

18 OR 16 OR BOTH?

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PHOTO: PRABIR DAS

If the Bangladesh government has its way, the legally permissible marriage age would be both 18 and 16.

The draft Child Marriage Prevention law, that has been in the making for over a year now proposes 18 as the minimum age for marriage. But, it keeps an additional provision – a 16-year-old girl can marry with the “consent of her parents or the court for justified reason” as per media reports. Now if you are wondering what those justified reasons can be, the state minister of MoWCA, has offered the following rationale: “What will happen when a girl gets pregnant before 18?” (According to a Prothom Alo report published on 12 March, 2015). The argument is untenable.

First, child pregnancy has never been a huge problem in Bangladesh. At least not big enough to justify marriage of a 16-year-old. After all, the very reason why 18 is set as the minimum age is, before 18, a girl is not physically ready for marriage.

Second, let's assume a 16-year old is being married because she got pregnant. How about someone from the community, or the local police station or the Social Welfare Department intervening (newspapers routinely report such stoppages)? Can the parents then explain why their 16-year old girl is being married off? So, the social disgrace or scandal that the law is expected to save the girl and her family from, will remain a potent threat.

Third, the condition of 'parental consent' for legal approval of marriage at 16 sounds bizarre. In Bangladesh some 64% of women aged between 14-20 years got married when they were below 18, as per a Plan Bangladesh national survey done in 2013. Aren't almost all of these marriages taking place with parents' consent? So how can parents' consent be a deterrent as the proposed law appears to claim?

Fourth, if the law, as it is scripted now, goes ahead, how would one estimate the child marriage rate? Maybe, one would first find out how many got married before 18 (X%) and then how many got married before 18 but after 16 with the consent of parents or the court (Y%). Then, one would just minus the latter from the former (X%-Y%), right? There is a problem though - how one can find out the latter figure (Y%)? Imagine a data collector asking a married woman (or her parents) who got married at 17 if she got pregnant before marriage.

Five, the government or indeed any organisation that works on prevention of child marriage is going to suffer a credibility crisis. For 86 years (the existing Child Marriage Restraint Act was



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installed in 1929) we have told people not to marry before 18. How could we now say, without looking silly and untrustworthy, that it is ok to marry off girls at 16?

Here is what the government should do. Talk to the experts and try to understand why such an overwhelming majority of them think 18 and 18 only should be the minimum age for marriage. ■

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