moved to Bangladesh at the age of six, where she cared for her two younger siblings and her disabled mother. She was rescued after her aunt, who lived in Britain, learnt that her parents had forced her to marry. This particular case of Humayra Abedin portrays why forced marriages have increased so much in recent years. Too many South Asian parents seem to be paranoid about their children choosing partners outside their religion and nationality. In a bid to marry their children off within the same community parents try to 'arrange' their marriages. Parents usually try to marry their children off early thinking it's easier to coerce and manipulate children until a certain age; many cases get hidden under the carpet.

"[In Bangladesh] there is no definition for 'forced marriage' but there are family laws which provide that consent is required to validate a marriage -- this is required under for example both Muslim and Christian law in Bangladesh," says Sara Hossain, who fought Humayra's case in the High Court, "so a Muslim marriage is not valid unless both parties have given their free and full consent. There is an important case from Pakistan, also regarding a woman called Humaira, where the court made very important observations on how Islam also guarantees women's right to consent, and that this is in conformity with basic human rights guaranteed in the Pakistan Constitution and in international law."

During Humaira's case the Pakistan Court observed: '... in matters of marriage a woman was given equal right [by Islam] to choose her life partner... Unfortunately, in our practical lives, we are influenced by a host of other prejudices bequeathed by history, tradition and feudalism... It is that culture that needs to be tamed by law and an objective understanding of the Islamic values... Male chauvinism, feudal bias and compulsions of a conceited ego should not be confused with Islamic values. An enlightened approach is called for (taken from Pakistan Legal Digest 1999 Lahore, page 494).'

Bangladesh, as party to the Universal Declaration of Human Rights 1948 (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the UN Convention on the Rights of the Child 1989 (CRC), the government is obliged to protect the basic right of every person's right to marry or not to marry, and when and whom to marry and also to prohibit child marriage. In case of minors, although the Bangladesh government has set the minimum age limit for women to marry at 18 and for men to marry at 21, it is not enforced, and underage marriages take place all over Bangladesh everyday. Sometimes there's a fine line between an 'arranged' marriage and a 'forced' marriage.

"[Bangladesh] does not have a separate law on forced marriage but we do have laws that criminalise acts that are committed in the course of committing a forced marriage, and also remedies for those affected/threatened by forced marriage," says Hossain, "so for example abduction for the purpose of forced marriage is a criminal offence under the Bangladesh penal code and writs can be filed in our High Court [under the constitution, as in Humayra's case] and if the person is found to be 'held in custody in an unlawful manner' the court can order their release (even where held by their own family). There are other remedies too, for example injunctions to stop child marriages, divorce or annulment (the latter rare) following a forced marriage."

Forced marriage violates the fundamental right of a person guaranteed by the Constitution of Bangladesh although the right to marry is not explicitly protected by legislation in Bangladesh.

Forced marriage violates the fundamental right of a person guaranteed by the Constitution of Bangladesh although the right to marry is not explicitly protected by legislation in Bangladesh. Humayra was lucky her case got coverage in the British media and the UK government got involved. But what would happen if Humayra had not been a resident of the UK? Hossain hopes the Court proceedings would have been the same since it applied the Bangladeshi Constitution as it did in this case. But there are many more women and girls who are forced into marriages in our country and no one ever talks about them. This can be illustrated by the fact that there has been so little interest in Humayra's case from the local media until the foreign media got involved. Here was an adult woman imprisoned in her own home against her will and physically and emotionally tortured and told she was a lunatic because she fell in love with a man of another faith, and when her lawyers tried to get in touch with the media here some responded by saying that this was 'a family matter'.

And the marriage scenario in Bangladesh we know is far from black and white. In reality although in any religion 'consent' of both a man and a woman is a must for a legal marriage to take place in many cases there's a thin line between 'coercion' and 'consent'. In too many cases it is coerced or emotionally blackmailed or given under fear or emotional pressure. Also consent can only be given by the individuals if they have reached a certain age. While people can give the excuse of 'religion' or 'culture', the truth is that neither religion not culture supports parents forcing children to marry someone against their will. It is a person's legal right to choose who they marry. ■