (2009).<sup>3</sup> The Committee recommended that Bangladesh take "urgent legislative measures to prohibit early and forced marriages,"<sup>4</sup> including "studies and campaigns,"<sup>5</sup> "public awareness campaigns and measures to provide appropriate assistance to

families in carrying out their child-rearing responsibilities.”<sup>6</sup> In 2009, the Committee specifically noted that of urgent concern for adolescent health were “issues arising from violence against girls and early marriages,” and expressed concern regarding the “inadequate attention to the health of adolescents, especially females.”<sup>7</sup> The Committee called for the government to take steps to “prevent and end harmful practices, especially in rural areas.”<sup>8</sup> Concern as to the ongoing practice of child marriage was also expressed by the Committee on the Elimination of Discrimination against Women (CEDAW Committee) in its review of Bangladesh's sixth and seventh periodic reports (2011)<sup>9</sup> and by the Special Rapporteur on Violence Against Women (SRVAW) in her recent visit to Bangladesh in 2013.<sup>10</sup>

Bangladesh has addressed the issue of early and forced marriages in its fifth periodic report<sup>11</sup> stating that it has introduced the Empowerment of Adolescent Girls Project in consultation with UNICEF. However, it is to be noted with concern that Bangladesh elected not to co-sponsor the Human Rights Council's procedural resolution 24/23<sup>12</sup> and General Assembly resolution 68/148 on child, early and forced marriages.<sup>13</sup> Those resolutions were co-sponsored by 107<sup>14</sup> and 109<sup>15</sup> nations respectively. Given that Bangladesh continues to have the fourth highest incidence of child marriage worldwide,<sup>16</sup> its adoption of those resolutions would have been indicative of its political commitment to address this serious human rights crisis.

## **I. Right to Freedom from Child Marriage (Arts. 2, 3, 7, 12, 19, 24, 34)**

Child marriage has previously been recognized by the Committee as a form of violence against children.<sup>17</sup> A number of treaty-monitoring bodies and experts, including the CEDAW Committee, the Committee against Torture (CAT Committee) and the SRVAW, have additionally recognised that child marriage constitutes a form of violence against women.<sup>18</sup> According to Joint General Recommendation/Comment 31 of the CEDAW Committee and 18 of the Committee, child marriage constitutes a “harmful practice” that results in the denial of dignity and the violation of the rights under both conventions.<sup>19</sup> As a signatory to the Convention, Bangladesh has an obligation to protect the rights of women and children, including through the effective prohibition of child marriage and provision of legal remedies.<sup>20</sup>

Girls who are wed as children would often prefer to delay marriage, yet they are married without their consent, violating their right to be heard under Article 12, rendering them powerless to determine their own life and future.<sup>21</sup> Married girls are denied educational opportunities, face barriers to developing income-generational skills, and are isolated from society, resulting in complete dependence on their husbands and perpetuating their low status in society. As such, a state party's failure to eliminate the practice violates the best interest of the child principle established in Article 3, which General Comment 14 affirms includes ensuring children's well-being, education, and freedom from violence.<sup>22</sup> Child marriage may also result in separation of a child from her parents without consideration of her best interests in violation of Article 9.<sup>23</sup> In various Concluding Observations, the Committee has recognized that the practice derives from discriminatory social attitudes,<sup>24</sup> and causes suffering and marginalization of women.<sup>25</sup> The role of child marriage in perpetuating gender inequality constitutes a discriminatory interference with girls' enjoyment of their human rights.<sup>26</sup> In Bangladesh, women who are married face high rates of violence from their partner, including economic, physical and sexual abuse, violating

their right to be free from violence and sexual exploitation under Articles 19 and 34.<sup>27</sup>

Due to the multiple violations of a child's rights stemming from child marriage, the Committee has stated that states parties must take steps to eliminate child marriage, including by enforcing a legal age of marriage of 18, with or without parental consent, outside of exceptional circumstances.<sup>28</sup> The new Joint General Comment/Recommendation issued by the Committee and the CEDAW Committee on harmful practices affirms that governments have a "due diligence" obligation to ban child marriage through legislation and supplement legal bans "with a comprehensive set of measures to facilitate its implementation, enforcement, follow-up, monitoring and evaluation of the results achieved."<sup>29</sup> The Committee specifically states that governments must repeal "all legislation which condones, allows, or leads to harmful practices...without further delay, including traditional, customary or religious laws," and require birth and marriage registration and ensure effective enforcement.<sup>30</sup> Further, governments must ensure that women and girls affected by harmful traditional practices have access to legal remedies and appropriate reparations, "including through addressing legal and practical barriers for initiating legal proceedings, such as the limitation period for initiating legal procedures, and that the perpetrators and those persons who aid or condone such practices are held accountable."<sup>31</sup>

#### **(A) Scope of the Problem**

According to UNICEF, in Bangladesh, 32% of girls are married by 15 and 66% are married by 18.<sup>32</sup> Bangladesh's 2011 Demographic and Health Survey (2011 DHS) found that the median age at first marriage for females ages 20-24 is 16.6 years.<sup>33</sup> Sixty percent of women in Bangladesh are mothers by the age of 19.<sup>34</sup>

The reasons for the prevalence of child marriage in Bangladesh are varied, but include discriminatory traditional practices, lack of economic opportunities for women, demand for dowry, fear of sexual harassment and rape and non-enforcement and inconsistency in laws aimed at preventing child marriage.<sup>35</sup>

Within Bangladesh, there are significant disparities in vulnerability to child marriage. Girls exposed to multiple forms of discrimination- including rural, poor, and uneducated girls-are at the greatest risk of child marriage. Rural girls are typically married a year earlier than urban girls, on average, at 15 years of age.<sup>36</sup> The vast majority of those married by the age of 18 received no education or had not completed a secondary education.<sup>37</sup> Eighty one percent of currently married women ages 20-24 are in the lowest wealth quintile.<sup>38</sup>

#### **(B) Current Protections and Barriers to Enforcement**

Child marriage violates many fundamental rights protected in Bangladesh's Constitution (the Constitution), including the fundamental right to equality before the law<sup>39</sup> and non-discrimination on the grounds of sex.<sup>40</sup> The Constitution also imposes obligations upon the Government of Bangladesh to take steps to ensure the participation of women in all forms of national life,<sup>41</sup> equality of opportunity for all citizens<sup>42</sup>, and education for all children.<sup>43</sup>

Pursuant to the Child Marriage Restraint Act 1929 (CMRA), marriage prior to the ages of 18 years for females and 21 years for males is recognised as a crime and punishable with fines and imprisonment for adults who marry a minor,<sup>44</sup> those involved in solemnizing a child marriage<sup>45</sup> and parents or guardians who permit a child marriage to be solemnized.<sup>46</sup> However, the penalties are weak, with imprisonment of up to one month only, or a fine of Tk1,000 (equivalent to roughly \$13 USD).<sup>47</sup> Enforcement of the provisions of the CMRA is frustrated by the fact that proceedings for an alleged offence under the Act must be taken within one year from the date of marriage,<sup>48</sup> and that the courts may require the complainant to provide a security bond.<sup>49</sup> Little data exists for the prosecution of persons breaching the provisions of the CMRA, and what data does exist is not easily accessible.<sup>50</sup> Notwithstanding the lack of available data, anecdotal evidence suggests the provisions of the CMRA are rarely enforced.<sup>51</sup> Further, the CMRA contains no provisions stating that marriages below the minimum ages set forth are void or voidable, meaning that once such marriages are performed, they are considered valid.<sup>52</sup>

Enforcement of the prohibition of child marriage is further frustrated by the inconsistencies amongst laws governing the practice of marriage. The Committee has previously expressed concern as to the lack of uniformity in national legislation dealing with marriage and recommended that Bangladesh take steps to define “childhood” uniformly in accordance with the Convention.<sup>53</sup> Despite the recommendations of the Committee and recent legislation passed in 2013 defining “child” as anyone below eighteen years of age, religiously-based personal laws in Bangladesh recognize minimum legal ages for marriage that are inconsistent with the CMRA. Marriage in Bangladesh is governed by separate personal laws applicable to Muslims, Hindus, Parsis, Christians, and other religious groups.<sup>54</sup> Muslim, Hindu, and Christian religious personal laws permit marriage at an earlier age than 18 years.<sup>55</sup> Whilst the CMRA prescribes penalties for those who engage in or facilitate child marriage, the personal laws do not provide for the nullification of marriages performed in contradiction of the Act. The CMRA and personal laws also do not require the consent of the participants to a marriage under the age of majority.

Bangladesh has taken steps to reduce the driving forces behind child marriage by introducing legislation to ban dowries<sup>56</sup> and introduce a stipend for non-married women undertaking secondary education.<sup>57</sup> Despite these measures, demands for dowry are highly prevalent in Bangladesh and a crucial factor in the performance of a marriage. Since younger brides can be given away in marriage with a lower dowry, this contributes to the high incidence of child marriage.<sup>58</sup>

### **(C) Proposed Legislative Amendments**

On September 15, 2014, the Government of Bangladesh approved a draft *Child Marriage Restraint Act 2014*, updating the prohibitions contained within the CMRA. The draft legislation has been prepared by the Ministry for Women and Children's Affairs. According to media reports, the draft legislation will introduce tougher penalties for adults who engage in or facilitate child marriage, with minimum penalties of a six month imprisonment and a Tk 10,000 (\$130 USD) fine and maximum penalties of two years imprisonment and Tk 50,000 (\$646 USD) fine.<sup>59</sup> Media reports also indicate that the new legislation proposes provision for the family

court to cancel child marriages in cases of necessity.<sup>60</sup> At the time of preparing this submission, reports indicated that the draft legislation does not address the inconsistency with the personal laws or the status of marriages solemnised in contravention of the Act.

According to media reports, the Government of Bangladesh recently considered amending existing legislation to lower the legal age for marriage from the current ages of 18 for females and 21 for males to 16 and 18 respectively.<sup>61</sup> More recent reports indicate that this reduction in minimum legal age has been withdrawn, although the legislative process is not yet complete. If such an amendment is reintroduced, it would not only be contrary to the Committee's stated position that all states must take steps to prevent marriage of persons under 18 years, but would institutionalize the practice and harmful effects of such marriages which are reported on in this letter.

#### **(D) Registration of Births and Marriages**

Birth registration is critical to enforcing laws prohibiting child marriage. Under Article 7 of the Convention, children are required to be registered immediately after birth.<sup>62</sup> This obligation is echoed by ICCPR Article 24, which also requires registration for all children immediately after birth.<sup>63</sup> Without effective systems of registration, a family or guardian is able to marry off a girl who is below the minimum legal age for marriage in contravention of the law that prohibits child marriage.<sup>64</sup>

The Committee has repeatedly expressed concern as to the lack of birth registration in its Concluding Observations on Bangladesh,<sup>65</sup> with particular emphasis on the lack of a functional birth registration system and low public awareness of the obligation to register births.<sup>66</sup> The Committee has recommended that Bangladesh take steps to increase birth registration, including awareness raising campaigns, implementation of a mobile registration system to reach remote areas and a national electronic birth registration system.<sup>67</sup>

Historically, births in Bangladesh have largely gone unregistered. The Bangladesh Bureau of Statistics reported in 2006 that only one in ten children under the age of five years was registered at birth.<sup>68</sup> The reasons for the lack of registration are varied, but include lack of awareness, weak enforcement of laws, and lack of a centralized registrar.<sup>69</sup> Birth registration is also strongly linked with socioeconomic status. Accordingly to the 2011 DHS, children under 5 from the highest wealth quintile are significantly more likely to have their births registered (41%) than children from the lowest wealth quintile (23.5%).<sup>70</sup> UNICEF has also reported that Bangladeshi police officers have been known to exaggerate children's ages in court documents to avoid having to comply with the procedural safeguards offered to children by law, and that the low level of birth registration in the country has denied children protection of the law.<sup>71</sup>

Whilst Bangladesh is to be commended for the enactment of the Births and Deaths Registration Act in 2006 - requiring the registration of birth for every child<sup>72</sup> and production of birth certificates as proof of age upon registration of marriage<sup>73</sup> - and the implementation of policies to digitize birth registration, birth registration continues to be the exception rather than the rule in Bangladesh. At the time of the 2011 DHS, only 30.5% of children 4 years and younger were

registered, and only 22 % had birth certificates.<sup>74</sup>

## **II. Continuum of Violations of Girls' Rights under the Convention from Child Marriage (Arts. 2, 3, 6, 19, 24, 28, 29, 32, 34, 37)**

International conventions and consensus documents adopted by governments worldwide have recognised the failure to eliminate child marriage as violating a broad range of human rights, and that states are accountable for the severe pain, anguish, and even death that girls suffer as a consequence of child marriage.<sup>75</sup> The Government's failure to enact and implement comprehensive laws to combat child marriage leads to a continuum of violations of the rights of girls, in the form of marital rape, early pregnancies that increase the risk and occurrence of maternal mortality and morbidity, and physical and emotional abuse.<sup>76</sup> The Committee has recognized the harms arising from child marriage in General Comment 18,<sup>77</sup> including violence and reproductive rights violations, and repeatedly affirmed that the best interests of the child standard must be observed in all health-related actions affecting children.<sup>78</sup> Bangladesh is obligated to ensure the best interests of a girl even after she is married.<sup>79</sup> This requires ensuring that adolescent girls, including married girls, have access to appropriate health information<sup>80</sup> and can make "autonomous and informed decisions about their reproductive health."<sup>81</sup>

### **(A) Violation of Girls' Reproductive Rights**

Under the Convention, Bangladesh is obligated to protect girls' reproductive rights. Article 6 notes that each child has an inherent right to life and that states parties shall ensure, to the maximum extent possible, the survival and development of the child.<sup>82</sup> Article 24 also recognizes the right to enjoy the highest attainable standard of health,<sup>83</sup> which requires all states, including Bangladesh, to "take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children"<sup>84</sup> and implement programs to systematically identify and prevent risks that threaten children's health.<sup>85</sup> The Committee has recognized that harmful practices, including child marriage, expose girls to "significant risks to their sexual and reproductive health, particularly in a context where they already encounter barriers to decision-making on such issues arising from lack of adequate information and services, including adolescent-friendly services."<sup>86</sup> General Comment 18 establishes that "special attention is therefore needed to ensure that women and adolescents have access to accurate information about sexual and reproductive health and rights and on the impacts of harmful practices as well as access to adequate and confidential services."<sup>87</sup>

#### **(i) Early Pregnancy and Maternal Mortality and Morbidity**

Child marriage creates a high likelihood of early pregnancy and a high risk of maternal mortality and morbidity, which threatens a girl's right to life under Article 6.<sup>88</sup> The Committee has established that states must implement "measures to reduce maternal morbidity and mortality in adolescent girls."<sup>89</sup>

Complications arising from early pregnancy and childbirth are the main causes of death among adolescent girls between the ages of 15 and 19 in developing countries.<sup>90</sup> Adolescents who experience early pregnancy are twice as likely to die in pregnancy or childbirth as women over the age of 20.<sup>91</sup> Adolescents under 15 “are five times more likely to die during pregnancy or childbirth.”<sup>92</sup> Early pregnancy also exposes young girls, who are physically not fully developed, to complications such as obstetric fistula, which leads to infection, incontinence, and significant pain.<sup>93</sup> The most recent public estimates of obstetric fistula, from 2002, found that nationwide, over 400,000 women were living with vesicovaginal fistula while 16,000 women had rectovaginal fistula.<sup>94</sup> The World Health Organization has explicitly recommended a standard marriage age of 18 and empowering adolescents to delay pregnancy until 20 due to the particularly harmful effects of early pregnancy.<sup>95</sup>

Despite these health risks, according to the 2011 DHS, 40% of women ages 20-24 in Bangladesh had their first child by the age of 18.<sup>96</sup> According to UNICEF, the maternal mortality rate for adolescents in Bangladesh is double the national rate.<sup>97</sup> Rates of child marriage are highest among rural women and women from backgrounds with lower levels of education and lower levels of wealth.<sup>98</sup> Women from lower educational backgrounds and in lower wealth quintiles are also less likely to receive antenatal care, thus increasing the likelihood of maternal complications associated with child marriage. Alarming, antenatal care from trained providers declined between 2007 and 2011 among women without any education and in the lowest wealth quintile.<sup>99</sup>

## **(ii) Access to Sexual Education and Contraceptive Information and Services**

Recognizing the link between child marriage and negative sexual and reproductive health outcomes, the Committee has called for states parties to ensure that schools provide “age-appropriate information on sexual and reproductive health and rights, including in relation to gender relations and responsible sexual behaviour, HIV prevention, nutrition, protection from violence and harmful practices.”<sup>100</sup> The Committee has stated that states parties are obligated to “ensure that health systems and services are able to meet the specific sexual and reproductive health needs of adolescents, including family planning” services,<sup>101</sup> and that “[s]hort-term contraceptive methods... should be made easily available to sexually active adolescents.”<sup>102</sup>

According to the 2011 DHS, less than half of married girls are using contraception (47%), and unmet need for contraceptives is highest amongst this age group.<sup>103</sup> While as reported by the government fertility rates among girls age 15-19 have decreased between 1989 and 2011, this corresponds to a decline in fertility rates overall, not merely among younger women<sup>104</sup> and the individual risk of early pregnancy remains high for adolescent girls.

According to the 2011 DHS, only 47.7% of girls ages 15-19 and 49% of girls ages 15-24 are aware that use of condoms during sexual intercourse can reduce the risk of contracting AIDS.<sup>105</sup> The level of knowledge is significantly lower for girls ages 15-24 than boys ages 15-24 (72%).<sup>106</sup>

### **(iii) Lack of Access to Safe Abortion Services**

In General Comment 15, the Committee affirms that states must “ensure access to safe abortion and post-abortion care services, irrespective of whether abortion itself is legal.”<sup>107</sup> General Comment 4 recognizes that unsafe abortion contributes to adolescent maternal mortality.<sup>108</sup> The Committee has repeatedly expressed concern where girls face barriers to legal, safe abortions,<sup>109</sup> and has recommended that abortions be performed with “all due attention to minimum standards of health safety.”<sup>110</sup>

Abortion is expressly prohibited by legislation in Bangladesh, save only where is undertaken in good faith to save a pregnant woman’s life.<sup>111</sup> Bangladesh does, however, permit “menstrual regulation” which is performed within ten weeks of a woman's last menstruation without confirmation of pregnancy and does not lead to abortion in all cases.<sup>112</sup> However, access to menstrual regulation is limited and studies have shown that over a quarter of women asking for menstrual regulation are turned away.<sup>113</sup> Women report being turned away for several reasons, including because they lack the consent of their husbands, are told that they are too young, or that they currently had no children.<sup>114</sup>

Access to safe abortion services is particularly crucial for married girls and adolescents, who are at significant risk of unplanned pregnancy because they often lack both the capacity to refuse their husband's demand for sex and knowledge of contraceptive services. Bangladesh has the highest rate of pregnancy before the age of 18, at 35%, in the South Asia region.<sup>115</sup>

However, despite menstrual regulation being legal and a viable alternative for some women, especially within the first 10 weeks of a suspected pregnancy, it does not offer a safe and practical solution for many women faced with unplanned pregnancies. As a result, unsafe abortions are still widely performed in Bangladesh and the odds of dying from complications of an unsafe abortion are five times those of dying from childbirth.<sup>116</sup> In 2010 an estimated 653,000 menstrual regulation procedures were performed, 646,000 induced abortions were performed in Bangladesh, and 231,400 women were treated for complications from unsafe abortions.<sup>117</sup> The rate of induced abortions between 1995 and 2010 increased by 82%.<sup>118</sup> Only 40% of women who required post abortion care actually obtained such care at facilities.<sup>119</sup>

Child marriage is significantly associated, not only with a higher risk of unplanned pregnancies, but also a higher need for pregnancy termination.<sup>120</sup> The prevalence of pregnancy termination was 4% higher among women married in childhood than their adult counterparts.<sup>121</sup>

### **(iv) Violation of Girls' Right to Education**

Under the Convention, Bangladesh is required to make education available and accessible to all children.<sup>122</sup> The Committee has noted that high rates of early marriage and pregnancy are linked to low school attendance and high drop-out rates.<sup>123</sup> Recognizing the relationship between harmful practices such as child marriage and violations of the right to education, the Committee has called for states parties to “provide free and compulsory primary education that is girl-friendly, including in remote and rural areas” and to “consider making secondary education

mandatory while also providing economic incentives for pregnant girls and adolescent mothers to complete secondary school and establish non-discriminatory return policies.”<sup>124</sup>

A 2013 study found that 75.7% of women surveyed who were attending school in Bangladesh at the time of marriage ceased to do so upon marriage.<sup>125</sup> This increased to 79.9% of girls in rural areas.<sup>126</sup> The withdrawal of girls from education has adverse consequences not just for those concerned, but for society as a whole. Studies have shown that the education of girls increases incomes, which benefits families and countries alike, reduces the number of children a girl will have, guarantees significant improvements in the health of her children, reduces the risk of HIV infection, decreases domestic violence, lessens the likelihood of harmful traditional practices, and on a broad scale, and has the ability to promote democracy and political participation.<sup>127</sup>

### **(B) Violation of Girls' Rights to be Free from Violence, Torture, Cruel and Inhuman and Degrading Treatment**

Article 19 of the Convention prohibits all forms of violence against children.<sup>128</sup> Article 34 further obliges states to protect children from all forms of sexual exploitation and abuse.<sup>129</sup> The Committee has recognised that states must regard girls and women married as children as more likely to be vulnerable to gender-based violence.<sup>130</sup> States must “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitations, including sexual abuse.”<sup>131</sup>

Article 37 of the Convention prohibits torture, cruel, inhuman and degrading treatment. The CAT Committee has noted that child marriage exposes girls to severe physical and mental suffering including, as noted above, marital rape, violence and early pregnancy. Where children have no accessible recourse to a remedy, this can amount to torture or cruel, inhuman or degrading treatment or punishment.<sup>132</sup> The CAT Committee has also recognized that permitting child marriage, or failing to prevent child marriage, “amounts to violence against [girls] as well as inhuman or degrading treatment.”<sup>133</sup> Under human rights laws, states parties are considered complicit for the suffering experienced by married girls where they permit personal laws to condone child marriage.<sup>134</sup>

As noted in this Committee’s General Comment 18, married girls often lack autonomy or decision-making power, which in combination with a lack of sexuality education leave them unable to negotiate sexual experiences within marriage.<sup>135</sup> Economic dependence and lack of social support can also “expose young married girls to other kinds of violent trauma during marriage” including domestic violence and sexual abuse by her in-law's family.<sup>136</sup>

Violence against women is prohibited by the provisions of the Penal Code of Bangladesh (the Penal Code) relating to violent crimes generally. Specific legislation also exists with respect to domestic and dowry-related violence, including the Dowry Prohibition Act 1980, Acid Crimes Control Act 2002, Suppression of Violence Against Women and Children Act 2000 and Domestic Violence (Prevention and Protection) Act 2010. However, the provisions of the Penal

Code permit sex within marriage, as long as the female spouse is not under the age of 13.<sup>137</sup>

Despite these protections, domestic violence - particularly towards girls and adolescents - remains commonplace. A survey conducted by the Bangladesh Bureau of Statistics in conjunction with the UN Statistical Department in 2011 (2011 Statistical Survey) reported that 51% of women ages 15-19 had experienced violence by their current husband.<sup>138</sup> Forty-two percent of women ages 15-19 had experienced violence from their current husband in the prior 12 months.<sup>139</sup> The 2011 Statistical Survey also found that 32% of women ages 15-19 had ever experienced sexual violence during their lifetime from their current husband,<sup>140</sup> with twenty-four percent having experienced sexual violence from their current husband in the prior 12 months.<sup>141</sup> Thirty-two percent of adolescent girls believed that “wife-beating” may be justified under certain circumstances.<sup>142</sup>

Dowry-related violence and killings reportedly remain prevalent across Bangladesh. According to the SRVAW, “during the first eight months of 2013, civil society organizations reported 327 cases of dowry-related violence suffered by women and girls.”<sup>143</sup> Of this total, 208 included physical abuse, 110 were murder cases, and in 9 cases the victims committed suicide. These cases do not include instances in which women’s children or other relatives were the victims of such dowry-related violence.<sup>144</sup>

Alarming, statistics reveal that most women affected by domestic violence in Bangladesh are either unable or unwilling to seek medical attention or legal action. The 2011 Statistical Survey found that only 65.13% of women who experienced violence from their current husband sought medical attention for their injuries.<sup>145</sup> Further, only 2.36% of women who suffered domestic violence reported taking legal action.<sup>146</sup> Reasons for not taking legal action were varied, but included social stigma, a view that legal action was not necessary, fear of husband and a belief that “husband has a right to torture wife.”<sup>147</sup> These statistics reveal the need for law reform and different forms of social and institutional support to ensure legal protections against domestic violence are actually accessible by women and girls.

### **III. Suggested Questions to be Proposed to State Party**

**The Center respectfully requests that this Committee pose the following questions to the delegation representing the Government of Bangladesh during its 70th Session.**

1. What is the current status of the draft legislation amending the Child Marriage Restraint Act? What measures is the State Party taking to ensure that the current draft is consistent with human rights obligations, including ensuring that the minimum legal age of marriage is 18 years for both girls and boys and clarifying that this law has primacy over any personal laws? What is the legal status of marriages performed in contravention of the minimum legal age of marriage under the current draft legislation, and if such marriages are considered “voidable,” under what circumstances may a girl void such a marriage?

2. What steps has the State Party taken to fulfil its “due diligence” obligation to ensure the effective implementation of the Child Marriage Restraint Act, as required under General Comment 18, including to facilitate prevention of child marriage, enforcement of the law, follow-up, monitoring and evaluation of the results achieved?
3. What measures has the State Party taken to ensure effective implementation of the Births and Deaths Registration Act and to comply with the Committee’s recommendations in 2003 and 2009 to take steps to increase birth registration, including awareness raising campaigns, implementation of a mobile registration system to reach remote areas and a national electronic birth registration system?
4. What measures are being taken to specifically enable young married girls to postpone pregnancy and access quality reproductive health-related information and services, including contraceptive information and services, maternal health care, and safe menstrual regulation and abortion services?
5. What specific steps are being taken by the State Party to protect girls from sexual violence both within and outside of marriage? Is the State Party taking measures to criminalize marital rape regardless of age? What steps is the State Party taking to enforce the Dowry Prohibition Act 1980 and legislation prohibiting violence against women, and to ensure that women and girls have access to the resources necessary to avail of these legal protections?

**We sincerely hope that this information is useful to the Committee as it prepares to review the government’s compliance with the provisions of the Convention. If you have any questions or would like further information, please do not hesitate to contact us.**

Sincerely,



Melissa Upreti  
Regional Director for Asia  
Center for Reproductive Rights



Payal Shah  
Senior Legal Adviser for Asia  
Center for Reproductive Rights

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- <sup>1</sup> Committee on the Rights of the Child (CRC Committee), *Concluding Observations: Bangladesh*, para. 15, U.N. Doc. CRC/C/15/Add.74 (1997).
- <sup>2</sup> CRC Committee, *Concluding Observations: Bangladesh*, para. 61, U.N. Doc. CRC/C/15/Add.221 (2003).
- <sup>3</sup> CRC Committee, *Concluding Observations: Bangladesh*, para. 32, U.N. Doc. CRC/C/BGD/CO/4 (2009).
- <sup>4</sup> *Id.* para. 68.
- <sup>5</sup> CRC Committee, *Concluding Observations: Bangladesh*, para. 35, U.N. Doc. CRC/C/15/Add.74 (1997).
- <sup>6</sup> *Id.* para. 38.
- <sup>7</sup> CRC Committee, *Concluding Observations: Bangladesh*, para. 63, U.N. Doc. CRC/C/BGD/CO/4 (2009).
- <sup>8</sup> *Id.* para. 68.
- <sup>9</sup> Committee on the Elimination of Discrimination against Women (CEDAW Committee), *Concluding Observations: Bangladesh*, paras. 27, 39-40, U.N. Doc. CEDAW/C/BGD/CO/7 (2011).
- <sup>10</sup> *Special Rapporteur on Violence against women, its causes and consequences (SRVAW) finalises country mission to Bangladesh* (May 29, 2013), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13374&LangID=E>.
- <sup>11</sup> Government of the People's Republic of Bangladesh, *Fifth State Party Periodic Report (Under the Convention on the Rights of the Child)* 47-48, U.N. Doc. CRC/C/BGD/5 (2012).
- <sup>12</sup> Human Rights Committee, *Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps*, U.N. Doc. A/HRC/24/L.34/Rev/1 (2013).
- <sup>13</sup> U.N. General Assembly, *Resolution Adopted by the General Assembly on 18 December 2013: Child, early and forced marriage*, U.N. Doc. A/RES/68/148 (2014).
- <sup>14</sup> Human Rights Council, *Report of the Human Rights Council on its twenty-fourth session. Part Two: Summary of proceedings*, para. 195, U.N. Doc. A/HRC/24/2 (2014).
- <sup>15</sup> U.N. General Assembly, *Promotion and protection of the rights of children: Report of the Third Committee* 36-37, U.N. Doc. A/68/452 (2013).
- <sup>16</sup> UNICEF, STATE OF THE WORLD'S CHILDREN 2013: CHILDREN WITH DISABILITIES 132 (2013) [hereinafter UNICEF, STATE OF THE WORLD'S CHILDREN (2013)].
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