**Comments from the Center for Reproductive Rights in response to the call for submissions from the Office of the High Commissioner for Human Rights on child, early, and forced marriage.**

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The Center for Reproductive Rights (the Center)—an international non-profit legal advocacy organization headquartered in New York City, with regional offices in Nairobi, Bogotá, Kathmandu, Geneva, and Washington, D.C.—uses the law to advance reproductive freedom as a fundamental human right that all governments are legally obligated to respect, protect, and fulfill. Since its inception twenty-five years ago, the Center has advocated for the realization of women and girls’ human rights on a broad range of issues, including on the right to access sexual and reproductive health services; preventing and addressing sexual violence; and the eradication of harmful traditional practices, including female genital mutilation and child marriage. We are pleased to provide this submission to the Office of the High Commissioner for Human Rights on child, early, and forced marriage.

The Center’s work on child marriage focuses on Asia, specifically on four countries: Bangladesh, India, Nepal, and Pakistan. In 2016, the Center released *Ending Impunity for Child Marriage in Nepal: A Review of Normative and Implementation Gaps* (annex 1[[1]](#endnote-1)), a report to inform policy makers, law enforcement officials, and human rights defenders of the key legal gaps and inconsistences that have undermined efforts to address child marriage in Nepal. The Center has also published in Nepali a *Stakeholder’s Manual on Legal Protections against Child Marriage* with a focus on the Implementation of Law and an *Amendment Proposal for Legal Reform to Strengthen Protections against Child Marriage in Nepal*. The Amendment Proposal was widely disseminated during the law reform process in Nepal. Based on the Stakeholder’s Manual and as part of the implementation of the National Strategy to End Child Marriage in Nepal, the Center together with the Ministry of Women, Children and Social Welfare organized district level consultations with government officials and CSOs on their role to end impunity for child marriage (in five districts of Nepal). The Center is working on reports on child marriage in Bangladesh, India, and Pakistan. Our responses detail the progress and setbacks towards ending child, early, and forced marriages in these countries.

1. **International and regional levels**

There have been several recent developments at the United Nations with respect to ending child marriage. A number of UN human rights bodies, including committees overseeing the Convention on the Elimination of all Forms of Discrimination Against Women,[[2]](#endnote-2) the Convention on the Rights of the Child,[[3]](#endnote-3) Covenant on Civil and Political Rights,[[4]](#endnote-4) Covenant on Economic, Social, and Cultural Rights,[[5]](#endnote-5) and the Convention Against Torture[[6]](#endnote-6) have called on states to end child marriage. Furthermore, the UN Sustainable Development Goals include eliminating all harmful practices, including child marriage.[[7]](#endnote-7) In 2016 the UN Special Rapporteur on Torture released a report that calls on states to eradicate child marriage, specifically recognizing that child marriage can rise to the level of torture and cruel, inhuman, or degrading treatment or punishment.[[8]](#endnote-8)

At the regional level, members of the South Asian Association for Regional Cooperation (SAARC) [[9]](#endnote-9) are taking strong action toward a unified South Asia approach to end child marriage.[[10]](#endnote-10) In August 2014, SAARC adopted a Regional Action Plan to End Child Marriage in South Asia. The objective of the action plan is to delay the age of marriage for girls in at least four countries in South Asia by 2018.[[11]](#endnote-11) Also, representatives of SAARC attended the Regional Convening on Using Law to Promote Accountability to End Child Marriage, wherein states endorsed the Kathmandu Call for Action to End Child Marriage in South Asia.[[12]](#endnote-12)

1. **Bangladesh**

Since 2014, Bangladesh’s progress under Prime Minister Sheikh Hasina in promoting gender equality and women empowerment has been commended internationally.[[13]](#endnote-13) Prime Minister Hasina pledged to end child marriage by 2014, by setting harsher punishments for child marriage; finalizing a national action plan to end child marriage under age 15 by 2021; and ending all marriage before age 18 by 2041.[[14]](#endnote-14) These efforts are much needed, as evidenced by a 2016 report by UNICEF, which found that Bangladesh continues to have one of the highest child marriage rates worldwide and the highest rate of marriage involving girls under 15, as 52 percent of girls in Bangladesh are married before age 18 and 18 percent by the age of 15.[[15]](#endnote-15)

Child marriage in Bangladesh is governed and regulated by a series of different legislation, the most recent being the Child Marriage Restraint Act, 2017 (2017 CMRA).[[16]](#endnote-16) The 2017 CMRA maintains 18 and 21 years as the minimum legal age of marriage for girls and men, respectively. However, it also introduced a retrogressive exception that allows child marriages without any minimum legal age in “special cases.” Section 19 of the 2017 CMRA provides that in “special cases for the greater good of an adolescent, by the order of the court and with the consent of parents following the procedure of the law, a marriage of such girl will not be considered a crime.”[[17]](#endnote-17) A major concern is that Section 19 does not define “special cases” or “the greater good of the adolescent,” nor does it specify a minimum age of marriage or discuss consent of the girl. Responding to a question from a lawmaker, the Prime Minister Sheikh Hasina is reported to have indicated that “special cases” would include instances such as “accidental or unlawful pregnancy.”[[18]](#endnote-18) Lawmakers also have indicated that child marriage may be permitted to protect the child’s honor.[[19]](#endnote-19) The law’s failure to define “special cases” or “the greater good of the adolescent,” or even to specify a minimum age of marriage, leaves the exception open to wide abuse. The ambiguity in this provision also creates the possibility of it being invoked by parents in cases of sexual violence to compel their daughters to preserve their honor by marrying their abusers.[[20]](#endnote-20)

To ensure the risks associated with child marriage are mitigated, it is imperative that in assessing the “greater good of the adolescent,” a rights-based approach is taken. This should include analyzing whether the child expresses consent to the marriage and has the legal capacity to provide informed consent in line with the principle of evolving capacities.[[21]](#endnote-21) Further, the best interest of the child should also form a primary consideration, including whether the child’s health or education will be compromised by marriage and also whether the child is vulnerable to domestic violence within the marriage. This approach also aligns with the National Child Policy 2011, which places emphasis on the best interest of the child and upholding children’s rights as enshrined in the Constitution and international conventions.[[22]](#endnote-22)

This week, the High Court in Bangladesh said that elected representatives should be held responsible for child marriages in their jurisdictions.[[23]](#endnote-23) In a pending case, the Court gave government officials four weeks to come up with explanations for why they have been permitting child marriage in their constituencies; the officials must explain why appropriate action should not be taken against them and why they should not be terminated when child marriage takes place in their area.[[24]](#endnote-24) This ruling comes as the government is framing rules for the implementation of CMRA 2017.

There remain are many obstacles with the current child marriage law and its implementation. Specifically, the 2017 CMRA does not stipulate a defined process or method to formally bring legal action against adults who support, encourage, or cause the occurrence of child marriages. Accordingly, the 2017 CMRA must establish a straightforward process for reporting impending or existing child marriages. Additionally, current legislation fails to recognize the power dynamics involved in child marriages, where girls subject to child marriage do not possess the resources necessary to seek legal recourse and remedy.[[25]](#endnote-25) To ensure the efficacy of the 2017 CMRA and related support services, the government must empower married girls to seek redress. Furthermore, clarity on the legal age of marriage and the legal status of child marriages is required for the general public and children, in particular, to be able to understand their legal rights in terms of challenging imminent and existing child marriage. Government enforcement agencies must also know and understand their roles in implementing the law, and there must be proper oversight and investigations where violations occur. To hold perpetrators accountable, corruption in law enforcement must be eradicated.

1. **India**

Since 2014, India has had two significant court cases on child marriage, which clarify legislation and build on past court rulings. In 2006, India passed the Prohibition of Child Marriage Act (PCMA), which prohibits the solemnization of child marriage below the age of 18 for girls and 21 for boys.[[26]](#endnote-26) Since the passing of that law, there has also been growing recognition by Indian courts of child marriage as a human and fundamental rights violation. The Delhi High Court issued two decisions in 2010 and 2012 framing child marriage as a violation of human rights.[[27]](#endnote-27) The Madras High Court similarly recognized child marriage as a human rights violation in 2011.[[28]](#endnote-28)

In 2015, Madras High Court issued an important decision, which established child marriage as a violation of girls’ fundamental rights under Articles 14 and 15 of the Constitution. This decision confirmed that the Prohibition of Child Marriage Act (PMCA), establishing 18 as the minimum legal age of marriage for girls, supersedes personal laws without violating Article 25 (freedom of religion) of the Constitution. The Court further stated that PCMA “is in favour of all the girl children getting proper education and empowerment and equal status as that of men in the Society, as guaranteed under Articles 14, 15, 16 and 21 of the Constitution.”[[29]](#endnote-29)

In 2017, the Supreme Court made a landmark ruling, which recognizes child marriage as a violation of girls’ constitutional and human rights and establishes nonconsensual sex within child marriages as rape.[[30]](#endnote-30) Specifically, the Court struck down exception 2 in section 375 of Indian Penal Code (IPC), which excludes nonconsensual sexual intercourse within marriage from the definition of rape so long as the married woman or girl was above 15 years of age.[[31]](#endnote-31) Accordingly, nonconsensual sex within marriage involving girls under 18 years of age can be criminalized just the same as nonconsensual sex outside of marriage. The Court also recognized an obligation to ensure the reproductive rights of married girls and acknowledged the significant reproductive rights risks of these girls. The Court made it clear, however, that it was not commenting broadly on marital rape for adult women.

The 2015 Juvenile Justice Act (JJA) establishes procedural mechanisms that may provide legal protection and remedies in the case of child marriage. The JJA mandates state governments to establish Child Welfare Committees in every district to dispose cases for the care, protection, treatment, development and rehabilitation of children, who are “in need of care and protection.”[[32]](#endnote-32) In 2017, the Supreme Court noted that “[c]learly a girl child below 18 years of age and who is sought to be married is a child in need of care and protection. She is therefore, required to be produced before a Child Welfare Committee.”[[33]](#endnote-33)

Despite some progress, recent studies reveal that India continues to account for the highest number of child marriages in the world, as one third of the world’s child brides live in India.[[34]](#endnote-34) Recently released data from the National Family Health Survey, 2015-16 (NFHS-4) reveals that 26.8 percent of girls were married under 18 years of age nationally, with this number rising as high as 40 percent in some states.[[35]](#endnote-35) A survey conducted by Young Lives found that girls who married before age 18 were more likely to have left school before they were 15 and were more likely to be from low-income families.[[36]](#endnote-36)

Child marriage in India is rooted in gender inequality and is perpetuated by a variety of factors which deny girls alternatives to marriage and remedies following child marriages.[[37]](#endnote-37) The factors that drive child marriage include poor enforcement of laws and gaps and weaknesses in the legal framework to end child marriage, the persistence of gender inequality and patriarchal social norms that value women less and consider them to belong to their husband’s family, and barriers in accessing legal remedies.[[38]](#endnote-38) UNICEF has recognized that child marriage in India is also linked to low awareness of the law and consequences of violations, limited capacity and willingness of officials to report child marriages, and limited trust in institutions enforcing child marriage laws.[[39]](#endnote-39) Testimonials collected by civil society organizations and media reports have time and again pointed to the problem of underreporting and disconnect between official statistics and reality on the ground.[[40]](#endnote-40)

To address the problem of child marriage, the Indian government should strengthen implementation of the PCMA and accountability mechanisms under the law to ensure women’s and girls’ access to justice. It must also address systemic barriers to women’s and girls’ access to justice in cases of child marriage, by, amongst other things, developing a comprehensive curriculum for engaging the judiciary, police, and public prosecutors concerning child marriage and girls’ rights under the PCMA and allied laws; increasing women’s and girls’ access to information about legal remedies; strengthening the capacity of legal actors to provide legal services to women and girls affected by child marriage, including public legal aid service; and providing girls seeking to prevent or leave child marriages with access to protection measures and other referral mechanisms, including protection measures, residence, medical support, and psychosocial counseling.

1. **Nepal**

Child marriage, though a criminal offence,[[41]](#endnote-41) has been practiced for generations in Nepal.[[42]](#endnote-42) Nepal has one of the highest rates of child marriage: 37 percent of Nepali women ages 20-24 years were first married by age 18 and 10 percent by age 15.[[43]](#endnote-43) The prevalence of child marriage in Nepal varies by sex, with far more women being married as children than men,[[44]](#endnote-44) and by geographic location, with a significantly higher incidence in rural areas.[[45]](#endnote-45) Additional variations are found based on region,[[46]](#endnote-46) education levels,[[47]](#endnote-47) household wealth,[[48]](#endnote-48) and caste and ethnicity.[[49]](#endnote-49) Recently, the Government of Nepal has made significant progress addressing this pressing issue.

The Constitution of Nepal, 2015 explicitly prohibits child marriage[[50]](#endnote-50) as a punishable offence and establishes the right to compensation for violations from the perpetrator.[[51]](#endnote-51) The Constitution also specifically recognizes women’s rights against all forms of violence[[52]](#endnote-52) and guarantees reproductive health rights as fundamental rights.[[53]](#endnote-53) Other guarantees against child marriage, which address the root causes and systemic oppressions that enable child marriage, include the right to equality and nondiscrimination,[[54]](#endnote-54) the right to live with dignity,[[55]](#endnote-55) and protection from exploitation.[[56]](#endnote-56) The Constitution also protects children by guaranteeing their right to identity and birth registration, right to education and health care, right to protection from hazardous works, and protection from neglect, immoral use, or any form of physical, mental, or sexual abuse or exploitation in the name of religious or cultural practices.[[57]](#endnote-57) The Constitution provides judicial and nonjudicial remedies through prerogative writs and power to entertain public interest litigation to redress the violation of these fundamental rights.[[58]](#endnote-58)

The Government of Nepal also adopted a National Strategy to End Child Marriage in Nepal, 2016, which provides an overarching policy framework to combat child marriage and promote legal accountability. It aims to end child marriage in Nepal by 2030.[[59]](#endnote-59) Effective implementation and reform of existing legal provisions related to child marriage is one of the objectives of the Strategy.[[60]](#endnote-60) The Strategy calls for revising laws and policies related to child marriage to be in line with constitutional and international human rights standards, and harmonizing child marriage laws with other areas of law including property rights, gender-based violence, divorce, annulment, marital rape, dowry, birth registration, and citizenship.[[61]](#endnote-61)

In 2017, the legislature passed the Penal Code and Civil code to be effective from August 2018. While the Penal Code declares child marriage void ab initio,[[62]](#endnote-62) the civil code makes child marriage voidable only.[[63]](#endnote-63) These contradictory provisions should be harmonized and the government should consider reviewing and extending the statute of limitation to file complaint against child marriage with no explicit timeline. The government should also establish protection measures, interim relief, services for physical and psycho-social wellbeing, access to comprehensive sexual and reproductive health services, rehabilitation, and adequate compensation and reparations to support the victims of child marriage.

1. **Pakistan**

In Pakistan, 21 percent of girls are married by the age of 18,[[64]](#endnote-64) as there remains resistance to reforming child marriage laws. The main legislative framework for policing child marriage in Pakistan remains the Child Marriage Restraint Act 1929 (1929 CMRA).[[65]](#endnote-65) The 1929 CMRA defines the legal age of marriage as 18 for males and 16 for females.[[66]](#endnote-66) Weak enforcement mechanisms and holes in this legislation have meant that victims are generally left without the means to leave their child marriage and has led to significant under-enforcement and reporting of child marriage in Pakistan.[[67]](#endnote-67) The Eighteenth Amendment to the Constitution in 2010 empowered the provinces to pass their own versions of this legislation by removing marriage as an area of concurrent federal jurisdiction, and making it the sole responsibility of the provinces.[[68]](#endnote-68) Thus far, however, only two provinces have been able to passed legislation,[[69]](#endnote-69) and the 1929 CMRA still applies in all other provinces.[[70]](#endnote-70)

In October 2017, the Senate Standing Committee on Interior cleared a bill seeking an increase in the marriageable age for females to 18; the bill will now be tabled in the upper house for voting.[[71]](#endnote-71) Some senators oppose the bill for being un-Islamic.[[72]](#endnote-72) This same opposition was meant when a similar proposal to raise the minimum legal age for marriage was pitched by in January 2016. That bill was later rejected by the National Assembly's Standing Committee on Religious Affairs and Interfaith Harmony.[[73]](#endnote-73) This was primarily due to pressure from the Council of Islamic Ideology (CII), as the CII disapproved of the proposal on the basis it was “anti-Islamic” and “blasphemous.”[[74]](#endnote-74)

The province of Punjab passed an amendment to the CMRA in 2015, which essentially adopted the format of the 1929 CMRA and just increased punishments for each of the punishable offences.[[75]](#endnote-75) The punishments for the same offences in the CMRA now range up to six months imprisonment and fine of up to PKR 50,000.[[76]](#endnote-76) One other improvement to the CMRA in the 2015 Punjab bill was the removal of the one year statute of limitations.[[77]](#endnote-77) Nonetheless, the Punjab legislation still proscribes relatively light maximum sentences, and does not alter the minimum age or most of the other problematic aspects of the 1929 CMRA.[[78]](#endnote-78) Punjabi legislature has not passed any implementing rules, which leaves gaping holes with regards to enforcement and protecting victims.[[79]](#endnote-79)

## The province of Sindh, on the other hand, passed the Sindh Child Marriage Restraint Act, 2013(SCMRA), which was a significant and positive reform. The bill made Sindh the only area of Pakistan to have raised the minimum legal age for girls to marry to 18.[[80]](#endnote-80) In Sindh, a man above 18 who contracts a child marriage, a person who performs, directs or facilitates a child marriage, or a parent or guardian who allows or fails to prevent a child marriage are punishable under the SCMRA by more than 2 years imprisonment up to a maximum of 3 years (and in addition to an unspecified fine).[[81]](#endnote-81) The statute of limitations was also lifted in this legislation.[[82]](#endnote-82) Furthermore, police officers who do not take action to investigate a complaint can be now be prosecuted under SCMRA.[[83]](#endnote-83) There appears to have been an associated increase in prosecutions in Sindh following the passage of this landmark new legislation.[[84]](#endnote-84) However, the SCMRA still suffers from a number of problems; including that no provision is made for child marriages being void under law.

## Another bill proposing to lift the minimum legal age was put forward in Khyber Pakhtunkhwa (KP) in 2013, but the bill did not pass.[[85]](#endnote-85) This region and the others that have not passed an updated CMRA remain governed by the 1929 CMRA. Additionally, the Federally Administered Tribal Areas in Pakistan remain under federal jurisdiction and are also governed by the 1929 CMRA.[[86]](#endnote-86) Thus, because the 1929 CMRA governs marriage in most areas of the country, reform is necessary at both the national and provincial level. Decentralization cannot be used to excuse violations of human rights law, and the federal government of Pakistan retains its responsibility to end the practice of child marriage.[[87]](#endnote-87)

## In Pakistan, personal laws determining the requirements for marriage some religions have been codified.[[88]](#endnote-88) The 1929 CMRA’s application has been limited by codified personal laws.[[89]](#endnote-89) The most recent codified personal law was passed in 2017, when the Pakistani Parliament adopted the *Hindu Marriage Act, 2017* (HMA), which regulates the solemnization of marriages by Hindu families.[[90]](#endnote-90) Until this point, Hindu marriages were largely unregulated by the law.[[91]](#endnote-91) The HMA provides, that in order for a Hindu marriage to be solemnized, both parties must be 18 years or over.[[92]](#endnote-92) If either party to the marriage is not of 18 years’ of age, that person, or their parents, are entitled to petition the Court for a declaration the marriage be declared null and void.[[93]](#endnote-93) This process is potentially very burdensome for girls as they, or their families, may not have the resources to make an application to the Court,[[94]](#endnote-94) and even if their family has the resources to make such an application to the Court, it is often the girl's family who arranged for the girl to be married during her childhood.[[95]](#endnote-95)

Under an amendment to the Penal Code which was passed in February 2017, a proviso regarding child marriages has been added to Section 498B, a provision pertaining to forced marriages.[[96]](#endnote-96) Section 498B of the Penal Code states: “[W]hoever coerces or in any manner whatsoever compels a woman to enter in marriage” shall be punished with imprisonment of up to seven years and liable for a fine of five hundred thousand rupees.[[97]](#endnote-97) The proviso to this section inserted through the 2017 amendment states, “Provided that in case of a female child as defined in the Child Marriage Restraint Act 1929, or a non-Muslim woman, the accused shall be punished with imprisonment of either description for a term which may extend ten years but shall not be less than five years and shall also be liable to fine which may extend to one million rupees.” [[98]](#endnote-98) This provision in the Penal Code contains significantly higher penalties for child marriage than the CMRA. However, it is unclear whether the amendment implies a distinction between child marriages and forced marriages and therefore applies only to child marriages that are forced. The legislature should clarify this ambiguity so that the scope of the 2017 amendment to the Penal Code becomes clear.

To eliminate the practice of child marriage, the Pakistani government should clarify the applicable law and consolidate as far as possible the legislative provisions. The government must pass the bill to increase the legal age for marriage for girls from 16 to 18, in the CMRA, Punjab CMRA, and in all the personal laws (as has been done in Sindh province and for Hindu marriages in the HMA). The range of punishments and fines for all parties involved in abetting and performing child marriages should be increased. Furthermore, the government should declare marriage below the minimum legal age as void and having no legal effect under any pretext such as custom, religion, or traditional practices and also make child marriage a cognizable and non-bailable offence, which can be reported to any official or police officer, as has already been done in Sindh.[[99]](#endnote-99)

1. Center for Reproductive Rights, Ending Impunity for Child Marriage in Nepal: A Review of Normative and Implementation Gaps (2016), *available at* http://un.org.np/sites/default/files/Ending%20Impunity%20for%20Child%20marriage(final)\_25Nov16.pdf. [↑](#endnote-ref-1)
2. *See, e.g.*, Committee on the Elimination of Discrimination against Women & Committee on the Rights of the Child, Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, at paras. 20-23, 42, 55(h), U.N. Doc. CEDAW/C/GC/31-CRC/C/GC/18 (2014) [hereinafter CEDAW & CRC, *Joint general recommendation*]; CEDAW Committee, *Concluding Observations: Bangladesh*, paras. 16-17, U.N. Doc. CEDAW/C/BGD/CO/8 (2016); *India*, paras. 38-39, U.N. Doc. CEDAW/C/IND/CO/4-5; *Nepal*, para. 17, U.N. Doc. CEDAW/C/NPL/CO/4-5 (2011); *Pakistan,* para. 24, U.N. Doc. CEDAW/C/PAK/CO/4 (2013). [↑](#endnote-ref-2)
3. *See, e.g.,* Committee on the Rights of the Child*, General comment No. 20 on the implementation of the rights of the child during adolescence*, paras. 27, 40, 69, U.N. Doc. CRC/C/GC/20 (2016); CEDAW & CRC, *Joint general recommendation*, *supra* note 2, at paras. 20-23, 42, 55(h); CRC Committee, *Concluding Observations: Bangladesh*, paras. 44-45, U.N. Doc. CRC/C/BGD/CO/5 (2015); *India*, paras. 51-52, U.N. Doc. CRC/C/IND/CO/3-4 (2014); *Pakistan,* paras. 38-39, U.N. Doc. CRC/C/PAK/CO/5. [↑](#endnote-ref-3)
4. *See, e.g.,* Human Rights Committee, *Concluding Observations: Bangladesh*, paras. 13-14, CCPR/C/BGD/CO/1 (2017); *Nepal,* paras. 8-9, CCPR/C/NPL/CO/2 (2014); *Pakistan,* paras. 41-42, CCPR/C/PAK/CO/1 (2017). [↑](#endnote-ref-4)
5. *See, e.g*., Committee on Economic, Social, and Cultural Rights, *General Comment No. General comment No. 22 on the right to sexual and reproductive health (Article 12)*,paras. 29, 49, 59 (2016), U.N. Doc. E/C.12/GC/22; CESCR Committee, *Concluding Observations: India*, paras. 25, 37, 80, E/C.12/IND/CO/5 (2008); *Nepal*, para. 14, E/C.12/NPL/CO/3 (2014); *Pakistan*, paras. 55-56, E/C.12/PAK/CO/1 (2017). [↑](#endnote-ref-5)
6. *See* CAT Committee, *Concluding Observations: Yemen*, para. 31, U.N. Doc. CAT/C/YEM/CO/2. [↑](#endnote-ref-6)
7. United Nations Dept. of Economic and Social Affairs, Sustainable Development Goal 5.3 (Sept. 2015), https://sustainabledevelopment.un.org/sdg5; Economic and Social Council, *Report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators*, annex IV, U.N Doc. E/CN.3/2016/2/Rev.1 (2016). [↑](#endnote-ref-7)
8. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Rep. of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, transmitted by Note of the Secretary-General,* paras. 63-64, 74(c), U.N. Doc. A/HRC/31/57 (Jan. 5, 2016) (by Juan E. Méndez). [↑](#endnote-ref-8)
9. Members of SAARC include Afghanistan, Bangladesh, Bhutan, India, Nepal, the Maldives, Pakistan and Sri Lanka. *See* Center for Reproductive Rights Press Release, Government of Nepal Hosts Convening on Ending Child Marriage with South Asian Governments (2014), *available at* https://www.reproductiverights.org/press-room/government-of-nepal-hosts-convening-on-ending-child-marriage-with-south-asian-governments. [↑](#endnote-ref-9)
10. Heather Hamilton, *Girls Not Brides* (2014), *available at* http://www.girlsnotbrides.org/south-asian-governments-commit-end-child-marriage/. [↑](#endnote-ref-10)
11. SAIEVAC, *Regional Action Plan to End Child Marriage in South Asia* (2014), *available at* http://www.saievac.org/download/Thematic%20Area%20Resources/Child%20Marriage/RAP\_Child\_Marriage.pdf. [↑](#endnote-ref-11)
12. SAIEVAC, *Kathmandu Call for Action to End Child Marriage in South Asia* (2014), *available at* https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/SA%20End%20Child%20Marriage%20Brochure\_20Nov14(final)-2%20(1).pdf. [↑](#endnote-ref-12)
13. Ministry of Women and Children Affairs, *Prime Minister Sheikh Hasina’s Commitment to Gender Equality and Women Empowerment* (October 2, 2016), *available at* <http://mowca.portal.gov.bd/sites/default/files/files/mowca.portal.gov.bd/publications/e3a8842d_ab43_42f8_91b1_2e18356cd888/Women%20Empowerment%20%20Flyer%20Final%20%2002102016.pdf>*.*  [↑](#endnote-ref-13)
14. Heather Bar, *Huge Step Backwards on Child Marriage in Bangladesh*, Human Rights Watch (Dec. 1, 2016), *available at* https://www.hrw.org/news/2016/12/01/huge-step-backwards-child-marriage-bangladesh. [↑](#endnote-ref-14)
15. UNICEF, State of the World’s Children 150 (2016) *available at* <https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf>. [↑](#endnote-ref-15)
16. Child Marriage Restraint Act, 2017 (Bangladesh) [hereinafter CMRA 2017]. [↑](#endnote-ref-16)
17. CMRA 2017, sec. 19 (English translation on file with the Center for Reproductive Rights). [↑](#endnote-ref-17)
18. *Child Marriage: Nothing to worry about new law: PM*, The Daily Star (Dec. 8, 2016), *available at* http://www.thedailystar.net/backpage/child-marriage-nothing-worry-about-new-law-pm-1326775 [↑](#endnote-ref-18)
19. *Hasina defends new child marriage law,* Dhaka Tribune (Dec. 7, 2017), *available at* http://www.dhakatribune.com/bangladesh/law-rights/2016/12/07/pm-nothing-worry-new-child-marriage-law/. [↑](#endnote-ref-19)
20. Ruma Paul and Nita Bhalla, *Bangladesh new law allowing child brides may legitimize rape: charities*, REUTERS (March 2, 2017), *available at* http://www.reuters.com/article/us-bangladesh-child-marriage-idUSKBN16855I.  [↑](#endnote-ref-20)
21. *See* UN General Assembly*, Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*, 7 November 1962. [↑](#endnote-ref-21)
22. Ministry of Women and Children Affairs, *National Children Policy* *2011*, at 4 (February 2011), *available at* http://ecd-bangladesh.net/document/documents/National-Children-Policy-2011-English-04.12.2012.pdf. [↑](#endnote-ref-22)
23. *Elected representatives should be liable for child marriages, says Bangladesh High Court*, bdnews24.com (Oct. 30, 2017), *available at* https://bdnews24.com/bangladesh/2017/10/30/bangladesh-high-court-orders-government-officials-to-explain-child-marriages. [↑](#endnote-ref-23)
24. *Id*., *see also Why local govt reps shouldn’t be sacked,* The Daily Star (Oct. 31, 2017), *available at* http://www.thedailystar.net/city/hc-questions-failure-elected-reps-stop-child-marriages-1484215. [↑](#endnote-ref-24)
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