



REVIEW AND RECOMMENDATION FOR THE REFORM OF THE CHILD MARRIAGE RESTRAINT ACT, 2017

October 2026, Bangladesh

1. CONTEXT

Bangladesh continues to report one of the highest rates of child marriage globally¹, driven by a complex interplay of multiple socio-economic and structural factors. These drivers include deep rooted harmful social and gender norms, poverty, limited and poor-quality education, concerns over girls' safety and security.

Bangladesh has the highest prevalence of child marriage in South Asia and ranks among the top ten countries worldwide². The scale of the crisis is vast: there are currently 41.6 million child brides in Bangladesh, with 22.3 million of them married before the age of 15³. There has been some reduction in prevalence, the rate among girls under 18 decreased from 51.4 per cent to 47.2 per cent between 2019 and 2025⁴ and marriages among girls under 15 dropped from 15.4 per cent to 13 per cent in the same period. However, the progress remains uneven with disparities in geography, education, wealth, and regional variation.

Child marriage remains disproportionately prevalent in rural areas (58 per cent) compared to urban centers (50 per cent). Educational attainment and socioeconomic status are the primary predictors of this trend: rates soar to 71 per cent among women with little to no formal education and reach 65 per cent within the poorest households. By contrast, higher education serves as a significant deterrent. The prevalence drops to 27 per cent for women with higher secondary education and falls below 13 per cent for those with a university degree. Regional progress, however, remains uneven; while Dhaka and Sylhet have seen notable declines, child marriage rates remain very high in the Rajshahi and Khulna divisions.

Other national surveys confirm the persistently high level of child marriage in Bangladesh overall. According to the Bangladesh Sample Vital Statistics (BSVS) 2023 conducted by Bangladesh Bureau of Statistics, at least 41.6 per cent of young women were married before the age of 18⁵ and 8.2 per cent of young women were married before turning 15.⁶

Child marriage is a major barrier to development, as it perpetuates a cycle of poverty by cutting short girls' education, pushing them into early and repeated pregnancies and severely limiting their employment opportunities. The link is evident in the high rates of adolescent pregnancy. The BSVS 2023 data indicates a high rate of adolescent pregnancies, with 73 births per 1,000 girls aged 15–19, up from 70 in the previous year.⁷ The increase is further confirmed by the Bangladesh Multiple Indicator Cluster Survey (MICS) 2025, which shows the adolescent birth rate rising from 83 to 92 per 1,000 adolescent girls between 2019 and 2025.

1. UNICEF, Ending Child Marriage: A Profile of Progress in Bangladesh (Dhaka: UNICEF Bangladesh, 2020), <https://www.unicef.org/bangladesh/media/4526/file/Bangladesh%20Child%20Marriage%20report%202020.pdf>.

2. UNFPA-UNICEF, Country Summary: Bangladesh, 2023 Annual Results and Phase II (2020–2023) Report, Global Programme to End Child Marriage (Dhaka: UNFPA Bangladesh, 2024).

3. Ibid.

4. Bangladesh Bureau of Statistics (BBS) and UNICEF Bangladesh, Bangladesh Multiple Indicator Cluster Survey (MICS) 2025: Preliminary Findings (Dhaka: BBS, 2025).

5. Bangladesh Bureau of Statistics (BBS), Bangladesh, Sample Vital Statistics 2023 (Dhaka: BBS, Statistics and Informatics Division, 2024).

6. Ibid.

7. Ibid.

Furthermore, the BSVS 2023 data found that more than a quarter of all pregnant women were between 15 and 19 years old.⁸ These early pregnancies severely compromise girls' health and well-being.

The sustained high level of child marriage rates is attributable to poverty, education quality and inequity in education, entrenched harmful social and gender norms, and safety concerns.⁹ Entrenched social norms, fear of elopement and pervasive economic insecurity, especially in climate-affected or remote areas and urban slums, often lead families to view early marriage as a solution to their economic hardship¹⁰ and the better option for a girl. This crisis is dramatically compounded by environmental vulnerabilities. A recent assessment by the International Rescue Committee (IRC) indicates the intersecting impact of poverty, displacement and climate. A 39 per cent spike in child marriage was noted in disaster-prone coastal areas such as Bhola and Shatkhira following climate-induced disasters.¹¹ These findings highlight how environmental vulnerabilities exacerbate the existing drivers, further pushing vulnerable families toward early marriage.

The Government of Bangladesh has demonstrated significant political commitment to tackling child marriage through the enactment of the Child Marriage Restraint Act (CMRA) 2017, followed by its Rules in 2018.¹² This legislation replaced the colonial era CMRA of 1929, which, despite being in effect for nearly a century, was widely perceived as ineffective in preventing child marriage. Since its enactment, the CMRA has served as the foundational legal instrument shaping the national response to child marriage, even effectively guiding efforts during the COVID-19 pandemic.¹³ Awareness of the CMRA and the Rules has grown among law enforcement officials and the general public. Community members have become more active in prevention, utilizing national helplines like 109, 1098 and 999 to report impending child marriages and facilitate official intervention.¹⁴

The CMRA's impact is limited by several enforcement hurdles, most notably legal inconsistencies and the absence of annulment options. These factors, along with broader implementation challenges, significantly weaken the law's protective reach.

Addressing child marriage effectively requires more than just legislation. It necessitates a comprehensive reform to ensure the legal framework is coherent and protective in its design and capable of effective, consistent and context-responsive implementation across all levels of government and society.

⁸. Ibid

⁹. Ibid.

¹⁰. Ibid.

¹¹. International Rescue Committee (IRC), "Bangladesh: IRC Study Reveals a Staggering 39% Surge in Child Marriage Due to Climate Change," IRC, October 10, 2023, <https://www.rescue.org/press-release/bangladesh-irc-study-reveals-staggering-39-surge-child-marriage-due-climate-change>.

¹². UNFPA Bangladesh, UNFPA's Position on Legal Framework for Combating Child Marriage in Bangladesh and Approach to Amend the Law and Its Rules, position paper (Dhaka: UNFPA Bangladesh, March 2024).

¹³. Ibid.

¹⁴. Ibid.

2. LEGISLATIVE MERITS OF THE CMRA 2017 AND RULES 2018



2.1 Strengthened Financial Protection for Survivors

The Act places notable emphasis on the financial redress available to survivors. Monetary penalties imposed on perpetrators – payable directly to victims – serve as a key formal mechanism for survivor compensations. In cases that proceed to court, these penalties may be awarded to survivors under Section 13 of the CMRA. Moreover, individuals involved in contracting, solemnizing or registering underage marriages are also subject to financial sanctions, reinforcing financial accountability across all actors.



2.2 Stronger Communication, Coordination and Community Engagement

Stronger communication and coordination between justice agencies and individuals and organisations at the community level are a central feature of the CMRA of 2017. Section 5(1) of the Act states that a direct report of an impending child marriage from a member of the community to the Court is sufficient for the issuance of an injunction to halt the process. Additionally, agencies closely involved in ensuring the welfare of children, namely, Upazilla Chief Executive Officer, education officers, social welfare officers and local government representatives, have the jurisdiction to directly intervene and stop the solemnisation of an underage marriage (s.4), potentially through the establishment of sub-district committees composed of the above agencies (among others) guiding the implementation of the Act.

The establishment of a national committee (s.3–5) and district-level committees (s.6–8) to provide oversight to the implementation of the Act, as outlined in the Child Marriage Restraint Rules of 2018 (s.3–5), signposts the issue as a key priority, leveraging the presence of local actors in the implementation of the law.

Direct action from community members and organisations enables a unified response to child marriage by affording credibility to community intervention efforts; theoretically, this can lead to immediate implementation of the legislation at a community level. However, the effectiveness of this approach warrants consideration of the law's position within the broader legislative landscape, particularly the primacy of personal laws that may diminish the relevance of protections afforded by the CMRA.¹⁵

¹⁵ In particular, the Christian Marriage Act of 1872 and the Muslim Personal Law (Shariat) Application Act of 1937 that outline specific provisions for marriage, divorce and other matters that intersect with those of the Child Marriage Restraint Act of 2017. While these are important considerations, an in-depth analysis of personal laws is beyond the scope of this study.

3. SHORTFALLS OF THE CMRA 2017 AND RULES 2018



3.1 Legal intent and inconsistency

Although the CMRA sets minimum marriageable ages (18 for females, 21 for males), it does not invalidate marriages performed below these ages; it only criminalizes the act. Nor is child marriage in Bangladesh considered void ab initio (i.e. a null and void contract). This silence stems from the pluralism of the legal system of Bangladesh, where religious personal laws govern family matters; the CMRA does not assert primacy over religious and personal laws. For instance, uncodified Muslim personal law may permit the marriage of a girl upon reaching puberty, often presumed to be 15 years, despite the CMRA's stipulation of 18 years. These personal laws often permit child marriage and allow guardians to consent on behalf of minors, making such marriages valid despite statutory penalties.

The historical reluctance to interfere with customary practices dating back to the colonial-era continues to cloud the current legal landscape. In many contexts in Bangladesh, marriage is understood not merely as a union between individuals, but as a social contract between families, involving a range of actors in its formation and validation. This deeply embedded cultural framing contributes to a persistent legal paradox: a child marriage is a punishable offence under statutory law, yet the resulting union remains legally recognized under personal laws. This undermines the effectiveness of the CMRA and conflicts with the international human rights standards, which call for unequivocal invalidation of child marriages.



3.2 Discriminatory marriageable age

The CMRA establishes the minimum age of marriage at 21 for males and 18 for females, perpetuating a long-standing legal disparity based on gender. This law has its roots in the CMRA of 1929, a landmark piece of legislation from British India to curb the widespread practice of child marriage.¹⁶ Motivated by tragic cases of child brides, some as young as ten, suffering fatal injuries from premature marital relations, the original Act was a major step forward.¹⁷ It marked a significant legal shift: increasing the age of statutory rape and, for the first time, making child marriage a punishable offence.

Although the 1929 CMRA initially set the minimum age of marriage for females at 14 and males at 18, subsequent amendments gradually increased these thresholds, most notably raising the female age to 18 and male age to 21 in 1984,

¹⁶ Shahnaz Huda, "Child Marriage: Social Marginalization of Statutory Laws," *Bangladesh Journal of Law* 1, no. 2 (December 1997): 138.

¹⁷ Tanika Sarkar, "Intimate Violence in Colonial Bengal: A Death, a Trial and a Law, 1889–1891," *Law and History Review* 38, no. 1 (2020).

without offering any clear rationale for the continued age difference based on gender. This difference in age appears to be rooted in entrenched patriarchal norms that position men as providers who are older than their wives – an ironic legacy of the very tradition the law was meant to abolish.¹⁸

This unequal age requirement is fundamentally incompatible with international human rights standards such as those under the International Covenant on Economic, Social and Cultural Rights¹⁹ and the Convention on the Elimination of All Forms of Discrimination Against Women,²⁰ which mandate equal rights for men and women entering marriage. It also creates serious legal anomalies within the domestic legal system.

For instance, it criminalizes women. Because a man under 21 is considered a child for marriage purposes, an adult woman of 18 who marries a 20-year-old man can be held criminally liable for marrying a minor under the CMRA.²¹



3.3 Contradictory adult status

Marriage is a contract, and the free and informed consent of both parties is a primary requirement for its solemnization. Under the Contract Act, 1872 a person under the age of 18 is not considered an eligible party to a contract and cannot legally provide consent—a principle that must be considered in efforts to prevent child marriage.

An 18 year old male, who is otherwise recognized as a legal adult under the Majority Act of 1895, with the right to vote and enter contracts, is treated as a child under the CMRA, creating legal inconsistencies.²² These inconsistencies highlight the discriminatory impact and legal incoherence of the current age-based distinction under the CMRA.



3.4 No option for annulment of the marriage

The critical flaw in CMRA, is its failure to provide a direct legal path for parties to nullify their marriages. The Act punishes the perpetrators, but does not render a child marriage void or voidable at the minor's request.²³ Instead, the victims, often girls, are forced to rely on personal laws for dissolution, which are often discriminatory, difficult to access, and provide limited relief.²⁴ For instance,

¹⁸ Taslima Yasmin, A Review of the Effectiveness of the New Legal Regime to Prevent Child Marriages in Bangladesh: Call for Law Reform (Dhaka: Plan International Bangladesh and Girls Not Bride Bangladesh, 2020).

¹⁹ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (Art. 3 of the Covenant), UN Doc. E/C.12/2005/4 (August 11, 2005), para. 27.

²⁰ UN Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 21: Equality in Marriage and Family Relations, UN Doc. HRI/GEN/1/Rev.1 (1994), paras. 16, 1(a)–(b).

²¹ Lucy Carroll, "Recent Bangladeshi Legislation Affecting Women: Child marriage, Dowry and Cruelty to Women," *Islamic and Comparative Law Quarterly* 5, no. 1 (1985): 225–264.

²² Shahnaz Huda (n 18).

²³ Taslima Yasmin (n 20).

²⁴ Center for Reproductive Rights. Ending Impunity for Child Marriage in Bangladesh. Policy Brief. New York: Center for Reproductive Rights, 2018.
<https://reproductiverights.org/wp-content/uploads/2020/12/Ending-Impunity-for-Child-Marriage-in-Bangladesh-Policy-Brief.pdf>.

under Muslim law, a girl who entered into a marriage before the age of 18, must seek dissolution of a non-consummated marriage before age 19,²⁵ providing a very short window for a girl to have the marriage dissolved.

The primary recourse is the option of puberty, which is highly restrictive. Critically, this option is forfeited if the marriage has been consummated, leaving a very narrow and often impractical window for legal action.²⁶ Under Hindu personal law, the situation is even more dire. Hindu law in Bangladesh does not recognize divorce, and victims have no legal mechanisms to end the marriage within their faith.²⁷ This legal vacuum leaves victims, particularly young girls in forced marriages,²⁸ with few viable legal options, reinforcing the urgent need to amend the CMRA to include a clear, accessible provision that allows a minor to have their marriages annulled.



3.5 The “special provision” allowing marriage below 18 years

Section 19 of the CMRA includes a provision that permits child marriage under undefined “special circumstances” with a court order. From its inception, this clause raised significant alarm among rights advocates, who feared it would undermine the entire law. Despite hopes that the subsequent Rules 2018 would restrict the application of this provision, they failed to address core concerns and introduced no meaningful safeguards.

Key failures include:

3.5.1 Vague terminology: The Rules did not define what constitutes “special circumstances”, leaving the term dangerously open to misinterpretation and misuse.

3.5.2 No minimum age: No absolute minimum age was established, meaning there is no legal bar to prevent the marriage of even very young children under the clause.

3.5.3 Lack of requirements for committees: The Rules offer no specific guidance or criteria for assessment committees or courts to determine the best interests of the child, meaning they are vulnerable to misuse. Committees are often made up of local administrative officials and are not required to have members with gender or child rights expertise. Additionally, the Rules do not outline a proper investigation process or specify how court-approved marriage should be solemnized.²⁹

²⁵ The Dissolution of Muslim Marriages Act 1939, Section 2(vii).

²⁶ Center for Reproductive Rights policy brief (n 26).

²⁷ Taslima Yasmin, “Analysis of the Discriminatory Laws in Bangladesh from a Gender Perspective” (unpublished study report, Dhaka: UN Women Bangladesh, 2020).

²⁸ Shabina Begum, Ending Early and Forced Marriage: Bangladesh and UK Perspective (London: Family Law Journal, June 2016), 5–6.

²⁹ Taslima Yasmin (n 20).

3.5.4 Creating a legal pathway to legitimize abuse: Although Rule (3)(c) lists three events (i.e. rape, force and kidnapping) where the committee must recommend the court to reject applications under section 19, the courts are not bound to follow such recommendations. This opens the door for courts to approve child marriages even under these criminal circumstances.³⁰

3.5.5 Moreover, some of the wordings of Rule 17(3)(c) are such that it contemplates child marriage that already took place, contradicting the CMRA's intent and potentially validating unlawful child marriages retroactively.

Overall, instead of limiting the loophole, the Rules 2018 have effectively broadened it, failing to protect minors from forced and premature marriages.



3.6 Jurisdictional ambiguity in the CMRA

The CMRA criminalizes involvement in child marriage and establishes child marriage as a cognizable, bailable and non-compoundable criminal offence³¹ to be tried summarily³² by magistrates under the Code of Criminal Procedure of 1898.³³ However, the Act's framework creates significant jurisdictional confusion by blending criminal procedures with civil remedies. For instance, the law is unclear on whether magistrates are authorised to issue injunctions, a protective measure that is traditionally a civil remedy under the Specific Relief Act of 1877 and the Code of Civil Procedure of 1908. This ambiguity leads to inconsistent application and hinders the use of this vital tool. Similarly, the controversial section 19 of the CMRA, which requires a court to assess a child's "best interests" before permitting an underage marriage, fails to specify whether this evaluation falls under civil or criminal jurisdiction.³⁴

This issue is further complicated by the involvement of mobile courts. Under the Mobile Court Act of 2009, the executive magistrates can impose penalties for certain CMRA offences listed in the Act's Schedule.³⁵ Yet, their authority is strictly limited. Mobile courts are not legally empowered to issue injunctions or utilize other sections of the CMRA, such as section 10, which allows exemptions through a bond or affidavit.³⁶ Despite these clear limitations, executive magistrates have been known to exceed their mandate, resulting in jurisdictional overreach and creating significant legal ambiguity in the enforcement of the law.



3.7 Accused can be released on bond

Section 10 of the CMRA allows an accused to avoid prosecution by submitting a bond or affidavit promising not to engage in child marriage and to help prevent it

³⁰ Ibid.

³¹ Section 14 of the CMRA.

³² Section 15 of the CMRA.

³³ Vide section 29, 260 and Schedule II of the CrPC (The Code of Criminal Procedure).

³⁴ Taslima Yasmin (n 20).

³⁵ Section 17 of the CMRA.

³⁶ Taslima Yasmin (n 20).

locally. While the Rules 2018 outline the process³⁷ and include a form to collect information about such bonds,³⁸ they lack mechanisms to monitor compliance or ensure accountability. The provision also omits provisions for penalties, compensation or return of valuables received for the proposed marriage, potentially weakening the deterrent effect of the law.



3.8 Issuance of injunction is discretionary, not mandatory

Section 5 of the CMRA states that a court “may” issue injunctions to stop a child marriage. The use of the word “may” instead of “shall” makes this power discretionary, not mandatory, even if the court is convinced a child marriage is about to occur. Additionally, the CMRA lacks provisions for courts to order the return of gifts or other valuables exchanged for the marriage. This is a significant gap in the law, as it fails to provide financial restitution for the victim’s family.⁴⁰



3.9 Penalty for minors involved in the marriage

Section 7(2) of the CMRA penalizes minors for contracting child marriage, allowing detention and fines. However, in several places in the CMRA and its Rules, the law refers to the minor involved in a child marriage as a ‘victim’ or ‘aggrieved person’. Thus, the law creates contradictions by imposing criminal sanctions upon the victims, whose interests it wished to protect. Considering that this law is aimed at securing the best interests of a child, a penal provision for minor victims of child marriages is against the spirit of the law.⁴¹

This is also in direct conflict with the Children Act 2013, which forbids the use of penal sanctions against children and prioritizes restorative justice.



3.10 Inadequate period of limitation

Section 18 of the CMRA imposes a strict two-year time limit (statute of limitations) for filing complaints. This period is critically inadequate for girls, who are often minors living under the control of perpetrators. Facing social pressure, economic independence and lack of agency, they are rarely able to access the justice systems within such a short timeframe.⁴² This limitation risks many cases going unreported and unpunished.⁴³

Lack of procedure for the realization of compensation. Section 13 of the CMRA provides a critical mechanism for victim support, but its implementation is hindered by procedural gaps. The section allows a court to order a convicted

³⁷ Rule 16 of the Child Marriage Restraint Rules 2018.

³⁸ Schedule 4,5 of the Child Marriage Restraint Rules 2018.

³⁹ Center for Reproductive Rights Policy brief (n 26).

⁴⁰ Taslima Yasmin (n 20).

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

person to pay monetary compensation directly to the victim; this payment is in addition to any fines collected by the state. But the Rules fail to establish a clear procedure for how this compensation should be assessed, paid out or monitored. The law creates confusion by penalizing the minor, without providing clear guidelines for how compensation works in such complex scenarios. This lack of procedural clarity weakens a key provision for survivor redress.



3.11 Absence of provisions protecting persons acting in good faith

The CMRA fails to provide explicit protection for individuals acting in good faith, such as those filing complaints or officials enforcing the law. Section 6 penalizes complaints found to be deliberately false, but it does not distinguish these from reports that are merely unsubstantiated. This may deter citizens and officials from intervening, as they may fear legal repercussions if they can not definitively prove their case.



3.12 Non-criminalization of marital rape

The law of Bangladesh on rape and sexual offences is rooted in the colonial-era Penal Code of 1860, which contains an explicit exception 2 for marital rape.⁴⁴ This exception states that sexual intercourse with one's wife is not considered rape, provided she is 13 years of age or older. This effectively legalizes child rape within marriage. Although the Women and Children Repression Prevention Act of 2000 sets under 16 as the age for statutory rape, this does not apply if the perpetrator is the husband, undermining protection for girls. This legal contradiction violates Bangladesh's international obligations⁴⁵ and creates a perverse incentive for perpetrators of sexual assaults to use forced marriage as a shield against prosecution.⁴⁶

This exception disregards the consent of married women and, when linked with child marriage under the (CMRA, further undermines the legal protection and autonomy of young girls within marriage.



3.13 Marriage registration is not legally mandatory for all

A functional marriage registration system is essential for enforcing the minimum age of marriage, yet Bangladesh's framework is inconsistent and unreliable. The legal requirements vary significantly and registration is merely optional under the

⁴⁴ Section 2 of the Women and Children Repression Prevention Act (WCRPA).

⁴⁵ Taslima Yasmin, "Sexual Violence in Bangladesh: Addressing Gaps in the Legal Framework," Dhaka University Law Journal 28, no. 1 (2017): 109.

⁴⁶ Shabina Begum (n 30).

Hindu Marriage Registration Act, 2012.⁴⁷ Even for Muslims, the failure to register a marriage is a punishable offense but does not invalidate the marriage itself. This crucial flaw means that unregistered unions, including child marriages, remain legally valid, severely limiting the system's effectiveness as a preventative tool.



3.14 Gaps in enforcement of the laws addressing child marriage

3.14.1 Lack of legal awareness

Lack of comprehensive knowledge about child marriage laws is a major barrier to their enforcement. While communities are generally aware of the legal age for marriage and that child marriage is punishable,⁴⁸ detailed understanding of penalties and liable parties is low.⁴⁹ Government officials and enforcement agencies, including local administrators, marriage registrars and police, also lack sufficient knowledge of the CMRA and its Rules,⁵⁰ hindering effective implementation.

3.14.2 Insufficiency of the duty bearers

Insufficiency and corruption among local government officials and law enforcement contribute to poor enforcement of child marriage laws.⁵¹ Where officials are proactive, child marriages are better controlled, but often government agencies remain inactive. A lack of awareness about the harmful effects of child marriage and its social acceptance further discourages action by authorities.

3.14.3 Arrival of the enforcement authorities after marriage has taken place

One of the persistent implementation challenges under the CMRA is the delayed response of the enforcement authorities.⁵² Due to inadequate transportation systems, long travel distances and limited logistical support, particularly during nights and weekends when most child marriages are arranged, officials are often unable to intervene in time to prevent the marriage.⁵³ Moreover, as law enforcement efforts have become more visible and stringent in certain areas, families have adapted to relocating and conducting the marriage in neighbouring districts where monitoring is weaker or where local authorities remain unaware.⁵⁴

3.14.4 Weak implementation of the birth registration system

Improving birth registration is vital for child marriage laws, but only 37 per cent of children under five in Bangladesh are registered. This leaves about 10 million children without official records.⁵⁵ Many women and adolescent

⁴⁷ Section 3 of The Hindu Marriage Registration Act 2012.

⁴⁸ Plan Bangladesh. Child Marriage in Bangladesh. Dhaka: Plan Bangladesh, June 2013.

⁴⁹ Ibid.

⁵⁰ Oxfam, Preventing Child, Early and Forced Marriage in Bangladesh: Understanding Socio-economic Drivers and Legislative Gaps.

⁵¹ Taslima Yasmin (n 20).

⁵² UNFPA Bangladesh, UNFPA's Position on Legal Framework for Combating Child Marriage in Bangladesh and Approach to Amend the Law and Its Rules, position paper (Dhaka: UNFPA Bangladesh, March 2024).

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ United Nations Children's Fund (UNICEF), Birth Registration for Every Child by 2030: Are We on Track? (New York: UNICEF, 2019), [Insert Page/Source ID], <https://www.unicef.org/media/62981/file/Birth-registration-for-every-child-by-2030.pdf>.

mothers lack knowledge and access to birth registration services, with only three out of five mothers of unregistered children aware of the process, hindering effective implementation of the law.⁵⁶

3.14.5 Lack of consequences for providing forged birth certificate

There is growing concern among communities that local officials are issuing fake birth certificates for bribes to enable child marriages.⁵⁷ Studies confirm this issue, and there is a lack of effective monitoring and punishment for such fraud. Curbing these malpractices is crucial for successful child marriage prevention.⁵⁸

3.14.6 The practice of marriage by affidavit

There exist some unlawful practices referred to as “court marriages,” often involving minors, where notaries issue affidavits claiming a marriage has occurred to bypass official registration.⁵⁹ Many believe this is a legal alternative to registration.⁶⁰ In 2015, the Governance Innovation Unit of the Prime Minister’s Office issued a circular instructing notaries and officials to stop and prevent this practice.⁶¹

3.14.7 Limited prosecution of child marriage

Prosecutions under the earlier law (CMRA 1929) have been rare, with limited data available⁶² and only occasional reported cases.⁶³ Under the current CMRA 2017, some prosecutions have occurred, mainly by executive magistrates through mobile courts, but it is still too early to assess its impact.⁶⁴ Lack of comprehensive data on prosecutions under both laws hampers evaluation, though the Rules 2018 require detailed record-keeping, which has yet to be assessed.

3.14.8 Issues with the process for officials to intervene in child marriage

The CMRA empowers local officials to intervene in impending child marriages. While proactive officers have successfully prevented such marriages in some areas, challenges remain. Poverty often drives families to arrange child marriages, leading officials to offer personal or community-funded support. Interventions can be sensitive, especially when the child is willing or is under emotional distress. Female officers or NGO workers are often preferred for counselling, but resources are limited and interventions lack clear operational guidelines, leading to inconsistent practices.

⁵⁶ Ibid.

⁵⁷ Taslima Yasmin (n 20).

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Human Rights Watch, *Marry Before Your House Is Swept Away: Child Marriage in Bangladesh* (New York: Human Rights Watch, 2015), <https://www.hrw.org/report/2015/06/09/marry-your-house-swept-away/child-marriage-bangladesh>.

⁶¹ Ibid.

⁶² Committee on the Rights of the Child, *Submission Re: Supplementary Information on Bangladesh*, Pre-sessional Working Group (2014), cited in Center for Reproductive Rights, *Ending Impunity for Child Marriage in Bangladesh*, policy brief (New York: Center for Reproductive Rights, 2018), 26.

⁶³ “3 Girls Rescued from Child Marriage,” *The Daily Prothom Alo*, August, 2016.

⁶⁴ “The Child Marriage of a Young Footballer Has Been Stopped by the Deputy Commissioner of Faridpur District,” *Tarunner Barta*, June, 2020.

3.14.9 Dysfunctional Child Marriage Prevention Committees formed under the CMRA

The CMRA mandates the formation of Child Marriage Prevention Committees at different administrative levels, such as national,⁶⁵ district,⁶⁶ upazila⁶⁷ and union, with the aim of monitoring and preventing child marriages through coordinated legal action. However, in practice, these committees are often dysfunctional.⁶⁸ Consequently, the absence of a functional local enforcement mechanism severely weakens the preventive intent of the law, allowing child marriages to persist.

3.14.10 Lack of support for victims

Support systems for victims of child marriage and gender-based violence are inadequate. Shelters are limited in number and not tailored for married girls or children, lacking necessary facilities and counseling services. Legal aid is also largely inaccessible to vulnerable girls, despite the existence of the Legal Aid Fund, reducing the effectiveness of protection measures.⁶⁹

Additionally, reporting child marriage through national helplines like 1098, 109, and 999 remains largely inaccessible to girls. This is primarily because information about these services is neither widely available nor familiar to children seeking support.

⁶⁵ Rules 3, 4 and 5 of the Child Marriage Restraint Rules 2018.

⁶⁶ Rules 6, 7 and 8 of the Child Marriage Restraint Rules 2018.

⁶⁷ Rules 9, 10 and 11 of the Child Marriage Restraint Rules 2018.

⁶⁸ Time to Pull the Leash: Addressing the Disturbing Rise of Child Marriage in Bangladesh," Share-Net Bangladesh, <https://forums.swift.org/t/if-vs-available-vs-if-available/40266>.

⁶⁹ UN Committee on the Elimination of Discrimination against Women (CEDAW), Concluding Observations on the Eighth Periodic Report of Bangladesh, UN Doc. CEDAW/C/BGD/CO/8 (November 25, 2016), para. 12.

⁷⁰ UNFPA, "UNFPA Population Report Highlights the Need for Urgent Accelerated Action to Stop Child Marriage and Son Preference," UNFPA, 2020, <https://forums.swift.org/t/if-vs-available-vs-if-available/40266>.

4. RECOMMENDATIONS

While the CMRA strengthened preventive mechanisms, statutory ambiguities and enforcement gaps continue to compromise its execution. Effective legislative reform cannot occur in isolation; it requires concurrent integration with state frameworks in education, healthcare, social security, and economic empowerment. Furthermore, external shocks—including climate-induced natural disasters, extreme heatwaves, public health crises, and conflict—compound to significantly increase the risk of child marriage. Institutional instability and shifting political landscapes also necessitate permanent financial investment and proactive governance. Ultimately, these compounding structural vulnerabilities demand immediate, systematic state action to protect at-risk populations.⁷⁰

The current legal framework under the CMRA requires reform to more effectively deter and address child marriage in Bangladesh. The following structured amendments are recommended:

1. STRUCTURAL MODIFICATIONS

The current legal framework under the CMRA requires a structural modification to more effectively deter and address child marriage in Bangladesh.

- **Standardize the legal minimum age of marriage at 18 years for both men and women:** Establishing 18 as the uniform minimum age eliminates gender disparity and aligns Bangladesh's domestic framework with international human rights standards.
- **Remove the definition of "Minor" and adopt the definition of a "Child" as stipulated in Section 4 of the Children Act 2013:** Eliminating the definition of "Minor" emphasizes that the law is explicitly intended for the protection of children, thereby harmonizing this statute with the Children Act 2013, the National Children Policy, and other relevant legal frameworks.
- **Insert an supremacy clause within the Act:** The CMRA should expressly provide that its provisions relating to the prohibition of child marriage shall prevail over any inconsistent law, custom, or personal law governing marriage in Bangladesh.
- **Repeal Section 19 of the CMRA to completely abolish the "special circumstances" loophole:** Eliminating this provision is vital to preventing misinterpretation and ensuring absolute protection under the law. Amend the Penal Code to remove the marital rape exemption for minors: Removing this exemption closes a critical protection gap for married girls, and the law should explicitly authorize the adjudication of these cases under the specialized Women and Children Repression Prevention Tribunal.

⁷⁰ UNFPA, "UNFPA Population Report Highlights the Need for Urgent Accelerated Action to Stop Child Marriage and Son Preference," UNFPA, 2020, <https://forums.swift.org/t/if-vs-available-vs-if-available/40266>.

- **Exclude the child party from criminal liability in child marriage cases:**
To address penal liability properly, the CMRA must align with the Children Act 2013 by strictly prohibiting criminal sanctions against children. Punitive measures should be entirely replaced by holistic, supportive interventions such as education, psychosocial support, and life-skill development.
- **Classify child marriages as voidable at the option of the child party:**
To provide adequate legal recourse, affected individuals should be granted the right to file for annulment until the age of 22, while the adult party should be legally obligated to provide financial compensation. Children should also be granted the right to file for annulment even before reaching the age of 18 years, through a guardian ad litem (which should not be limited to only parents/guardians, but widely defined to include any person who has the leave of the court to advocate for the best interests of the child).
- To bypass the long delays and low conviction rates of the judicial system, financial compensation should be decoupled from criminal convictions. This fund should operate as a general victim's compensation fund—supported by state contributions and the aggregation of all judicial fines collected under the CMRA—allowing survivors to receive immediate financial restitution at the outset, independently of criminal processes.
- The legal framework must comprehensively secure the legitimacy of children born from annulled marriages through state protection mechanisms, provide for the right of the child party to the marriage to access financial maintenance (including for any offspring), and provide for the right to custody of any children born from the marriage based on best interests of the child, thus ensuring that the dissolution of a child marriage does not compromise the legal rights or socio-economic security of the young mother and her offspring.
- **Extend the statutory limitation period for filing complaints under Section 18 of the CMRA to six years:** Extending this limitation period ensures that victims have a realistic and sufficient window of opportunity to seek legal justice.
- **Resolve court jurisdiction ambiguities under Section 5 of the CMRA:**
The law must explicitly specify which "court" holds jurisdiction to issue injunctions under Section 5, and these injunctions must be made mandatory whenever a risk of child marriage is identified.
- **Clarify and streamline the jurisdiction and operational procedures of Mobile Courts operating under the CMRA:** Procedural streamlining is necessary to optimize the efficiency of on-the-spot enforcement while establishing safeguards to prevent administrative abuse.

- **Repeal or substantially revise Section 10 of the CMRA, which allows for the release of accused individuals on bond:** Any revision to Section 10 must eliminate existing loopholes by incorporating mandatory financial compensation requirements for the victim alongside strict post-release monitoring mechanisms to prevent re-offending.
- **Amend the Bengali title of the Act to "Shishu Bibaho Nirodh Ain" (শিশু বিবাহ নিরোধ আইন):** Removing the term "ballyo" (early/childhood) establishes a clearer legal focus, clarifying that the law is designed specifically for the protection of children (shishu) and distinguishing them from general definitions of minors or adults categorized as minors under other statutes.

2. OPERATIONAL IMPROVEMENTS

- **Strengthen a multi-sectoral accountability framework to address the root causes of child marriage:** While the primary objective of the CMRA is preventive, its provisions and accompanying rules should explicitly recognize and address the underlying socio-economic drivers of child marriage. To bridge existing gaps, child marriage coordination and monitoring mechanisms should be closely integrated with other key line ministries, including education, health, and social services.
- **Strengthen and fully operationalize Child Marriage Prevention Committees across all administrative tiers:** While national, district, upazila, and union-level committees are legally mandated, many remain dysfunctional. The state must ensure their effective operationalization by providing adequate resourcing, comprehensive training, and robust accountability mechanisms to actively prevent early marriages.
- **Appoint designated frontline Social service workforce such as Child Marriage Prohibition Officers from the national to the union level:** To strengthen enforcement and institutional accountability, these social service workforce must be strategically placed across all administrative tiers. At the union level, trained government frontline workers or social workers should be formally designated to serve as CMPOs to support localized community-based monitoring, reporting, and prevention.
- **Formulate detailed operational guidelines and standard operating procedures for law enforcement and local government bodies:** The current lack of specific procedural directives leaves police officers, local government officials, and administrative authorities without a clear framework for intervening in imminent child marriages. Developing these guidelines is essential to eliminate inconsistent and ineffective enforcement during crisis interventions.
- **Establish strict post-release monitoring and victim welfare protocols for individuals released on bond:** In cases where accused persons are released under Section 10 of the CMRA, the law must mandate rigorous follow-up mechanisms. This is critical to ensure that bond compliance is strictly monitored and that the victim's safety, psychological welfare, and protection from ongoing harm are legally guaranteed.

3. PROTECTION, HEALTH, EDUCATION AND SUPPORT SYSTEMS

- **Implement a comprehensive, state-funded legal framework and mechanism for survivors:** To address the critical needs of child marriage survivors, the state must establish a specialized, independent resource pool dedicated to rescue operations, medical care, emergency housing, holistic rehabilitation, and legal assistance.
- **Scale and institutionalize the deployment of skilled social workers for case management:** Leveraging the existing framework of the Department of Social Services, skilled social workers must remain actively deployed at the union and community levels. Their primary mandate should be to conduct rigorous child protection case management for vulnerable children, specifically targeting those who are victims of or at immediate risk of child marriage.
- **Promoting Adolescent Health and Well-being:** The standardization of the minimum legal marriage age at 18 for both men and women must not undermine the principle of the evolving capacities of adolescents, nor should it restrict young people's access to vital sexual and reproductive health and rights (SRHR) information and services. Instead, comprehensive SRHR must be actively encouraged and integrated to empower young people, prevent adolescent pregnancy, and proactively eliminate the drivers of child marriage.
- **Guarantee mandatory access to psychosocial counseling for all affected children:** Legislative and administrative frameworks must ensure that comprehensive mental health and psychosocial counseling are universally accessible and mandatory for all children involved in child marriage cases to support their recovery and well-being.
- **Create robust enforcement mechanisms for the timely collection and disbursement of victim compensation:** When financial compensation is awarded under Section 13 of the CMRA, stringent enforcement protocols must be in place to ensure timely payment by the liable parties, thereby upholding the victim's right to justice, rehabilitation, and meaningful reparations.

