

TO THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS

Submissions for Reports to the General Assembly at its 67th session and to the Human Rights Council at its 50th session

RESPONSE TO OHCHR'S QUESTIONNAIRES ON THE ISSUES OF CHILD, EARLY AND FORCED MARRIAGE

Bangladesh Legal Aid and Services Trust (BLAST)¹

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Summary: This submission has been prepared by Bangladesh Legal Aid and Services Trust (BLAST), a non-governmental, legal services organisation working across Bangladesh to mitigate barriers and strengthen access to justice for individuals in marginalised communities. BLAST provides pro bono legal services, particularly supporting women and children who are survivors of gender-based violence, including domestic violence, to claim necessary redress.

This submission consists of responses to two questionnaires, regarding (a) progress made towards ending child, early and forced marriage (CEFM), including in the context of the COVID-19 pandemic, and (b) progress, gaps and challenges in addressing CEFM and measures to ensure accountability.

I. A comprehensive report to the General Assembly on progress made towards ending CEFM, including in the context of the COVID-19 pandemic

1. What measures have been taken to implement the recommendations of the last report of the Secretary-General on the issue of child, early and forced marriage (A/75/262)

In accordance with Recommendation (d), Para. 55, Chapter VIII of the Secretary-General's report (A/75/262), in 2020-2021, BLAST took several measures to strengthen and facilitate access to protection mechanisms and services for women and girls vulnerable to gender-based violence (GBV) (including CEFM). This has included adapting to the delivery of legal advice and services online, increasing the number of emergency helplines for GBV survivors, and ensuring the presence of paralegals and lawyers in courts, and in low-income communities, and hard-to-reach areas like urban slums and informal

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settlements, and in refugee camps for the Rohingya community. BLAST has organised legal aid camps, supported GBV survivors with mediation and litigation as required, and made referrals to emergency victim support services. BLAST continues to provide this support to women and girls across the country.

2. What legislative actions have you taken to address the root causes of child, early and forced marriage?

BLAST is a non-governmental legal services organisation and is not, therefore, in a position to take any legislative actions to address the root causes of child, early and forced marriage.

Any examples of legislation enacted, beyond the minimum age of marriage, such as laws repealing or amending provisions that enable perpetrators of rape, sexual abuse or abduction to be exempted from prosecution and punishment by marrying their victims?

-While there are no laws specifically exempting perpetrators of rape, sexual abuse or abduction from prosecution and punishment if they marry their victims. On the contrary, the Penal Code, 1860 while defining 'rape'² allows exception - it does not criminalise sexual intercourse between people who are married, by force or without consent of one party, except where a wife is under thirteen years old. This, in a way, allows the perpetrator to avoid a rape conviction because he is married to the victim who is under the minimum age of marriage.

-The Child Marriage Restraint Act 2017 (CMRA) allows for child marriage in 'special circumstances',³ which may potentially be used to permit marriages between children, and perpetrators of rape, sexual abuse or abduction, if this is considered by a Court to be in the best interest of the child. However, the Child Marriage Restraint Rules 2018 require an investigation committee to be set up to review applications for child marriage under CMRA.⁴ This committee is empowered to recommend against the marriage of a child under 'special circumstances' where the marriage is to be conducted with a perpetrator of rape, abduction or sexual abuse.⁵ The committee will only recommend that a child marriage take place invoking the 'special circumstances' clause if it is satisfied, upon investigation, that such a marriage is, in fact, in the best interest of the child, and is the last possible option available.⁶

3. What measures have you adopted to support girls that are already married or in informal unions? Do those measures contribute to:

a. Ensure their free, active and meaningful participation in decision-making on all issues affecting them, particularly when developing and implementing coordinated responses and strategies to prevent and eliminate child, early and forced marriage?

b. Protect their economic security and that of their families, including equal access to inheritance

² Section 375, Penal Code 1860.

³ Section 19, [Child Marriage Restraint Act 2017](#).

⁴ Rule 17(3), Child Marriage Restraint Rules 2018.

⁵ Rule 17(3)(c), Child Marriage Restraint Rules 2018.

⁶ Ibid.

and property, social protection, employment and financial services?

c. Support them to maintain or return to education, including technical and vocational education?

d. Ensure their access to health services, including services related to sexual and reproductive health?

e. Ensure their food and nutrition security, and their access to safe and affordable drinking water?

BLAST is a non-governmental legal services organisation that specialises in providing legal aid, advice and representation, including in cases of child, early and forced marriage, and to protect those who decide to exercise their right to consent and choice regarding when, if and whom to marry. BLAST's legal interventions have prevented such marriages from taking place on multiple instances, and have also supported those wishing to enter marriages of choice and prevented from doing so. BLAST has also raised awareness about the need to address and eliminate CEFM through community engagement, and built consensus on strengthening prevention and protection measures through national and regional advocacy. While BLAST will provide legal support to any girl who is already married, or in an informal union, if she requires support, it may not be possible to provide any of the other forms of support specifically outlined above.

4. What actions do you take to support girls and women affected or at risk of child, early and forced marriage; especially those who have fled such a marriage or whose marriage has dissolved, and to support widowed girls or women who were married as girls?

-BLAST runs online and in person legal aid services, including through its own helplines staffed by lawyers and paralegal at its head office and district offices. It also disseminates information about the Government of Bangladesh's Helpline on Violence Against Women and Children (National Toll-Free Helpline 109) which plays a vital role to stop and preventing child marriage.⁷

-BLAST currently acts as the Secretariat for the Citizens' Initiative against Domestic Violence, a coalition of organisations including those providing direct services - and this provides information about where and how to access support, and also engages in coordination with relevant govt bodies. We also provide direct legal aid (and have done so in case of those at risk of such a marriage) and would be able to take up public interest litigation where relevant. In cases of widowed women, while they may seek legal services it is rare for them to raise the issue of child marriage with respect to any specific remedy.

-BLAST also make referrals for those requiring livelihood support or emergency shelter or medical treatment, to the Govt run One Stop Crisis Centres, the police run Victim Support Centres (where we also provide volunteer support) and to the Ministry of Social Welfare's allowance scheme for widows and destitute women deserted by their husbands.

5. What measures are in place to facilitate access by girls and women at risk and for already married girls and women to protective mechanisms and services, including legal services, safe

⁷ [Ministry of Women and Children Affairs, National Action Plan to End Child Marriage 2018-2030, Chapter 2.2.](#)

accommodation and psychosocial support?

-Girls and women at risk of child marriage, and already married girls, may inform local government representatives to prevent child marriage to stop the child marriage taking place.⁸ An Injunction order against such child marriage can be sought through court under the CMRA.⁹ Support, regarding access to legal aid, shelter homes, and medical services, may also be requested from enforcement officers under the Domestic Violence (Prevention and Protection) Act 2010.¹⁰ Dedicated national and local level Child Marriage Prevention Committees are to be established under the Ministry of Women and Children Affairs of Bangladesh, unfortunately, as of the most recently accessed report from the Ministry of Women and Children Affairs, only the national level Prevention Committee appears to have been constituted and approved by the government.¹¹

-Various government helplines – e.g. the Helpline Centre for Violence Against Women and Children (109), Child Helpline (1098), National Emergency Service Helpline (999) - can be of assistance in reporting and preventing child marriage, and to those who have already been married. Additionally, there are govt run Victim Support Centres and One-Stop Crisis Centres which can provide support to girls and women in this regard- however these do not currently operate in all districts.

-There are limited numbers of shelters available.

-Alliance members of the Girls Not Bride Bangladesh network¹² provide protection support, legal service, accommodation and psychosocial support on a needs and availability basis. Member organisations provide referral services where the service is not available within their activities, *i.e.* BLAST refers service seekers to safe shelter homes or required psychological facilities as they do not provide these direct services.

6. What progress is made in gathering data disaggregated by sex/gender, age, geographical location, socioeconomic status, disabilities, educational level and other factors, in particular on the situation of already married girls and girls in informal unions?

In general, it is difficult to access data regarding complaints of child marriage made to the police or to the courts in Bangladesh. BLAST's Case Management System (CMS), an internal database on client applications for legal advice and assistance, contains data disaggregated by gender, age, disability, and location. The Justice Audit Bangladesh does not present similarly disaggregated data.

7. What research has been conducted on married girls, including widow girls and women, and whose husbands have left them to fight or seek refuge internally or across borders, or who have been detained or disappeared?

Various research studies have been conducted on girls who have been deserted by their husbands, although these do not specify whether the husbands have left them to fight, or seek refuge internally or across borders, or have been detained or disappeared. For example, a paper titled 'Survival Patterns of Deserted Women in Bangladesh' has been published, aimed at understanding the struggles and survival

⁸ Section 4, Child Marriage Restraint Act 2017.

⁹ Section 5, Child Marriage Restraint Act 2017.

¹⁰ Section 6, Domestic Violence (Prevention and Protection) Act 2010.

¹¹ [Ministry of Women and Children Affairs, Annual Report 2020-2021, June 2021. Available in Bangla.](#)

¹² Girls Not Brides Bangladesh Alliance has over 25 members, ranging from small grassroots organisations to country offices of larger INGOs, accessible [here](#).

patterns of deserted women in the city of Sylhet in Bangladesh.¹³

8. Please share any examples of national reports on CEFM submitted to relevant international treaty bodies and the Universal Periodic Review, and national voluntary reviews conducted through the high-level political forum on sustainable development?

Feminist Inquiries into Rights and Equality (FIRE), a South-Asian regional consortium, led by Partners for Law and Development, organised a Dialogue with members of the UN Committee on Elimination of All Forms of Discrimination Against Women and the UN Committee on the Rights of the Child, on 14 September 2020. The Dialogue involved country presentations from India, Bangladesh, Nepal, and Sri Lanka, highlighting common concerns around child marriage based on the mapping undertaken by members of the FIRE consortium, which looked at the impact of punitive child marriage laws across the region and identified prevention strategies to empower adolescents in vulnerable communities within their domestic contexts.

BLAST, as one of the FIRE member organisations, identified concerns regarding the CMRA's criminalisation of minors, exacerbated by exception clauses in laws (relating to both child marriage and marital rape), while emphasising its preventive potential within communities. A Report titled "Promote Prevention, Question Criminalisation" based on the Dialogue, and containing country-context specific chapters, is available [here](#).

In the context of the COVID-19 pandemic:

9. Please share data and evidence on the impact of the COVID-19 pandemic on the trend of child, early and forced marriage.

-Bangladesh reportedly witnessed a 13% increase in child marriages during the Covid-19 pandemic during 2020.¹⁴ The study titled "Rapid Analysis of Child Marriage Situation during Covid-19" by Manusher Jonno Foundation (MJF) revealed that reported 13,886 child marriages took place from March to September of 2020 in 21 districts of Bangladesh.¹⁵ The most severe incidence were reported in Rajshahi, Khulna, Kurigram and Bagerhat Districts, with around 6500, 3000, 2950 and 3200 child marriage cases, respectively, during the last 18 months of the COVID-19 lockdown.¹⁶

-The extensive closure of educational institutions (including at the time of reporting) has been understood by many commentators as contributing to a spike in child marriages.¹⁷

10. What measures are taken to mitigate the impact of COVID-19 on girls and women survivors of CEFM and at risk? For instance, have you continued or enhanced provision of protection and support services for survivors of gender-based violence, and adapted essential health-care services, including sexual and reproductive health-care services?

¹³ Ahmed, Neaz. (2018). Survival Patterns of Deserted Women in Bangladesh. *Sociology and Anthropology*. 6. 602-608. 10.13189/sa.2018.060705.

¹⁴ [Child marriage up 13% during Covid-19 pandemic in Bangladesh, Dhaka Tribune, 28 March 2021.](#)

¹⁵ [Manusher Jonno Foundation, "13,886 child marriages took place during lockdown last year," Press Release.](#)

¹⁶ Hossain MJ, Soma MA, Bari MS, et al. COVID-19 and child marriage in Bangladesh: emergency call to action. *BMJ Paediatrics Open* 2021;5:e001328. doi:10.1136/bmjpo-2021-001328.

¹⁷ [Sakib SMN \(2021\), 'Child marriages become epidemic during pandemic in Bangladesh', Andalou Agency, 19 October 2021;](#) [Roy P, Basher N \(2021\), 'Child marriage in pandemic: a scourge returns on tiptoe,' The Daily Star, 11 October 2021.](#)

-Protection and support services for survivors of gender-based violence were limited due to COVID-19 restrictions, and BLAST like many organisations had to close frontline services - though it adapted these to provide online services, the lack of face to face contact severely hampered our outreach and access to potential clients and to communities.¹⁸

-It is also reported that essential health-care services, including sexual and reproductive health-care services were denied in some cases due to hospitals being overcrowded.¹⁹ According to a Multi-Sectoral Anticipatory Impact and Needs Analysis conducted by the Needs Assessment Working Group (NAWG), a platform of government and non-government humanitarian agencies in April 2020, 43% of health workers surveyed in early April had reported that they had heard of pregnant women and mothers dying in their working areas; 25% of health workers had observed a decrease in the number of women visiting healthcare facilities, and 26% had reported that existing sexual and reproductive health services were not meeting the needs of individuals seeking such healthcare.²⁰

-Support services from different non-governmental organisations were available as much as possible either physically, or remotely with the help of technological means. For example, NGOs such as ASK, BLAST, BMP, BNWLA and BRAC were routinely providing legal advice to women in relation to domestic violence over the telephone.²¹ BLAST provided legal advice to individuals regarding violence against women including incidents of domestic violence and psychological abuse.²² The [Safe Custody Homes](#)²³ were open but not all were admitting new residents due to the risk of COVID-19 and the same was observed in VSCs and NGO-run shelter homes at the earlier stages of the pandemic.

¹⁸ BLAST Covid-19 Questionnaire (Submission for the UN SRVAW's Report to the General Assembly on COVID-19 and the increase of Violence against Women, with a focus on Domestic Violence, 2020)

¹⁹ Anik, S M B (2020). Deaths from denial of medical treatment on the rise. Dhaka Tribune (11 May 2020)

²⁰ Needs Assessment Working Group Bangladesh, "Covid-19: Bangladesh – Multi-Sectoral Anticipatory Impact and Needs Analysis", 27 April 2020.

²¹ BLAST Covid-19 Questionnaire (Submission for the UN SRVAW's Report to the General Assembly on COVID-19 and the increase of Violence against Women, with a focus on Domestic Violence, 2020)

²² Ibid.

²³ Safe home for women, children and adolescents established by the Department of Social Services.

II. A report to the Human Rights Council on progress, gaps and challenges in addressing CEFM and measures to ensure accountability

1. Measures implemented to ensure accountability at the community and national levels, including the applicable legal framework, policies and programmes.

-Bangladesh is a signatory to a number of international laws, declarations and policies related to child marriage and it has commitments towards the proper implementation of the Universal Declaration of Human Rights, the International Convention of Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)²⁴, the Convention on the Rights of the Child (CRC), the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages²⁵.

-In observance of the commitment made in the Girl's Summit 2014 to eliminate child marriage by 2041, the government of Bangladesh adopted national plans and formulated laws i.e. the Child Marriage Restraint Act 2017 (CMRA) followed by the Child Marriage Restraint Rules 2018. The CMRA laid down punishment for parent or others concerned in a child marriage, and anyone conducting, solemnising or registering such marriage. The CMRA provides for establishing Child Marriage Prevention Committees in both community and national levels allowing local government officials²⁶. The CMRA empowers courts to issue injunctions to stop a child marriage suo moto or on the basis of complaints made before it.²⁷ Marriage Registrars are now required to scrutinise a higher set of documentary evidence, such as the birth certificate or national identity card, before issuing a marriage certificate to determine that contracting parties have reached the minimum age of marriage reached.²⁸

-In accordance with an order passed by the High Court Division, Ministry of Women and Children Affairs has given an executive order to verify the birth certificate and national identity card during registering the marriage/nikah of Muslim women and men towards ending child marriage. A High Court Division (HCD) bench issued a suo moto rule (Suo Moto Rule No. 21 of 2017) after taking notice of a newspaper report holding the member of local government responsible for the child marriages taking place in their respective areas of governance²⁹.

-The Ministry of Women and Children Affairs initiated the National Action Plan to End Child Marriage (2018-2030) in 2018. The major goal of the Action Plan is to end the marriage of girls below the age of 15 years and to reduce by one-third the rate of marriage for girls aged between 15 and 18 years in 2021, and to completely eliminate child marriage by 2041. There have been five implementation strategies in the Action Plan.

-Child Marriage Prevention Day is observed every year on a specific day during the Child Rights Week. The Ministry of Women and Children Affairs, NGOs, development partners and other organisations collectively observe the day by organising different programmes like meetings, seminars, workshops, human chains and rallies, among others.

²⁴ It has been noted in Article-16 about the family relationship and the equal rights of marriage, in that case Bangladesh expresses the objection.

²⁵ Article -1 (Consent) and Article-2 (Minimum age of marriage) Bangladesh has given objection on legal issues of the Article of child marriage as it is determined by/through the existing laws for the different castes and people of the country.

²⁶ Section 4, CMRA.

²⁷ Section 5, CMRA.

²⁸ Section 12, CMRA.

²⁹ [The State vs. Secretary, Ministry of Public Administration and Others \(Suo Moto Rule No.21 of 2017\); Wadud P, "Child marriage: A maze of dialectics", The Daily Star, 7 November 2017.](#)

2. The legal consequences of CEFM, including criminal, civil, administrative and other legal consequences, as well as any documented effects, positive or negative, planned or unintended, of the application of the legal framework.

-The CMRA penalizes a parent or guardian's decision to arrange or promote child marriage and even their negligent failure to prevent it from taking place. Any person who arranges, registers, or solemnises an underage marriage is penalised. Registrars who register an underage marriage are also liable to have their licence cancelled. The law also penalizes those who breach a court injunction on an impending child marriage. Anyone making a false allegation of child marriage is liable for punishment. An adult contracting a child marriage is penalized. Most alarmingly, CMRA criminalises the action of minors who decide to contract themselves into marriage.

-While carrying out or participating in a child marriage is criminalised, the marriage itself remains valid in most cases, depending on the personal laws applicable to the parties, which creates rights and responsibilities for each party to the marriage.

-There is also scope for civil suits to be filed seeking compensation for any loss incurred due to such marriage.³⁰

3. Statistical data on the enforcement of legal measures, including, when relevant,

a. If CEFM is prohibited and/or criminalised, the number of cases prosecuted, who initiated the legal action (prosecutorial authorities, victims, or others) and who is prosecuted (children, parents, other relatives or others); as well as data on the number of cases investigated, and cases that result in a conviction; and

b. The number of CEFM annulled and other civil or administrative related procedures.

Sufficient data on the above is not publicly available or accessible. The official website of the Bangladesh Police has [a page dedicated to 'Crime Statistics'](#) which records offences of 'Woman and Child Repression', among others, across the country, but this page is not updated regularly (latest data from 2019), and does not have a sub-category for CEFM offences. The [Justice Audit Bangladesh](#) provides comprehensive data across the criminal justice system, collected from courts, criminal justice institutions and justice sector actors across all 64 districts of Bangladesh. However, it does not separate out CEFM cases, and only contains data collected for the year 2016, updated upto 31 December 2016.

4. Concrete measures implemented to ensure the integration of a human rights-based approach in judicial proceeding against CEFM, including age and gender sensitivity, victim-centred approach, respect of the best interest of the child, consideration of the evolving capacities of children, including adolescents, as well as their right to be heard.

³⁰ Sara Hossain and Lynn Welchman, 'Legal Remedies for Forced Marriage in Bangladesh', Remedies for Forced Marriage (2014), p. 32-33

-There is no uniform rule or official norm nor standard practice to obtain the viewpoint of children.³¹

-The CMRA although allows marriage of a minor under special circumstances for the best interest of the minor - as the text says - but this has been widely criticised for not genuinely being the best interest of the minor and often facilitating marital rape. Marriage under these special circumstances are allowed by direction from court with assistance of the parents/guardian and, in cases where relevant, the Investigation Committee³² while the opinion of the minor, who can very possibly understand his/her best interest in some cases, is ignored. The inclusion of adolescent's representation in the Investigation Committee is provided for, but it remains a concern that given power differentials, their voices may carry little weight in practice.

-In habeas corpus matters, including in cases of threatened forced marriage, the High Court has held in camera hearings and heard the young person.

5. The domestic articulation of the right to a remedy for victims of CEFM, including concrete measures to guarantee their right to reparations.

-The CMRA states that money realized from the imposition of any fine on a person sentenced of an offence under this law shall be paid as compensation to the 'aggrieved party': ie the party who is a minor in such marriage.³³

-There is also scope for civil suits to be filed seeking compensation for any loss incurred due to such marriage.³⁴

-The CMRA allows injunctions to be sought to prevent a forced or child marriage and also allows claims for compensation for any loss or injury in the course or as a result of forced marriage. However, such claims are not made in practice.³⁵

6. Any examples, good practices or lessons learnt on the use of strategic litigation related to CEFM and the impact of such initiatives.

-The High Court Division of the Supreme Court of Bangladesh in the case of *Bangladesh National Women Lawyers Association vs. Bangladesh*³⁶ issued a Rule Nisi calling upon governmental authorities including the Ministry of Law, Justice and Parliamentary Affairs and the Ministry of Women and Children's Affairs to explain why Muslim Marriage and Divorce Registrars should not be directed to register marriages on the basis of National Identity cards, and to digitize the marriage and divorce registration systems to prevent child marriages and polygamy. In its judgment delivered in 2014, the Court held that the Nikah Registrars must give emphasis on the determination of age of the parties on the basis of National IDs during marriage.

-Responding to the death of a fourteen-year-old girl caused by marital rape, BLAST and three other non-

³¹ Tamanna N., Haq M. A., Hossain S., Muslim Women's Rights under Bangladesh Law: Provisions, Policies and Practices related to Custody and Guardianship, (Dhaka: SAILS, 2011).

³² Rule 17, CMRR 2018.

³³ Section 13, CMRA 2018.

³⁴ Sara Hossain and Lynn Welchman, 'Legal Remedies for Forced Marriage in Bangladesh', Remedies for Forced Marriage (2014), p. 32-33.

³⁵ Sara Hossain and Lynn Welchman, 'Legal Remedies for Forced Marriage in Bangladesh', Remedies for Forced Marriage (2014), p. 32-33.

³⁶ [BNWLA vs. Bangladesh, Writ Petition No. 4781 of 2012.](#)

governmental organisations, BRAC, Manusher Jonno Foundation and Naripokkho, filed a writ petition³⁷ before the High Court Division of the Supreme Court of Bangladesh seeking full criminalisation of marital rape. The Court issued a Rule Nisi calling upon the respondents including the Ministry of Law, Justice and Parliamentary Affairs, Ministry of Women and Children Affairs, Ministry of Home Affairs and Inspector General of Police to show cause as to why the exception clause to section 375 of the Penal Code 1860 read together with the words "unless the woman raped is his own wife and is not under thirteen years of age" should not be declared to be void, being discriminatory, and in violation of Constitutional rights of women. The case remains pending for hearing.

-In 2008, Dr. Shipra Chaudhury, with [Ain-O-Shalish Kendra](#), filed a habeas corpus petition,³⁸ challenging the illegal and wrongful detention of Dr. Humayra Abedin, a 32-year-old woman who was unlawfully detained against her will by her parents and forced into marriage, in violation of her fundamental rights under Articles 31 (right to protection of law) and 32 (right to life and personal liberty) of the Constitution of Bangladesh. The High Court Division of the Supreme Court of Bangladesh issued a Rule Nisi calling upon the Government of Bangladesh to bring Dr. Abedin before the court, and later made the rule absolute. The Court also observed Articles 31 and 32 had to be interpreted in accordance with Bangladesh's commitments under CEDAW as a signatory, among other treaties, thereby upholding women's right to choose whether or not to marry, and free choice of their spouse.

7. Any examples, good practices or lessons learnt on the use of international and regional human rights protection mechanisms in relation to CEFM, including efforts made to include information on CEFM in the reporting to such mechanisms.

-The [Human Rights Forum Bangladesh](#) (HRFB), a national coalition of 20 human rights and development organisations, of which BLAST is a member, had used the third (and latest) cycle of Bangladesh's Universal Periodic Review in 2018, to report on concerns regarding the (then recent) enactment of the CMRA 2017 in its [stakeholders' submission](#), highlighting particularly the scope of the 'special circumstances' provision in creating exceptions to the prosecution of adults marrying minors and allowing child marriages to take place. HRFB has continued to report on the increase in child marriage across Bangladesh despite the existence of CMRA and the subsequent Child Marriage Restraint Rules 2018, calling attention to the lack of clarity in the Rules regarding the 'special circumstances' which may allow child marriages to take place, and ineffectiveness, in practice, of local Child Marriage Prevention Committees set up under the Rules.³⁹

-The FIRE consortium has organised a Closed Dialogue with CEDAW and CRC to report and present on the impact of punitive child marriage laws across South Asia on vulnerable adolescents, and the need to shift focus from punishment and prosecution to strategies and mechanisms that prevent child marriage and empower and protect girls who are at risk of child marriage.

-Submission of shadow reports to Treaty bodies, such as CEDAW, CRC, and the Committee on the Rights of Persons with Disabilities (by national initiatives e.g. the Citizens' Initiative on CEDAW; Citizens' Initiative Against Domestic Violence; CRPD Alternative Report Platform), and reporting taken up by regional bodies such as the South Asian Initiative to End Violence Against Children (SAIEVAC), are potential avenues for reporting to international and regional human rights protection mechanisms and including information on CEFM.

³⁷ [BLAST and others vs. Ministry of Law, Justice, and Parliamentary Affairs and Others, Writ Petition No. 7758 of 2020.](#)

³⁸ [Dr. Shipra Chaudhury and another vs. Government of Bangladesh and others, Writ Petition No. 7977 of 2008.](#)

³⁹ Human Rights Forum Bangladesh, Mid-Term Report on the Implementation of UPR Recommendations, September 2020.

8. Any examples, good practices and lessons learnt by national human rights institutions to enhance State accountability for preventing and responding to CEFM.

There is insufficient information available on any examples of good practices and/or lessons learnt by the National Human Rights Commission, Bangladesh, in enhancing state accountability for preventing and responding to CEFM.

9. Budgetary implications for the State for all measures related to CEFM and the design of gender and age sensitive budgeting and expenditure to prevent and respond to CEFM.

Bangladesh has a gender-responsive national budget. The Ministry of Finance started publishing gender budget statements reflecting this in the 2009-10 fiscal year (FY), and continued to publish it on their website until 2019-20 FY.⁴⁰ The gender budget statement helps to identify gender sensitive allocation made in a specific budget through different ministries. Most ministries published 'Gender Budget Reports' alongside their main budget. Unfortunately, the gender budget statement was not issued in 2020-2021 - and 2021-2022 issued. [Girls Not Brides \(GNB\) Bangladesh](#), a platform of over 25 international, national, and grassroots organisations, has demanded for a specific allocation in the 2020-21 FY national budget to eliminate child marriage as well as increase social security provisions for girls and adolescents.⁴¹ Although the budget allocated for the Ministry of Women and Children Affairs has increased for the current FY (2021-2022), no specific allocation has been made to increase social security for girls, or to prevent child marriage and ensure adolescent girls return to school. GNB Bangladesh also states that there is no specific allocation in the budget for the implementation of various programs of the National Action Plan 2018-30 for the Prevention of Child Marriage.⁴²

10. Methodologies and approaches used by States to measure progress in the eradication of CEFM, including in line with relevant Sustainable Development Goals indicators.

-In line with SDG 5.3, Bangladesh has developed the National Plan of Action (NPA) for 2018-2030 and the two targets to achieve the goal include achieving zero child marriage before age of 15 by 2021, and for those below 18 years by 2041, and also to reduce rate of child marriage for children aged between 15-18 years to one-third by 2021.⁴³

-Different strategic approaches to achieve the targeted goal include, enhancing the agency of adolescent girls; supporting adolescent girls through community engagement; increasing resources and opportunities for adolescent girls, and strengthening legislative and policy frameworks to protect and promote their rights.⁴⁴ Apparently, the government planned to establish 4883 adolescent clubs, one in every Union and Poursahva (Municipality), to provide services to 439470 adolescent boys and girls through awareness-raising activities and training on prevention of child marriage and other issues.⁴⁵ Another initiative to end

⁴⁰[Gender Budget, Finance Division, Ministry of Finance, Government of the People's Republic of Bangladesh.](#)

⁴¹[UNB News, Publish Gender-Budget Report, Mahila Parishad Urges Govt, United News Bangladesh, 10 June 2021](#)

⁴² Ibid.

⁴³[Save The Children \(2021\), Case Study: Ending Child Marriage in Bangladesh.](#)

⁴⁴ [United Nations Children's Fund, Ending Child Marriage: A profile of progress in Bangladesh, UNICEF, New York, 2020](#)

⁴⁵ [Ministry of Women and Children Affairs, Annual Report 2020-2021, June 2021. Available in Bangla.](#)

child marriage was introduced by the Ministry of Women and Children Affairs in Bogura and Jamalpur Districts by establishing 72 Adolescent Resource Centers for adolescent married or unmarried girls as a means of investing in and supporting adolescent girls through community engagement.⁴⁶ However, no data is available on either of the targeted indicators to measure progress.⁴⁷

⁴⁶ [Ministry of Women and Children Affairs, Annual Report 2020-2021, June 2021. Available in Bangla.](#)

⁴⁷ [Afia F, 'Sustainable Development in Bangladesh: Goal 5- Gender Equality, Lawyers Club Bangladesh](#)