Preventing Child, Early, and Forced Marriage in Bangladesh: Understanding Socio-Economic Drivers and Legislative Gaps

Final Report

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About the project

‘Creating Spaces to Take Action on Violence Against Women and Girls’ seeks to reduce violence against women and girls, and child, early and forced marriage in six countries across South and East Asia. These include: Bangladesh, India, Indonesia, Nepal, Pakistan and The Philippines. Funded by Global Affairs Canada, this five-year project (2016-2021) will work with 214,000 beneficiaries across the six countries, by engaging with influencers (religious, community, private sector, political actors, and youth), men and boys, women and girls who have experienced or are at risk of experiencing violence, and institutions and alliances that are engaged in influencing change.

Violence against women in many countries throughout Asia is rising rapidly. It takes a huge toll on families, economies and productivity, and violates the rights of women and girls. The widespread prevalence of violence against women and girls is particularly acute when it comes to domestic violence and marital rape, as well as child, early, and forced marriages. Despite considerable progress in establishing legislation and policies, implementation of these has been slow. The slow pace of change is largely the result of deeply entrenched cultural values, attitudes and practices that are rooted in gender stereotypes and discrimination; these perpetuate the exploitation of and violence against women and girls. Creating Spaces takes an approach that prevents, responds to, and ensures the sustainability of interventions to end violence against women and girls, and child, early, and forced marriages.
EXECUTIVE SUMMARY

Child, early, and forced marriage (CEFM) is a fundamental human rights violation, and it impacts all aspects of a girl’s life. It disproportionately affects girls compared to boys, curtailing a girl’s education, limiting her opportunities, increasing her risk of violence and abuse, and trapping her in poverty. In Bangladesh, 59% of girls are married before their 18th birthday and 22% are married before the age of 15 (UNICEF, 2017). Most people in Bangladesh do not believe child marriage is a form of sexual violence. The country, however, has committed to eliminate CEFM by 2030, and the National Parliament of Bangladesh passed the Child Marriage Restraint Act, 2017 (Act No. VI of 2017) on February 27, 2017; the rules were passed 20 months later.

This report is the result of research into CEFM in Bangladesh and its legal context in the country. The research itself is part of the Oxfam Canada and Global Affairs Canada funded project entitled Creating Spaces to Take Action on Violence against Women and Girls, which seeks to reduce VAWG, including CEFM, across six countries in South and South East Asia. The research that informs this report was gathered through key informant interviews and focus group discussions with government and local officials; boys and girls who were married at an early age; parents, guardians, and families; and key stakeholders active in the fight against CEFM. Case studies were also collected.

The objective of the research was to gain a better understanding of the perception of marriage as an institution in Bangladesh, the impact of CEFM on society, the effectiveness of infrastructures and procedures in tackling CEFM, and the changes in context after the 2017 passing of the Child Marriage Restraint Act. Representing the findings of the research, there are three specific goals for this report: to discuss the socio-economic drivers of CEFM, to illustrate legislative gaps, and to generate recommendations for initiatives and approaches that could be developed to combat CEFM moving forward.

The methodological framework for the research places women and girls at the center of the research process; it documents their lived experiences and perspectives on CEFM. The approach enabled the building of knowledge through the lens of women’s experiences, and then applies this knowledge towards social activism and potential change. Primary research was combined with a literature review to gain insight on Bangladesh’ context with respect to CEFM.

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Findings

Overall, the research found a range of interrelated socio-economic factors driving CEFM:

**Tradition and conformity:** Families are pressured to conform to the normative expectation that girls marry before the age of 18. Parents fear the social consequences that may arise from not conforming to this norm.

**Ensuring the girl’s socio-economic future:** Single men with stable incomes, government or foreign jobs are deemed extremely eligible. As desirable grooms are scarce, it is seen as best to marry the girl off whenever a good opportunity arises.

**Inherent patriarchal values:** Service providers and authorities charged with preventing CEFM are represented by individuals who are both part and product of the patriarchal culture that facilitates gender inequality.

**Education and gender inequality:** Investment in a child’s future has the underlying expectation of contributing to parents’ old-age security, especially in cases of poverty. Since girls move away after marriage, boys’ education is considered a safer investment, whereas girls are normally not allowed to work, and, if so, will contribute to their in-laws’ income. Sometimes, parents are also misguided by grooms’ families with the false promise to continue the girl’s education after marriage. Lack of both decent neighbourhood schools and suitable economic opportunities for girls perpetuate gender inequality.

**Poverty:** While young boys can be engaged in paid work from a very early age, young girls typically do not work due to security concerns; as such, they are considered a financial burden for poor families. In these circumstances, an early marriage for girls means one less mouth to feed.

**Chastity and family honour:** High value is placed on the virginity of girls, and child marriage is often used as a way of controlling pre-marital sex to preserve the family’s honour. There is a common perception that girls who grow older lose their virginity outside marriage.

**Threat of sexual violence:** The threat of verbal and physical sexual harassment and assault is very common for young girls. Marriage in another area is seen as the most suitable solution to prevent these girls from experiencing sexual violence.

**Rising fear of technology:** Widespread use of social media among adolescent girls and boys is increasing parental and family fear that technology will make girls vulnerable to harassment, and entice them to do “dishonourable” things like having affairs or engaging in premarital sex.

**Age and dowry:** Although paying dowry is technically illegal, this practice is still common in rural, poor communities and can incentivize CEFM. Potential grooms (or their families) prefer traditionally-defined, young brides and accept a lower dowry for them, whereas higher dowries are demanded for adult women.
Legislative gaps

Although the above drivers of CEFM exist, there is ostensibly a legal context that prohibits the practice, specifically the Child Marriage Restraint Act that was passed in 2017. There are multiple government and non-government initiatives combatting CEFM at the local level. As per government instruction, in many places (if not everywhere) members of the local government abstain from attending CEFM ceremonies that take place in their localities. Multiple hotlines that directly or indirectly contribute to tackling CEFM have been in operation, and NGOs have developed a range of initiatives to raise awareness against CEFM.

According to respondents of this research, however, the law has had minimal impacts on CEFM practices to date. The research identified various factors preventing the adoption of the Act. First, people in small towns and in rural areas, including authorities, have little actual knowledge about the law. Community members were not aware, and local government officers, concerned local administrators, kabis (marriage registrars), police officers, and even district commissioners lack knowledge about provisions offered by the new law, and its specific clauses and sections.

Law-enforcing agencies also take longer to reach locations in rural areas, particularly in remote and inaccessible parts of the country. Respondents also mentioned the lack of transparency and corruption of people involved in executive bodies. Local political influences play a crucial role here, where the political leaders themselves act as the patrons of marriage ceremonies. In some cases, families involved have bribed local government officers to ensure an unhindered arrangement. Such a mechanism can involve people at divergent tiers of administration, ranging from the highest office bearers to members from lower levels. Among other strategies to continue the practice of CEFM, officials will accept money to issue fake age registrations or simply ignore cases of CEFM in their vicinity. In many cases, people travel to a neighbouring district or upazila (sub-district) to conduct marriages where community knowledge of the bride’s age is limited.

Recommendations

As a primary prevention strategy, this research recommends employing behaviour-change communication and community mobilization techniques to shift social norms on what is considered a suitable age for marriage. Keeping girls in primary school is the most important factor preventing the marriage of young girls at 13 or 14 years of age. This can be aided through well-designed social assistance programs such as scholarships, or stipends for girls from poor households. Schools should add life-skills training to the curricula for girls and boys, and provide opportunities for students to develop supportive social networks. Providing economic support to families, as well as social protection to women-headed households, should also be considered.

In addition to the prevention of CEFM, services for underage married girls should be promoted, especially family planning services to postpone first births and increase spacing between children. Programs should engage men and boys, parents and communities, including religious leaders, to respond to CEFM and VAWG more broadly. The Child Marriage Restraint Act, 2017 and the 2018 rules for its implementation should be circulated as well as implemented as soon as possible, and development programs should undertake policy advocacy to establish transparent birth and marriage registration systems.

Finally, organizations should invest more in documenting and evaluating what works to end CEFM. Creating forums and other opportunities to share program and advocacy design, experiences, and lessons learned from existing efforts to address CEFM will reduce duplication of efforts and lead to faster results.
# LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>BBS</td>
<td>Bangladesh Bureau of Statistics</td>
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<tr>
<td>BIDS</td>
<td>Bangladesh Institute of Development Studies</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
</tr>
<tr>
<td>CEFM</td>
<td>Child, Early, and Forced Marriage</td>
</tr>
<tr>
<td>VAWG</td>
<td>Violence Against Women and Girls</td>
</tr>
<tr>
<td>UNFPA</td>
<td>United Nations Population Fund</td>
</tr>
<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
</tr>
<tr>
<td>UNO</td>
<td>Upazila Nirbahi Officer</td>
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</table>
In Bangladesh, 59% of girls are married before their 18th birthday and 22% are married before the age of 15 (UNICEF 2017). According to UNICEF, Bangladesh has the fourth highest prevalence rate of child, early, and forced marriage (CEFM) in the world and, at 4,451,000, the second highest number of girls who are married as children.

CEFM in Bangladesh is driven by a complex host of interrelated factors that transcend backgrounds and social divides. There are a number of identified and agreed on factors that contribute to the high prevalence of CEFM in the country:

- gender inequality,
- deeply entrenched perceptions suggesting women and girls are inferior to men and boys,
- notions of chastity and family honour,
- poverty,
- level of education, and
- humanitarian contexts arising from frequent natural disasters and internal displacement or migration.

Most people in Bangladesh do not believe child marriage is a form of sexual violence. Young adolescents who marry are at risk of early and unsafe pregnancies and negative health impacts. CEFM also has a major negative impact on national economies. The biggest economic impacts are related to fertility and population growth, education, and earnings. It has already been proven beyond debate by the development community, theorists, and practitioners that investments in ending CEFM can help countries achieve multiple development goals within a short time.

Bangladesh has committed to eliminate CEFM by 2030, in line with target 5.3 of the Sustainable Development Goals. Bangladesh ratified the Convention on the Rights of the Child in 1990, which sets a minimum age of marriage of 18, and acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1984, which obligates states to ensure free and full consent to marriage. The country has also consented and committed to multiple other high-level international calls for action to eliminate CEFM by 2030, such as formulating the National Plan of Action to End Child Marriage (2018-2030) and becoming a party to the Convention on the Rights of the Child.

The parliament of Bangladesh adopted the Child Marriage Restraint Act, 2017 on February 27, 2017. Before this law was passed, in practice it was almost impossible to file a case against any incident or attempt of CEFM. The bill was signed into law in March 2017 with a special provision that allows a boy or girl to get married before reaching the statutory age limit (18 for girls and 21 for boys) in some exceptional cases. The Act, however, does not define what constitutes a special case. There are fears that such a provision will legitimize statutory rape and encourage CEFM.

However, one thing is crucial to mention here: like every other new law passed in the parliament of Bangladesh, this one also took months to be ready for application. In October 2018, the rules and explanations of details for application were finally formulated. That means that it took twenty months for this law to become truly accessible to the people. And formulation of these rules is a business; it may go through endless negotiation and revision, often having no way to predict how long it will take to complete the procedure. Fieldwork for this current study was conducted within the gap between the formulation of the law and the enactment of its rules. Therefore, we hardly had scope to assess the rate of access for this law but were, more importantly, keen to see to what extent our diverse stakeholders were aware of this new law.
Purpose and Scope of the Research

This research falls under the Oxfam Canada and Global Affairs Canada-funded project entitled *Creating Spaces to Take Action on Violence against Women and Girls*, which seeks to reduce violence against women and girls (VAWG), including CEFM, across six countries in South and South East Asia. The Creating Spaces project aims to reduce VAWG and CEFM through targeted prevention and programming that engages with key community actors, supports women and girls who have experienced violence, and builds knowledge and capacity of institutions and alliances. This research builds knowledge regarding CEFM in Bangladesh by identifying the challenges of policy, laws, strategies, and services related to CEFM; help-seeking behaviours of communities regarding CEFM; attitude of different stakeholders (formal and informal) in this regard; gaps of existing laws, policies, and services; and root causes of gender inequalities that perpetuate CEFM.

Conceptual Framework

The research has applied feminist standpoint epistemology\(^2\) as its conceptual framework. This framework places women at the center of the research process, enabling the building of knowledge through the eyes and concrete experiences of oppressed women, with the objective to apply this knowledge towards social activism and social change. The research is intended to be a fusion of knowledge and practice.

The reason for choosing feminist standpoint epistemology is to ensure that the project stays true to the feminist principles, and begins with documenting women’s lives as they themselves experience them. The goal is to achieve an accurate and authentic understanding of what life is like for women who have experienced CEFM. As an organization that places both women and knowledge at the core, Oxfam recognizes that knowledge is not neutral, objective, and value-free, but rather partial and gendered. Therefore, this research seeks to contribute to the construction of knowledge through methods that repair the historical trend of women’s misrepresentation and the exclusion of their perspectives from dominant spheres of knowledge production.

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This research used a primarily qualitative approach. A significant sample size (explained below) was used in the project’s baseline study to ensure the validity and representativeness of the data. Depending on lower and higher rates of CEFM occurrence, two clusters were chosen with equal sample sizes. More clusters could be drawn to address regional, socio-economic, religious, or ethnic diversity; however, the number of clusters was restricted due to time and budgetary constraints. Instead, the above mentioned diversities were accommodated in the chosen sample.

Although we drew heavily on empirical sources, this research also included a review of secondary data. These sources include different reports, government and Bangladesh bank databases, surveys, research studies, and other documents related to CEFM. These comprise the first part of the literature review. In the second part, we deal with the feminist literature that contributed to the research methodology chosen.

Area Coverage and Diversities

This research was conducted in nine different districts of Bangladesh from June to September 2018. Depending on the lower and higher rates of CEFM occurrence, six districts were chosen for qualitative research. Of them, three are low prevalence districts and three are high prevalence districts. This means that from five divisions, we have selected six districts. However, as Sylhet division contains four out of five districts with the lowest CEFM prevalence rate, we have included two districts from Sylhet division in this research.

Table 1: Area Coverage

<table>
<thead>
<tr>
<th>Low Prevalence Districts</th>
<th>High Prevalence Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division</td>
<td>District</td>
</tr>
<tr>
<td>Sylhet</td>
<td>Sylhet</td>
</tr>
<tr>
<td></td>
<td>Sunamganj</td>
</tr>
<tr>
<td>Chittagong</td>
<td>Rangamati</td>
</tr>
</tbody>
</table>
Diversities according to region, socio-economic condition, religion, and ethnicity have been addressed in choosing the research population/site. For example, Chapainawabganj is a borderland district in the northwest, whereas Sunamganj is located in the southeast and contains large lakes/water bodies, locally known as Haor. These particular locations or geophysical conditions would certainly have some impact on people’s matrimonial or other social practices. Certain geographic areas have higher poverty rates, are more conservative, or less educated than others; these factors are important drivers of child marriage. Unlike the other five districts, Rangamati contains a section of the Adivasi ethnic population with distinctive cultural and social practices from Bengalis. Sylhet has a rich and long history of external migration.

The research team for this project consulted with these stakeholders as well as legal experts and activists to get a better understanding of the CEFM context in Bangladesh through a discussion meeting and a validation workshop.

**Sampling Distribution**

As listed below (Table 3), altogether 25 key informant interviews (two to three in each area) were conducted among government and non-government office holders. Thirty-five in-depth interviews (three to four per area) were carried out with boys and girls who were married at an early age; their parents, guardians, and families; and different key stakeholders including community leaders who had been active against CEFM. In addition, 20 focus group discussions (two to three in each area) were carried out with age- and gender-specific groups of young people (aged 12 to 22 years) and their parents. A total of 10 case studies (at least one in each area) were also collected.
### Table 3: Sampling Distribution

<table>
<thead>
<tr>
<th>Data Collection Type</th>
<th>Participants</th>
<th>Targeted Sample Size</th>
<th>Actual Sample Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key informant interviews</td>
<td>Government and non-government office holders</td>
<td>18-27</td>
<td>25</td>
</tr>
<tr>
<td>In-depth interviews</td>
<td>Boys and girls who got married in early age, and their parents, guardians and families; Different key stakeholders including community leaders who had been active against early marriage</td>
<td>27-36</td>
<td>35</td>
</tr>
<tr>
<td>Focus group discussions</td>
<td>Young group (male/female); Guardians (male/female); Mixed group (lawyers, journalists, magistrates, UNOs, women’s affairs officers, social welfare officers, chairmen, representatives from local administrations, teachers, civil society and NGO representatives)</td>
<td>18-27</td>
<td>20</td>
</tr>
<tr>
<td>Discussion meetings</td>
<td>Different stakeholders such as government officers, police officers, NGO representatives, kazis, religious leaders, community leaders, journalists, lawyers, chairmen, and members</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Case studies</td>
<td>Girls (married and unmarried)</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Validation workshop</td>
<td>Representatives of Oxfam’s NGO/partner organizations and also Oxfam representatives</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Data Analysis and Reporting

Data analysis was done using a qualitative data analysis model, referred to as *coding*, whereby a network of themes was discerned by tracking significant words or phrases within the transcripts. The phrases were clustered into “basic themes,” and the process was repeated with the basic themes clustered into related “organizing themes”. This allowed the researcher to analyze both the relation of the basic themes to their respective organizing themes and the interrelations between the organizing themes, as well as the creation of one or more “global themes” that brought together the organizing themes to answer the research questions.
On November 12, 2018, we shared the research findings in a validation workshop, organized by WE CAN\(^3\) and Oxfam Bangladesh with some of their partner organizations, who also work on the issue of CEFM. Based on the feedback collected at the workshop, the key findings were synthesized into this research report. Feedback from the field level only enriched our understanding and analysis of the situation. The workshop also proved our findings valid.

**Research Team**

Considering the nature and scope of this study, a mixed-gender composition was selected for the research team. The team was comprised of eight members, with a social anthropologist as the lead researcher (male), a lawyer as the co-researcher (female), and six research assistants (four males and two females) with backgrounds in social anthropology and/or social science.

**Experiences and Ethics**

While interviewing, we preferred to do so in participants’ homes so that we could get a grasp of the social settings in which they live. Only in a few cases did we have to conduct interviews and discussions in local NGO offices. In some cases, we received assistance from partner NGOs or local civil society members to access the community. Our team talked to girls who had survived/gone through CEFM, one girl who was waiting for an undesirable marriage to take place, and some girls who managed to escape marriages. It was a challenge for the research team to adopt a feminist approach in their engagement with participants. Often when girls talked about their experiences, feelings, or helplessness, neighbours or relatives were standing by as community gatekeepers. This ultimately led the respondent to provide socially accepted or normative answers. For example, age is always a tricky issue when everyone in the community knows what “should be” the answer. We encountered stakeholders at different levels who were keen to describe their successes in the battle against CEFM and stuck to the official claims in this regard; however, often we also encountered some government officials or politicians who acknowledged the reality. Conducting this qualitative research contributed to our understanding of the hidden tensions and driving factors that reinforce CEFM; we realized that statistics, in some cases at least, are incapable of illustrating the complex reality of CEFM at the community level.

Throughout the research process, we abided by standard ethical practices, such as maintaining confidentiality and ensuring informed consent. Because marriage in general, and CEFM in particular, can bring up sensitive issues related to individuals, their families, or communities, we were cautious with persuasion or probing questions. The research was keen on securing written informed consent, and explaining this process verbally. We also assured the participants regarding their anonymity and confidentiality.

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\(^3\) WE CAN is a collective platform of civil society, organizations, individuals, institutions and others aim of ending violence against women in Bangladesh and globally. More information can be found here: [https://www.wecan-bd.org/](https://www.wecan-bd.org/). They are a partner organization for Oxfam’s project.
Literature Review: Local to global prevalence of CEFM

In developing countries, one-third of girls are married before age 18, and one in nine are married before age 15 [UNICEF 2013]. These figures include girls in formal marriages and living in informal unions. If present trends continue, more than 142 million girls will be married before the age of 18 in the next decade, or 39,000 girls each day [UNFPA 2012]. The South Asia sub-region has some of the highest rates of CEFM in the world [Plan International 2018], with Bangladesh numbering among the top 20 in the world.

According to the survey conducted by the Bangladesh Bureau of Statistics (BBS) in 2015 with the financial and technical assistance of UNICEF, 52% of 20-24 year-old women in Bangladesh married before they were 18, and 18% married before they were 15. In addition, 40% of girls aged 15-19 have dropped out of school. The report indicates the correlation between marital age and factors such as better economic conditions or higher levels of education. Over the last five years, more women married at a younger age, while men’s average age of marriage increased.

According to the 2017 publication, Ending Child Marriage in Bangladesh [UNICEF and UNFPA], child and teenage marriage is found in every region of the country, with significant variations between districts. This project’s research findings demonstrated that among all districts, Meherpur had the highest incidence of teenage marriage (53.7%), whereas Sylhet district had the lowest (13.5%). Among the administrative divisions, the highest incidence of teenage marriage was in Rajshahi (43%) and lowest in Sylhet (16%)\(^4\). Full information for the divisions and districts accounted for in the research can be found above in Table 1.

Understanding the impacts of CEFM

The international community is increasingly aware of the negative impacts of CEFM on a wide range of development outcomes. Ending CEFM is now part of the SDGs. In addition to violating the rights of millions of girls every year, CEFM causes significant impact to development at the levels of individual, community, and society. Girls who marry before the age of 18 are at greater risk of poor health outcomes, including HIV and other sexually transmitted infections, early pregnancy, and early childbearing [Hindin and Fatusi 2009]. Approximately 16 million girls aged 15-19, and 2.5 million girls under 16 years, give birth each year in developing regions [UNFPA 2015]. Also, in developing countries, pregnancy and childbirth-related complications are the largest contributor to mortality among girls aged 15-19, killing nearly 70,000 girls each year [WHO 2016; WBG 2014]. In addition to the effect on a girl’s sexual and reproductive health, marrying before age 18 increases the odds of experiencing intimate partner violence by 22%. The lack of power that young brides experience in their relationships is often exacerbated by large age differences between them and their husbands, which further constrains voice and agency within the marriage [WBG 2014].

Overall, the research findings found that CEFM was legitimized under the guise of culture, honour, tradition, and religion. CEFM leads to limited opportunities for career and vocational advancement for adult women, loss of bodily integrity, and the increased risk of domestic violence. Furthermore, when a girl who is too young gives birth, the vicious cycle of poverty, poor health, curtailed education, violence, removal of future opportunities, and discrimination often continues into the next generation, especially for any daughters she may have.\(^5\)

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\(^4\) Sylhet is both a name for a division and a district.

\(^5\) This information comes from the organization Girls not Brides. See more here: https://www.girlsnotbrides.org/ending-child-marriage-helps-break-cycle-violence-discrimination/
Considerable research has been conducted to understand the CEFM context in Bangladesh, but in most cases emphasis has been given to statistical distribution of occurrence rates and regional variations. Little has been explored in terms of systemic causes. In this research, economic conditions and the lack of education came up as major factors contributing to CEFM. High prevalence of CEFM is thus both a symptom and a consequence of poverty. It is driven by social norms and expectations, and by gendered discrimination that devalues women and girls and their rights to make choices for themselves.

The main socio-economic factors that are driving CEFM in Bangladesh are further discussed in this section; these were identified in the literature review and in the qualitative data collection conducted with government, non-governmental, and community actors. The intersecting nature of these factors is reflected in the case study below.

### Case Study: Shahina

Shahina was married at 15. Her husband had been working in a shop in the nearby small town. The first issue was a daughter born in the second year of the marriage. In the fifth year came a second daughter, followed by a third one in the seventh year. When the eldest daughter was about 12 or 13, Shahina’s husband left and never returned. Shahina struggled to survive with her three daughters by working in other people’s homes. The eldest daughter was considered attractive, so the family began to receive marriage proposals from different places. In the absence of a male guardian in the family, Shahina and her children faced a tremendously insecure situation. Locals intimidated the family, roaming near their house every night. Given this scenario, Shahina married off her oldest child, at age 14 or 15, to a boy from a neighbouring area. The marriage was not registered through the registrar (kazi). There was no concern from the groom’s family about the registration. The amount of the dowry had been fixed at 40,000 BDT and Shahina had managed to borrow 10,000 at that time; the rest she was supposed to pay off gradually. Failure to pay the remaining amount, after two and a half years of the marriage, meant the girl, who now had a child, was sent back to her mother.

The divorced girl found it difficult to survive with a child; she eventually left the child behind with Shahina and went to Dhaka for a job in a factory. The second daughter was about 15 or 16 at this time. Again, people started talking about marriage, but the amount of dowry was very high. This daughter was accompanying her mother, working in other people’s homes. A boy from one such house sexually assaulted her. Local people, considered “respectable” in the area, tried to settle the matter to avoid scandal and gave the girl an amount of 5,000. Nevertheless, what happened became public knowledge, and it became difficult for this girl to survive in the village. Her sister, Shahina’s eldest daughter, took the girl away to Dhaka. Shahina is now living with her grandson, who is 7 or 8, and her youngest daughter, who is 17 as of 2018. Neighbours have already begun discussion about this girl’s marriage. But the amount of dowry is very high, and no one wants to marry a girl who does not have a father. This little family of three has been living in sub-standard housing. And every night they can hear male voices and footsteps around their house.
Socio-economic factors driving CEFM in Bangladesh

Why Marry? Tradition and Conformity

In Bangladesh, marriage is an integral part of a girl’s life and is related to her identity and status in society. Norms around marriage are highly gendered and linked to expectations and ideals of how a good girl and good wife should behave (Ghimire and Samuels 2014). In Bangladesh, a conservative country, marriage exists as a strong social institution with underlying norms and practice that derive from deep-rooted religious and social traditions. In rural areas, where other factors are rampant, such as poverty and lack of education, social norms influence intergenerational norms and lead to uninformed decision-making and CEFM; this was demonstrated in Shahina’s case. Families are pressured to conform to the normative community expectation that girls will marry before the age of 18; parents fear the social consequences that may arise from not conforming to these norms. What an individual believes others expect of him or her (and the sanctions and rewards that may follow) can be a more powerful driver, or constraint, than individual attitudes or the law (Alexander-Scott, Bell and Holden 2016).

Ensuring the Socio-Economic Future of Girls

It is important to understand that families, parents, communities, and well-wishers care about their daughters, and this caring is exhibited by the desire to arrange good marriages. This is because society, girls included, believe girls should be good wives and mothers above everything else, and the starting point for this is a good marriage. They want girls to find a good husband, be good wives, have children, and be happy. As girls have to be married eventually, and so-called “good” grooms are scarce, it is considered best to marry whenever the opportunity arises. Under such circumstances, attempts to prevent CEFM through legal procedures are often met with severe resistance; these are described further in the next section.

Structural Forces – Inherent Patriarchal Values

Gender norms and inequalities that perpetuate CEFM are often reinforced by authorities. On the one hand, the stakeholders who are both government/NGO and predominantly male, such as local community leaders or grassroots office bearers will take official and public stances against CEFM; on the other hand, back in their respective communities, they may be enablers of CEFM by enforcing social norms and practices as members of the community. To achieve sustainable change, it is important to realize that the same authorities charged with preventing CEFM are individuals who are part and product of the patriarchal culture that facilitates gender inequality. As such, educating authorities on the negative effects of CEFM is equally as important as raising awareness in communities and families about its harms. Furthermore, out of ignorance, authorities often underestimate the negative psychological, health, economic, and social effects of CEFM.
Gender Inequality

Expectations around social norms and behaviours start being developed very early in a child’s life. Within the same household, norms, values, and expectations are very different for girls than boys. While boys are brought up with the expectation that they will look after their parents and households, girls are brought up with expectations that they will keep the family honour by being an “ideal” daughter-in-law. Social constructs driven by social norms indicate what “ideal” means, such as being obedient, knowing how to cook well, taking care of elders and children, and doing all household chores. These expectations guide how parents bring up their daughters and sons. Parents see little value in investing in a girl’s education. Boys offer safer investment, as they don’t move away after they marry. Girls move to their in-laws’ homes after marriage, so there is no possibility of return from that investment for two reasons: 1) in most cases, in-laws will not allow the girls to work, and 2) even if they are allowed, they won’t be allowed to give any of their income to their parents.

In many communities, economic opportunities for girls and women are severely limited, especially opportunities that are deemed suitable for women, such as teaching, nursing, tailoring, and dressmaking. This, in turn, further discourages parents from continuing their girls’ education.

Chastity and Honour

It is more or less universal to expect a virginal bride at the time of marriage in Bangladesh, perhaps more so in rural and more conservative areas. Some men, even older ones, prefer to marry girls under the age of 18 with a hope of marrying a virgin. CEFM is the result of families trying to prevent the shame of having an unmarried daughter who has sex or falls pregnant outside of marriage, even if it is a result of sexual violence. Families will even go to the extent of marrying the survivor of rape to the perpetrator, as other men will not marry a girl who is not a virgin. Rape in such cases is equated by society with sex/penetration and loss of virginity instead of forced violation. As the legal age of consent for sex is 16 in Bangladesh, this is often used as an argument in favour of marriage under 18. A girl’s virginity in the Asian sub-continent is critically woven into her family’s honour.

Marriage also means prestige and respect for the family. If a girl runs away from the house, it brings disgrace upon her loved ones. Yet, if the parents arrange a marriage for their daughter even without her consent, it would be obligatory for the daughter to obey the family and uphold the family honour.

If a girl likes a boy, the couple has fulfilled the condition of the age, and the boy seems to be a good match, the family usually still tends to disregard her choice. There remains social taboo on marriages that are not arranged by families. According to one girl who experienced early marriage, parents tend to think that once a girl becomes an adult, she will get involved in a romantic relationship and that is considered shameful. Interestingly, she added that if a boy gets into this type of relationship he does not lose his honour, whereas for a girl, it stains one’s reputation and fear of this disrepute will lead parents to marry their daughter off. Often the parent and the family take a proactive role, finding a match for the girl before she comes of age. The girl therefore has to accept it, even if she does not like the boy or man.

Threat of Sexual Violence

The threat of verbal and physical sexual harassment and assault is very common for girls in Bangladesh. Many are not safe pursuing their professional lives or studies. In many villages, there is no school or college in nearby areas and girls have to commute miles. Because of poverty, women need to leave their homes for work too. This makes a girl prone to harassment and violence. If a girl does not have a male guardian (father/brother), she is considered to be more marginal in the community and at more risk of sexual violence.

Many girls are not even safe in their own communities. This reality of harassment and such high levels of insecurity can only prevail when the society itself considers that it is improper for women or girls to enter the outside world.
The Rising Fear of Technology

In one of the most popular responses to questions about CEFM, people point out the relationship between what is seen as “misuse” of technology and early marriage. Community leaders, parents, local officials, and some young boys and girls claimed that the availability of smartphones with access to Facebook and the Internet has opened up new channels of communication. This access to technology has created a sense of social insecurity that existing cultural norms will be dismantled, and young people, particularly girls, will have their “say” about marriage. In some cases, elderly women responded with anger that young girls are getting involved with elderly married men and even getting married. Parents are concerned about their daughters fleeing with undesirable men; girls who want to maintain desired partnerships even threaten their parents with suicide.

Poverty

Poverty is another one of the main drivers and consequences of CEFM; girls who marry early are more likely to be poor and to remain poor. Where poverty is acute, early marriage of a daughter allows parents to reduce their expenses: one less person to feed, clothe, and educate. In communities where economic transactions are integral to the marriage process, families sometimes marry their daughters at a younger age to avoid more expensive dowries, which the marriage of older girls often demands. This is because when a girl reaches 18, society tends to consider her unmarriageable, the amount for dowry rises, and the family receives fewer proposals. Similarly, girls who do not meet the socially accepted standards of beauty – tall, fair, and thin – are harder to marry off, and they require larger dowries. These girls are also married off early in the hope that their youth will counter “unattractive” qualities and not raise the dowry price.

For the groom’s family, the dowry is considered a free source for acquiring physical assets such as cash, furniture, tractors, or motorcycles. Often, the grooms are equally poor and consider young brides as additional unpaid labour for care work. Due to limited agency and development, young brides are preferred as unpaid labourers in the home, engaged in cleaning, cooking, and caring for their husbands, in-laws, and children.

Case Study: Shapla

Shapla is twenty-five now and has obtained a bachelor’s degree. She was 16 at the time of her marriage. Shapla identified poverty as the reason behind her early marriage; her parents were unable to meet her educational expenses. But, interestingly, she also mentioned her parents’ view in this regard that if a girl becomes mature, she should be married off. Shapla also shared her experience of everyday harassment; whenever she would leave her house, boys tended to tease/annoy her. She found it extremely insulting. While this happened, neighbours conveyed to her parents that Shapla was losing her modesty and she should be married off, otherwise no good match would be found for her. Therefore, Shapla saw that her neighbours played a crucial role. No one took a stance against her marriage. Although she knew that getting married at 16 was not okay, she did not have the ability to resist the pressure.
Education

Education has effects on CEFM and vice versa. In many families, girls who are willing to continue their education cannot, because their families are unable to meet the school expenses. Education does not mean simply going to school; the way the public education system is set-up, pupils have to go to private tutors and that, too, is expensive. In the Hill Tracts6, respondents in a group discussion clearly mentioned that there was no free education for them and they always have to pay school fees. Although in some places schools provide partial fee waivers, in the absence of proper/adequate scholarship sponsored by the government, or in the absence of a fair distribution system of these grants, girls have no option but to discontinue their studies. At this stage, parents are not able to afford to keep the girl in the house. Some send their girls to become housemaids, but that invites the risk of abuse and harassment.

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6 This denoted an area in southeastern Bangladesh within the Chattogram division.

Case Study: Alekjaan

Alekjaan, a mother and a tea vendor, explained why she was looking for a match for her 14 year old daughter, and why the daughter had to discontinue her studies. Alekjaan herself got married at 12 and is now 35. Her husband abandoned her and two children without a trace three years ago:

“I am a mother. As a mother I definitely want my daughter to prosper. I, too, want my child to marry after 18. But our back is against the wall. The family survives on my earnings. Nowadays I can sell two flasks of tea every day and receive 150 taka. With this amount I have to pay 3000 taka as house rent, with electricity bill, dish bill, treatment cost of the kids, etc. After all these I have nothing in my hand for my daughter’s education. I have tried to educate her, and I am still trying; if only some good soul would extend his cooperation!”

FINDINGS: LEGISLATIVE GAPS

Current Law

The Child Marriage Restraint Act, 2017 (Act No. VI of 2017) is the principal Act that restrains CEFM under the banner of elimination of child labour, as well as the protection of children and young people. The Act has been developed to reflect contemporary realities by repealing the Child Marriage Restraint Act, 1929. The National Parliament of Bangladesh passed the Child Marriage Restraint Act, 2017 bill on 27 February 2017. The Act establishes a Child Marriage Prevention Committee and prohibits marriages for minors, which is a person who, if a male, has not completed 21 years of age, and, if a female, has not completed 18 years of age.

The following Articles have been defined in the Act (note: this language is taken directly from the Act itself):
1. **Formation of Child Marriage Prevention Committees** at national, district, upazila and union levels comprising government officials, local people’s representatives, non-government officials and respectable persons at local level.

2. **General powers of certain government officials and local government representatives** (Upazila Nirbahi Officer, the Executive Magistrate, the Upazila Women Affairs Officer, the Upazila Social Welfare Officer, the Upazila Primary or Secondary Education Officer, the Officer in Charge of Police Station) to prevent child marriage upon receiving information about child marriage through a written or oral application made by a person or through any other means.

3. **Injunction against a child marriage and punishment for contravening the injunction.**

4. **Punishment for making a false complaint.**

5. **Punishment for contracting a child marriage.**

6. **Punishment for parent or others concerned in a child marriage.**

7. **Punishment for solemnizing or conducting a child marriage.**

8. **Exemption from accusation on condition of initiatives to stop child marriage if the accused submits an affidavit or bond stating that he shall not be involved in a child marriage in future and take initiatives to prevent child marriage in his locality.**

9. **Punishment of Marriage Registrar for registering a child marriage, cancellation of license.**

10. **For the purpose of proving age of a male or female who is in marriage or intends to contract a marriage, the birth certificate, national identity card, secondary school certificate or an equivalent certificate, junior school certificate or an equivalent certificate, primary school certificate or an equivalent certificate or passport shall be considered as a legal document.**

11. **Payment of compensation to the aggrieved party.**

12. **Offences to be cognizable, bailable and non-compoundable.**

13. **Trial of an offence under this Act shall be conducted in a summary way and in this behalf.**

14. **The court may, in case of disposal of a complaint or any proceedings, make local inquiry of its own to ascertain the truth of the incidence, or may direct any government official or any representative of local government or any other person to make such inquiry.**

15. **The Mobile Court may impose penalty for the offences committed under this Act.**

16. **No court shall take cognizance of an offence under this Act after the expiry of 2 (two) years from the date on which the offence is alleged to have been committed.**

17. **Under special circumstances and with the consent of both the court and parents, girls under 18 and boys under 21 may be married with no penalties for those involved.**
The last clause has proved tremendously controversial. Most countries have some form of exemption to their legal minimum marriage age. Experts and rights activists fear that the absence of strong institutions may lead to an abuse of the special circumstances clause. In as many as 27 states, laws do not specify an age below which a child cannot marry under any circumstances.

As marriage decisions in Bangladesh take place under conditions of extreme poverty, illiteracy, negative social norms, and the complicity of authorities, legal provisions for underage marriage may not legally protect all women and girls against CEFM. Another fear is that the law could be manipulated to sanction the marriage of underage survivors of rape to their perpetrators.

Implementation of the New Act

There exists visible and multiple government and non-government initiatives/gestures at the grassroots to combat CEFM. As per government instruction, members of most, if not all local governments, abstain from attending CEFM ceremonies that take place in their areas. The government has assigned “Five Key Duty Bearers” to prevent CEFM. The Directorate of Women’s Affairs is offering amounts of 10,000 to 15,000 BDT as small loans to be given to young women following technical training to incentivize education and discourage CEFM. Multiple hotlines have been in operation, and these contribute directly or indirectly to the fight against CEFM.

Mentioning these government initiatives, an executive director of a local NGO added that in earlier days, government representatives did not care about CEFM and considered it as an agenda of the NGOs. But now that the new law has been passed, the Governance Innovation Unit of the Prime Minister has provided training to the divisional administration and declared abolition of CEFM as a commitment of the government. People are only now becoming aware. This executive director also mentioned that previously she had difficulty reaching the local UNO, but following the trainings, these officers are now involved in anti-CEFM initiatives.

The basic structure of planning to prevent CEFM comes from the Prime Minister’s Office, wherein, district commissioners adapt plans for respective districts. Following the district plans, every upazila under the district has its own plan and that goes down to the grassroots, to the union parishads. There should be committees at every level, and they are supposed to be combined at the district level. Being led by the District Commissioner, the district level is supposed to sit every three months to review the progress and then communicate the report to the Prime Minister’s Office. The plan sounds good in theory, but its functioning depends on the individuals who are tasked with its roll-out.

Various NGOs have implemented initiatives to make people aware of the problems with CEFM. In many areas, NGOs were working to ensure the issuance of genuine birth certificates, and an online birth registration system was developed to prevent the issuing of fake birth certificates.

Implementation challenges

Awareness of the law

A major concern among authorities charged with preventing CEFM is that they are not properly aware of the new Act, which means they are still dealing with cases and complaints as per the now-repealed Child Marriage Restraint Act, 1929. It took 20 months to formulate the rules for the new Act. It was interesting to see that people at the community level at least know what CEFM is, yet awareness of the Act of 2017 has not reached all the different layers of government. People in small towns and rural areas often have no knowledge of the law, and there is little awareness on the part of community members, local government officers, concerned local administrators, kazes, police officers, and even district commissioners. These individuals have hardly any precise knowledge about the law, its specific clauses, sections, and provisions. In many cases, they do not even know about existing support systems. They also don’t have knowledge (such as an organogram) about the concerned bodies who have specific roles in the battle against CEFM.
People from all social spheres are aware that CEFM is unacceptable to the government. The very first sentence people say is “CEFM is bad”. When asked, “why so?”, almost everywhere the common answer is that “it is bad for the girl.” In most of the areas, either the district administration or the *upazila* administration appears to be active in fighting CEFM; however, in some areas, reports of CEFM are not investigated properly due to a lack of resources, awareness, or intent. If an attempt of CEFM gets reported to the administration, it is usually followed-up, but not systematically or on a regular basis. Such interventions apparently have significant impact on people, as they do not want to get involved in any juridical or punitive hassle; they seem to be frightened of the police or administrations. This fact causes a suspension of CEFM, at least at the surface, with likely a lesser rate of occurrence. Yet, although people deny the existence of CEFM and distance themselves from it, and local administrations declare their areas as CEFM-free and celebrate, CEFM continues under the radar.

**Complexity of legal procedures**

There are some loopholes in the legal process and in filing a suit. Many come with complaints, but often these individuals in many cases are not willing to file a case and deal with all the complex legal procedures. Even if a case has been filed, that too is done under the Women and Children Repression Prevention Act instead of the CEFM Restraint Act. There is no specific direction about how the case will be filed in court, or how it will be investigated. Also, there is no document that helps decision making about whether a suit is a compromising one or not.

**Local capacity and will**

Most often, laws are improperly implemented in remote areas and at the grassroots level due to lack of information, resources, and access to services. Implementing agencies (police, lawyers, local administration) are often under pressure from higher authorities to circumvent laws, especially if the perpetrators are influential people. Implementing agencies often also have a vested interest in allowing CEFM in their communities. For the above-mentioned reasons, parents often handsomely bribe the authorities to look the other way when they are marrying their girl children early. In the case of rape or sexual harassment of underage girls, implementing agencies have in many cases advocated for local arbitration instead of legal process, because they are resource constrained and families are intimidated by the legal process. The informal arbitration results in marriage of the survivor – either with the perpetrator or to someone else in another area.

The efficiency and commitment of policy-makers/administrative officers and local government representatives can bring crucial changes in the current CEFM scenario, but there exist some visible barriers. We met some committed civil servants who had genuine interest in the issue of CEFM, while others simply did not. This is clear in the latter’s lack of knowledge, follow-up, and monitoring. Similarly, some of the grassroots politicians made their commitment to prevent CEFM explicit; others, however, struggled to balance the roles of voter-appeasing candidate and community leader. In addition, bribing the local administrators, politicians, or the police, is a common practice.

**Marriage registration**

Due to the lack of legal clarity, cases of CEFM are prosecuted through unrelated laws, which result in dismissal. Perpetrators also take advantage of the flawed system of marriage registration to circumvent the law. A widely-discussed practice that helps to continue CEFM is fake registration. Marriage registrars are directly involved. Often the registrar maintains a duplicate/triplicate register; otherwise, they also use loose, easily lost sheets of paper to record the couple’s information. In some cases, no registration takes place at all, and the concerned *kazi* just collects the fees, or registration only takes place after the bride or the groom reach to the required age. To avoid the marriage registration through the *kazis*, people also use notarized documents, produced by the court. Such documents have no legal value, but in rural areas these may serve the purpose of claiming the legality of the union, and people usually accept these types of claims. People from different religions employ different strategies to avoid marriage registration. Among Hindus, registration is not compulsory and people have a tendency to not register their marriages. Among the Adivasis, there exists no system of registration. Muslims use the popular religious method of marriage where, again, legal registration is not compulsory.
Other examples of continued CEFM practices

Besides escaping a genuine registration, people also employ different strategies to continue with the practice of CEFM. In one’s own area, everyone knows everything about each other; therefore, in many cases, people travel to a neighbouring district or upazila where they have relatives. They will arrange the registration there, and then the ceremony takes place in their own locality later. There also exists a newer concept, discovered during the research, of “marriage in the microbus” or “microbus marriage”, where both parties and the kazi hop on a rented vehicle and the marriage takes place there. Police from one jurisdiction do not have the authority to stop a marriage in another jurisdiction, and these marriages-on-the-move are helpful in evading authorities. Often to avoid hassle, people conduct marriages at night as well. Finally, in some cases, the marriage is only consummated after both parties are 18, so that neighbours or people from the same area would only learn of the marriage after the legal age.

CONCLUSION

CEFM has disproportionate impacts on girls; it cuts short education, endangers health, potentially involves violence, undermines future prospects and potential, and traps girls in a vicious cycle of marginalization and poverty. Girls who are married young have little say about when or with whom they marry, and they have little influence with their husbands and in-laws. Their agency and awareness of their rights often remains underdeveloped, and they are not in any position to claim or demand it.

No single strategy can offer an end to CEFM. It is essential to adopt a systems approach when designing CEFM prevention programs. To find sustainable solutions, it is important to investigate and analyze the complex host of socio-political drivers for this practice. Ending CEFM involves tackling the many challenges that perpetuate this rights violation, such as gender inequality and discrimination, lack of education, and poverty. The practices of CEFM are rooted in tradition and culture, but neither is immutable.

Among other developing countries with a high prevalence of CEFM, Bangladesh’s relative progress in several other gender indicators lends it a unique advantage in the battle against the practice. The new Act has many commendable new provisions, including increasing penalties for perpetrators as well as instigators. The country is in an advantageous position to develop combinations of locally-relevant primary prevention strategies that address root causes of CEFM, rather than focusing on marriage-busting approaches. Such strategies should address the transformation of behaviours, attitudes, and social norms, and aim to close legislative loopholes and gaps to promote uniformly supportive laws and policies across communities.

Recommendations

Strategies to eradicate CEFM from Bangladesh will require a committed, integrated, and inclusive approach. There is an urgent need for better communication among development actors to share lessons learned, to improve the efficiency of interventions, and to avoid duplication of efforts. In addition, this research suggests the following recommendations:
1. Bring girls together to learn basic life-skills, and to build their agency and amplify their voices. Help them to become more knowledgeable and self-confident. A strong support network (peer groups/clubs/platforms) enables girls to advocate for themselves, make better decisions, and aspire to alternatives to early marriage.

2. Employ behaviour change communication and community mobilization techniques to shift social norms of age at marriage. Such techniques, which promote community discussion about marriage, are commonly used as a means to influence norms around marriage, chastity, honour, beauty, and dowry for girls. Educating families and community elders about how CEFM impacts a girl’s well-being can lead to powerful change. Research in other developing countries with high rates of CEFM has shown that through new knowledge and approaches rooted in local/indigenous practices, it is possible to shift adults’ attitudes and behaviours about child marriage.

3. Provide economic support to girls and their families. The correlation between poverty and CEFM is indisputable. Both government and non-government development agencies should invest in approaches that enhance the economic security of poor households. These approaches could include delivering income-generating skills, facilitating and enabling a financial and regulatory environment for self-employment and micro-enterprise development, developing community-based savings schemes, and expanding social protection schemes.

4. Introduce social protection schemes primarily to protect poor women and girls from social and economic risks. This can combat the fear that families have regarding the socio-economic future of girls, especially for poor, women-headed households. Formal institutions (government agencies and private financial institutions) and non-formal institutions (community-based organizations) should be strengthened to make it easier for women to access and use financial services, which would make saving and borrowing a form of social protection. In addition, childcare and other social support services, health coverage and micro-insurance for natural and man-made shocks and stresses, and safety nets and pension schemes should be considered.
5. Keep girls in primary school. To prevent the marriage of young girls at the age of 13 or 14, this is the most important factor. This can be aided by scholarships, safety nets, or stipends for girls from poor households. Making more educational opportunities available for girls at the local level can help alleviate family poverty and provide girls, as well as their families, the incentive to delay marriage and invest in education. Training teachers on identifying girls at risk of CEFM and equipping them with skills to delay marriage in potential cases would also bring results. Moreover, schools should add life-skills training for girls and boys in the curricula and provide opportunities for both young boys and girls to develop supportive social networks.

6. Address the needs of the married girls to break the cycle of poverty. In addition to prevention, services for underage married girls should be promoted, especially family planning services to postpone first births and increase spacing between children. Also, programs should help adolescent married women (with or without husbands) to take advantage of education and economic opportunities, as well as social protection schemes.

7. Engage men and boys, parents, and communities, including religious leaders, to end VAWG. Elimination of the threat of sexual violence will decrease the rate of CEFM. Strengthen legal and social institutions combating VAWG to make homes, schools, public places, and work-places safer for young girls.


10. Invest more in documenting and evaluating what works to end CEFM. Development actors need to contribute to, and expand programming, on reducing the prevalence of CEFM. They should create forums and opportunities to share program and advocacy designs, as well as experiences and lessons learned from existing efforts to address CEFM.


