



CONSENT TO MARRIAGE and best interest of girls

CARE Bangladesh, in association with The Daily Star, organised a roundtable titled “Consent to Marriage and Best Interest of Girls” on October 19, 2023. Here, we publish a summary of the discussion.



Golam Mortoza,
Editor, The Daily Star Bangla

The dominance of politics in our national spheres has, unfortunately, diverted attention away from critical issues like child marriage. Despite Bangladesh's commendable progress in women's empowerment and overall development over the past five decades, we still lag behind due to neglecting such pressing social concerns. Alongside religious and economic factors, the deeply ingrained perception of girls as burdens continues to contribute significantly to the alarming prevalence of child marriage. A glaring loophole in our current policy is the special provision allowing child marriage under the age of 18, demanding immediate rectification. We must prioritize bridging the policy implementation gaps in Bangladesh, as our struggle lies not in the strength of our policies but in our ability to enforce them effectively.



Mahmudur Rahman Khan,
Technical Coordinator, M&E, Tipping Point Initiative, CARE Bangladesh & Keynote presenter

The study conducted as part of CARE's Tipping Point Initiative delves into the practice of obtaining consent for marriage and the understanding of the best interests



discontinue their education upon marriage. In their own words, girls articulate their best interests as encompassing the continuation of their education post-marriage, as well as access to skill-building opportunities to reach their full potential. They aspire to independence, motivation to build a better future, and the ability to prioritize consent in their life decisions. Freedom of mobility and opportunities to express and establish their consent, irrespective of age, place, or gender, are also highly valued by these girls.

The existing legal provisions, particularly Article 19 in the Child Marriage Restraint Act (CMRA) 2017 and Child Marriage Restraint Rules (CMRR) 2018, lack comprehensive explanations concerning the well-being of girls after marriage, viable, safe alternatives, the definition of their best interests, and an analysis of the associated risks. It is crucial to mainstream girls' priorities and respect their perspectives to cultivate a shared understanding of their best interests and the means to safeguard them.

The criteria for special circumstances must be more precise, as they currently rely heavily on the mutual agreement of two families, often undermining the significance of obtaining girls' consent, even when the CMRR 2018 is in effect. Activating and promoting the significance of Child Marriage Prevention Committees (CMPC) at the national and local levels, as outlined in the CMRR 2018, is essential.



Rawnak Jahan,
Director, Women and Girls Empowerment Program, CARE Bangladesh

The Child Marriage Restraint Act contains limited provisions to prevent the misuse of Article 19, and unfortunately, these provisions have yet to be effectively enforced, coupled with a general lack of awareness about this law, perpetuating the neglect or disregard of girls' consent in our society. There is a prevailing assumption within the decision-making process that a girl will always comply, neglecting the crucial need to consider her perspective and opinions, especially when these decisions significantly impact her life.

The deeply entrenched societal perception surrounding a girl's sexuality is a highly sensitive and taboo issue, and this influences our willingness to disregard girls' consent and exclude them from processes where their best interests should be paramount. Tragically, in our society, it is more acceptable to tolerate acts of rape, sexual harassment, or an unhappy life post-marriage than it is to support a girl's pursuit of education and aspirations for her future.



Sara Hossain,
Honorary Executive Director, BLAST

Although the girl and her parents may recognize the illegality of child marriage, they might not fully grasp her right to grant or deny consent. Additionally, financial hardships and security concerns frequently push parents towards child, early, and forced marriages, with the misconception that marriage can address or prevent sexual harassment. Nevertheless, if a girl is married without her consent, any sexual activity within the marriage can be classified as marital rape. To address these issues, a comprehensive awareness campaign is essential to underscore the importance of consent and to educate girls about their right to refuse. Legal measures alone can not

guarantee overall improvement. Education emerges as a powerful instrument capable of creating numerous opportunities for women, empowering them to confidently make informed decisions about marriage. Furthermore, there should be increased accountability for marriage registrars who often facilitate early marriages by allowing inaccurate information.



Dr. Fauzia Moslem,
President, Bangladesh Mahila Parishad (BMP)

The notion of our personal rights, though enshrined in our constitution, has long been neglected, often conflated with religion when the topic of personal choice arises, which is regressive. It is imperative to assess the adequacy of our current legal framework in addressing child marriage, early marriage, and forced marriage and consider the addition of more components to tackle these issues effectively.

While poverty is a contributing factor to child marriage, it's noteworthy that many upper-middle-class parents also show interest in such marriages. Beyond security concerns, this inclination stems from traditional and ceremonial perspectives, underpinning the belief that daughters must marry early. It is essential to transform this parental outlook. Encouragingly, young women are increasingly advocating against child marriage, and it is crucial to bolster their confidence and ensure they can rely on their consent.



Dr. Tania Haque,
Professor, Department of Women and Gender Studies, University of Dhaka

The incidence of child marriages doesn't exhibit a consistent decline; rather, it tends to surge significantly during events such as climate change or the emergence of crises like COVID-19.

To establish a truly gender-neutral society, it's crucial to implement laws that are not blind to gender. Evaluation of the impact of these laws should follow their formulation, as societal norms maintain a formidable influence, often rendering legal measures ineffective.

Surprisingly, 75% of the younger generation still upholds the belief that if a husband is the primary breadwinner, the wife need not work, reflecting deeply ingrained patriarchal norms that persist among both men and women. Therefore, addressing parenting issues is imperative to impart moral values effectively to the younger generation.



Arpita Bosunia,
Tipping Point Activist girl from Pargacha, Rangpur

Consent entails a voluntary decision made without any external influence. I wish for my family to value my input, fostering an amicable relationship with my husband. Traditionally, parents believed that females lacked the capacity to shape their own futures, asserting their authority in making decisions on their behalf. In numerous instances, families pressure their daughters into arranged marriages to uphold their family's honor, regardless of their daughters' reluctance. Whenever parents come across a suitable marriage prospect for their daughters, they swiftly initiate the marriage process without considering their daughters' potential for future careers, such as becoming a banker or a BCS cadre.



Nishath Sultana Purabi, Director-Policy, Advocacy, Influencing and Campaign, Plan International Bangladesh

The Child Marriage Restraint Act of 2017 serves as a valuable tool for raising awareness among parents, adolescent girls, and boys. While our society leaves our female children vulnerable, it also mirrors the status of women at the state level, evident in their poor participation in political parties and indirect representation in parliament.

The definition of 'consent' should be clarified to enhance community understanding. Organizations such as Girls Not Brides, dedicated to safeguarding girls and combating child marriage, along with other stakeholders, including the government, must unite for this cause, with the primary leadership role belonging to the government.

As the upcoming election draws near, it is must to include the commitment to reducing child marriage in the election manifesto.



Advocate Salma Ali, President, Bangladesh National Women Lawyers' Association (BNWLA)

There should be an increased focus on integrating sex education into the school curriculum and enhancing legal education in law schools. Awareness projects should prioritize educating girls about sex education and sexuality, particularly after marriage.

Child marriages affect more than 85% of those involved and frequently lead to violence. The government should honor international agreements like the CRC and CEDAW with concrete actions. The true challenge lies in effectively implementing the policies, despite the numerous government initiatives in place.



Sigma Ainul, Project Director (Keeping Girls in School to Delay Child Marriage) & Senior Program Officer, Population Council

We need to expand efforts to promote the concept of consent, given that many individuals lack a clear understanding of it.

Secondly, the absence of data on the prevalence of child marriage following the enactment of the Child Marriage Restraint Act, 2017 is a concerning gap that requires attention.

It's crucial to recognize that child marriage is not solely a product of poverty; it's deeply rooted in gender social norms and the control over female sexuality. Issues concerning girls' mobility and participation in the labor force compound this problem. While numerous NGOs work on challenging gender norms and fostering community engagement, it's equally vital to engage parents, religious leaders, community leaders, school teachers, and government officials to ensure that girls have access to gender-equitable services.



Dr. Mahbubul Alam, Head of Program, Population Services and Training Center (PSTC)

It is vital to take into account the perspectives of clerics, actively

engage them in implementing necessary reforms, and acknowledge the beliefs held by individuals who attend religious institutions. Prioritizing inclusive efforts, we must work towards unifying these diverse viewpoints on a shared platform to effectively combat child marriage throughout our society.



Dr. Farhana Ahmed, Director - External Relations and New Business, Marie Stopes Bangladesh

In the context of raising awareness, particularly regarding child

marriage, it is vital to emphasize the perils associated with early pregnancy, maternal mortality, and increased health risks for girls. Parents must fully comprehend these risks, as well. Although mothers have good intentions, they often lack the essential negotiation skills to secure a brighter future for their daughters.

When mothers have access to financial resources, they become better equipped to ensure a brighter future for their daughters and families and to enhance their negotiation skills.



Tashfiyah Jalil, Senior Coordinator, BRAC James P Grant School of Public Health

The notion of informed consent is pivotal; a mere "yes" to marriage falls short, it should be "informed consent." Informed consent demands a profound comprehension of the repercussions of marriage, especially when very young brides are expected to fulfill marital obligations without proper knowledge or access to sexual education and resources.

The necessity for comprehensive sexual education and support services is undeniable, but it presents a complex challenge in traditional communities where deeply ingrained norms and practices persist. Addressing these issues mandates sensitivity, awareness, and inclusive strategies to safeguard the rights and well-being of young brides.



Aroma Dutta, Member of Parliament, Bangladesh Parliament

Numerous organizations have undertaken substantial efforts to combat child marriage, leading to the establishment of new laws. However, a significant gap persists in implementing these regulations, accompanied by a deficiency in disseminating essential information. To bridge this gap effectively, initiatives should focus on reaching women and female children, particularly in rural areas, through social media and innovative media like cartoons.

Additionally, there's a need for increased accountability among parliament members involved in law-making, as the misinterpretation of religion often supports child marriage.

A concerted, conscious effort is required from all of us to facilitate these crucial societal changes. The involvement of judiciaries, magistrates, and the police force is essential, and laws should be more women-friendly, extending their reach to grassroots levels.



Tanjim Ferdous, In-charge of NGO and Foreign Missions at the Business Development Team, The Daily Star, & Moderator of the session

A concerning 51% of women aged 20-24 years in Bangladesh are subjected to child marriage, and the country is home to 38 million child brides, with an even more alarming statistic showing that 13 million of these girls were married off before the age of 15 (UNICEF, 2020). Child marriage rates in Bangladesh have been exacerbated not only by poverty, inadequate education, harmful cultural practices, insecurity, the climate refugee crisis, and religious factors but also by the impact of the COVID-19 lockdown. Additionally, Article 19 of the CMRA 2017 is contributing to the persistence of child marriage by creating loopholes in prevention efforts in both rural and urban areas.