

*Domestic Violence and Child Marriage: An
Inter-locked Tragedy in Women and Girls
Life in Bangladesh*

Study Report

Report Prepared for

NETZ Bangladesh

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Study on Section 14-17 of Domestic Violence Act 2010 (DVA) and sections 10 and 19 of Child Marriage Restraint Act 2017 (CMRA) under EU funded project 'Strengthened Civil Society Protects and Promotes Women's Rights' (EIDHR/2017/397-087)



Dedicated to the CSOs, community women, men and UPs whose commitment and devotion is stop child marriage and domestic violence in order to improve the lives of women and girls are transforming their community

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List of Abbreviations

ASP	Assistant Superintendent of Police
ACMI	Asia Child Marriage Initiative
ICRW	International Center for Research on Women
CMRA	Child Marriage Restraint Act
CSO	Civil Society Organizations
CT	Consultant Team
DV	Domestic Violence
DVA	Domestic Violence Act
DLAC	District legal Aid Committee
FGD	Focus Group Discussion
GoB	Government of Bangladesh
KII	Key Informant Interview
LEA	Law Enforcing Agency
LEB	Local Elected Body
MDGs	Millennium Development Goals
NGO	Non-Government Organization
NPA	National Plan of Action
OC	Officer-in-Charge
ToR	Terms of Reference
UP	Union Parishad
UNICEF	United Nation’s Children Fund
UN	United Nation
UZLAC	Upazila Legal Aid Center/committee
VAW	Violence Against Women

EXECUTIVE SUMMARY

While marriage is considered as an institution for the protection of society, early marriage tremendously hampers the growth of the society and creates disruption towards the development of a healthy society. Early or child marriage is prevalent in many parts of Bangladesh which compromises the advancement of larger portions of adolescents. Domestic violence being one of the resulting consequences of child marriage is also rampant in our society. Considering these two social problems through the lenses of one endeavor, this study aims to identify the legal gaps and thereby attempts to unveil the implementations challenges of two laws. The overall objectives of this study are to assess the impact of sections 14-17 of Domestic Violence Act 2010 (DVA) and sections 10 and 19 of Child Marriage Restraint Act 2017 (CMRA) including in-depth analysis of experiences and best practices from this action on DVA and CMRA at local and regional level and to develop of a reference document for policy advocacy. While addressing the objectives, the Study starts with an overview that addresses the background and rationale of the enactment of relevant laws and policies. The study provides a brief conceptual framework to make the meaning of few terminologies clear and understandable.

The study includes a review of literatures on child marriages and domestic violence to get a comprehensive idea about the background of the relevant laws. It also considers the position of different countries in order to portray the comparative aspects on the theme of the study. Primary data were collected through field visits conducted in four districts located in the northern part of Bangladesh. Based on primary data, the study tries to understand the actual context and accordingly analyses the problem from practical perspective. It depicts various causalities suffered by the victims of child marriage and domestic violence.

The key findings relating to section 10 and 19 of the CMRA include among others the non-application of special provision of the Act due to lack of awareness, literacy and empowerment. The societal structure influenced by embedded traditions and culture also creates impediments towards the implementation of CMRA. The malpractice by lawyers facilitates to conduct marriages through affidavits that have been treated as an accepted norm though they have no legal effect. These irregularities not only bypass the actual implementation of law but also create an extra-legal culture which seriously hampers the social fabric. The in-depth analysis of the CMRA shows that considering the social context of Bangladesh where the awareness against child marriage is still under-developed, the special provision under CMRA may be used to justify child marriage. Though Child Marriage Restraint Rules provides an explanation about the application of special provision, the practical evidence suggests that the assessment committee required to implement the special provision does not exist at the Upazila Level. Even the members of the Assessment Committee are not aware of their roles and responsibilities to actualize the functioning of assessment committee.

The relevant stakeholders including Nikah registers (Legal term for only Muslim Marriage register or Kazi's) and local government representatives also cannot avoid their responsibility since the findings show that Nikah registers and the Upazila Chairman and members often

facilitate child marriages. Though there is a provision to cancel the license of Nikah register if found irregularities, the local representatives are mostly remained unaccountable.

The frustrating finding regarding the DVA reveals that the Act is rarely exercised by the common people. The ultimate objectives of the DVA become futile when cases are filed under the Prevention of Women and Child Repression Act 2000 or under the Dowry Act 2018 though the causes of action of the cases are related to domestic violence. The aim of the DVA is to legally recognize various dimensions of violence as an offence including physical, psychological, sexual or economic abuse that are committed within the home. The Act offers more preventive, precautionary, rehabilitative and compensatory measures than punitive measures with a view to maintaining the stability of the family. However, the evidence suggests that people prefer to resort the punitive measures in terms of dealing with domestic violence cases that ultimately frustrates the very objective of the DVA.

The infrastructural requirements including establishment of safe home and appointment of enforcement officer are also missing in the research areas. In some cases, though the domestic violence cases are resolved through the interventions of Upazila/Union chairmen or members, however, their decisions remain questionable without being objective and unbiased.

At the end of the discussion and in-depth analysis, the study recommends few important issues that deserve to be signified.

Considering the widespread ignorance and lack of awareness among the relevant stakeholders of both the laws, the study suggests undertaking mass awareness campaign along with extensive training for the responsible authorities under the laws. The perpetrators who cause malpractices including notary lawyers, Nikah register, local government representatives and enforcement officers must be made accountable and their activities should be monitored by relevant authorities regularly i.e Sub district and District administration along with law enforcement bodies. Educational institutions at the local level should offer quality education particularly regarding the harmful consequences of child marriages. Cultural activities should be undertaken to disseminate progressive values of the society like equal treatment to everybody, respecting women. Opportunities should be created for women so that they can be empowered socially, economically and politically and can play effective role in any decision making and thereby raise their voices against any injustice and deprivation. Women empowerment process should be catered in a way that don't always put them in confrontation with men and even when it does so then women should have a support and protection mechanism i.e in the projects where people are working with women to empower them socially and financially needs to involve men also . Men need massive train on controlling attitude of masculine power towards women and its psychological impact on women and children. Also government needs to ensure counseling service and safe home for women and girls to protect them from extreme conflicts.

Chapter 1

Introduction and Overview

1.1 Background and rationale of the study

Domestic violence is one of the most common forms of gender-based violence and is often characterized by long-term patterns of abusive behavior and control. According to a Bangladesh Bureau of Statistics survey conducted in 2015 more than 80.2% of married women have suffered some form of violence by their spouses. Prior to the enactment of the Domestic Violence Prevention and Protection (DV) Act in 2010 and its Rules in 2013, the laws of Bangladesh did not sufficiently address legal filing and prosecution for acts of domestic violence. The enactment of the DV Act legally recognizes violence within the home as an offence and a violation of human rights. This Act defines domestic violence as: “any physical, psychological or sexual violence or economic harm committed against any woman or child member by any person who has a family relationship with them.” The Act is preventive and protective in nature. It was enacted to prevent domestic violence and to protect women and children from domestic violence. DV Act acknowledges the pressing need to address the violence through the law while at the same time attempting to preserve the family institution. The different sections of the Act, e.g. sections 14-17, need to be analyzed to see the limitation and gap of implementation of this Act.

On the other hand, different studies show that there is a close relation with domestic violence and child marriage. In 2017 the government of Bangladesh has enacted the Child Marriages Restraint Act 2017 allowing marriages of underage girls and boys in ‘special cases’. The CMRA puts boys below 21 years of age and girls below 18 years in the underage category. However, marriages involving underage brides or grooms will not be considered an offence if they take place with the consent of the court and the guardians in “special contexts” serving the “best interest” of the underage female as per section 19 of the Act. Section 10 of this Act has given the exemption of accused person from accusation on condition The condition is he/she never arrange child marriage and will take initiatives to stop child marriage in future. The above mentioned two sections under this Act need to be analyzed to see the impact on child marriage situation.

1.2 Objectives of the study

The overall objectives of this study are to assess the impact of sections 14-17 of Domestic Violence Act 2010 (DVA) and sections 10 and 19 of Child Marriage Restraint Act 2017 (CMRA) including in-depth analysis of experiences and best practices from this action on DVA and CMRA at local and regional level and to develop of a reference document for policy advocacy.

Specific objectives:

- Analyze the extent of implementation of DVA and CMRA and existing gaps in implementation process
- Document the practical experience of women in dealing with DVA and CMRA
- Assess the extent of engagement and efficiency of the concerned machinery/infrastructure and service providers in dealing with DVA and CMRA

- Analyze sections 14-17 of DVA and sections 10 and 19 of CMRA to identify the further improvable areas of specific policies in relation to its effectiveness in reducing domestic violence and child marriage
- Develop a policy brief based on findings of the study

1.3 The Study team

The Study team has been comprised of the following persons with diversified expertise and proven experiences in the areas of child rights, protection and Gender along with other qualitative and quantitative social research, development issues:

- Rabeya Rowshan, Principal consultant, Social Anthropologist and Gender Specialist
- Mohammad Golam Sarwar, Consultant and Legal Expert

Six research assistants worked in 4 sub-districts to collect qualitative information from the field and to conduct the UP & community based FGDs and to conduct case studies. Each of the teams had 1 core researchers and three research assistants in team. FGD and KII at community and stakeholder level were also conducted by the lead researchers.

Chapter 2

Methodology of the study

2.1 Methodology

Overall objectives of this study is to assess the impact of sections 14-17 of Domestic Violence Act 2010 (DVA) and sections 10 and 19 of Child Marriage Restraint Act2017 (CMRA) including in-depth analysis of experiences and best practices from this action on DVA and CMRA at local and regional level and to develop of a reference document for policy advocacy. Furthermore the very specific objectives of the study are to - analyze the extent of implementation of DVA and CMRA and existing gaps in implementation process, document the practical experience of women in dealing with DVA and CMRA and assess the extent of engagement and efficiency of the concerned machinery/infrastructure and service providers in dealing with DVA and CMRA this research principally followed the qualitative approaches of the research.

Furthermore the team had done thorough desk research and consultation with NETZ Bangladesh project management to got clearer understanding of the issue and the assignment. Apart from desk review we also collected primary data by using different data collection tools as follows;

2.2 Tools for the data collection

To collect desired information we used qualitative method of research and collect qualitative data on the issue of research. We dropped the idea of conducting a mixed method study as our experience and baseline findings of the project shows that in general community has very limited knowledge about the laws. The entire research was highly participatory and used a array of PRA tools to collect and validate data through triangulation. Followings tools are used in data collection.

Focus group discussion (FGD)

Considering duration of the assignment a number of focus group discussions were undertaken engaging direct beneficiaries of the program located in different intervention areas of the program. Standard guidelines were used for conducting the FGD sessions in order to harmonization of findings amongst them.

Key informant interview (KII)

Key informants interviews were the most important tool to gather required primary data for the study at institutional level. Relevant key informants among the stakeholders were carefully identified in consultant with the staff of NETZ Bangladesh project management. Considering the duration of the study a number of key informants were interviewed at upazila, district and national level.

Case studies

A number of case stories were conducted with the victims of DVA /CM and also survivors of DVA/CM within the program intervention area.

2.3 Key Contacts

During the data collection phase the consultant team met quite a large number of people. The purpose of meeting different section of community and stakeholders is to cross-check the information provided at different levels and to get a better understanding about their roles and responsibilities. The following categories of people were involved in the whole study;

- CSO members.
- Local Elites (LEB, Teachers, Businessman, Parents, Religious leaders etc.).
- UP chairman and members.
- Electronics and print media people.
- At upazilla and union level all officers who are legally assigned to work to reduce CM/DVA.
- Law enforcing agency at local level (OC ad ASI).
- Representatives of local NGOs.
- Kazi (Nikah register), Imam (Muslim religious leader) & Marriage maker (Ghotok).

2.4 The team orientation and the time frame

Orientation of the team: All the core team members were involved in the process of designing the tools/instruments used. Additionally, a two-day long orientation exercise was conducted to clarify the study objectives, methods and techniques to be used for information collection, verification and for ensuring quality of information. Team members helped to train the research assistants for their jobs.

The Time frame: The study was carried out during September 2019 till November 2019. The period includes preparing and designing the survey in consultation with NETZ Bangladesh; data collection, compilation etc., reporting and presenting the findings to the management of NETZ Bangladesh.

Chapter 3

Context and Problem analysis

3.1 Domestic Violence: Very low number of complaints despite high prevalence

Report finds that 66% Bangladeshi women and children are subject to domestic violence and 72.7% of them have never disclosed their experience to others¹. Domestic violence may happen to male, female, child or adult. But the findings suggest that in the study areas community people as well as the law implementing agencies strongly believes that domestic violence is happening only to the married women's life².

FGD & KII participants said that women are in most cases abused and physically assaulted by their husband after marriage and they perceive conflict between husband and wife as domestic violence. Community as well as law implementing stakeholder also believe parental abuse and violence is not part of domestic violence and children do not need to be protected by law from parental abuse.

Community male & female
LEB & Upazila officials

According to a Bangladesh Bureau of Statistics survey conducted in 2015 more than 80.2% of married women have suffered some form of violence at the hands of their spouses whether it is physical, sexual, economic or emotional. Domestic violence occurs for many reasons, most often connected to dowry demands, often perpetrated by the wife's in-laws and executed by her husband. Further, 65% of married women reported experiencing physical violence by their current husbands during their lifetime. The survey found that 36.5% of women reported sexual violence by their husbands and indicated that women between the ages of 20-34 were more vulnerable to sexual abuse than any other age groups. An astounding 80% of women reported psychological abuse within the marriage, whereas only 50% reported economic abuse.

Domestic violence may be defined as violence perpetrated by a man upon a woman and vice versa in course of leading a domestic life. Domestic violence is not confined to married couples only, but extends to cover other couples who are jointly living together. It may also cover men and women other than husbands and wives, such as parents, brothers, sisters or cotenants, domestic servants etc. Domestic violence may also be caused to young girls who may become victims of sexual assault within the family. Male or female domestic servants may also become objects of domestic violence³. Research shows that Domestic violence is common to every society in one form or another and this is a cross class social problem and regarded as one of the serious social problem in many countries to the communities, activist and to the law implementing stakeholders.

¹ A joint research conducted by Action Aid Bangladesh and Jatiyo Nari Nirjatan Potirodh Forum.

² Data from Baseline survey of the same project also shows that domestic violence was perceived as an issue of women only.

³ Bangladesh Law commission Report published on December 29, 2005

But the ground reality in Bangladesh and especially in the study areas is very different. In one hand community do not perceive domestic violence the way law described it and on the other hand law implementing stakeholders thinks that domestic violence is a private matter happening with the family and households, so women or her family should not bring these cases of domestic violence to the police stations. According to the local elites and a large numbers of HRDs these problems of domestic violence needs to be resolved by the family. In *Shapahar* and *Tarash* in the FGDs participants said that;

If women do not listen to their husbands and in-laws than both husband and in-laws can beat them in order to teach them how to behave properly. This is the responsibility of the in-laws to make sure that their daughter in-laws are following the culture and rules of the family and not doing anything which can adversely affect the social status an honor of the in-laws families. So to keep the family honor and status intact if they rule their daughter in-laws this cannot be define as violence.

There are various reasons for which domestic violence occur in Bangladesh. According to the findings one of the major causes of violence against women is connected to dowry demands. The practice of demanding money from a bride's family is rampant, although prohibited by law since 1980. But in study areas even GoB officials endorsed that in any class of the society arranging marriage of girls without dowry is not possible. Demands of dowry also have a link with child marriage. According to findings if parents marry off their girls when they are young (age bracket is 14-16) there is a possibility of less demands of dowry from the groom family. Also in the study areas it is evident that violence as a result of the inability of a woman's/girl's family to pay dowry that was promised before marriage or demands made after marriage is widespread and at times fatal.⁴

In Tarash one 25 years old married woman commit to suicide during the field work. She was highly tortured by her in-laws and husband as her family didn't gave all items of dowry to her husband. Though her in-laws said she committed to suicide but it was a case of murder according to the police investigation report. But Tarash police arranged a discussion with the girl's family and convinced them not to file a case as the boy's family agreed to give them 10,000 taka. According to local journalist 99% murder cases are dismissed through the help of police as police takes 10 times more money from the perpetrators'.

According to findings other reasons for Domestic Violence include complaints from other members of the family or in laws; "talking back" to a husband; the taking of a second wife, the withholding of permission for a husband's polygamous marriage, the serving of bad or cold food; behavior considered unacceptable such as talking to strangers or wearing revealing clothes; and the inability to bear children or sons, among others. Or there may be no particular reason at all.

⁴ The Dowry Prohibition Act 1980 made the dowry demand offence and the Dowry Prohibition Act which repeals the act of 1980 also affirms dowry demand as an offence.

Domestic Violence is clear violation of human rights of these disadvantaged groups women, children, old age people and person with disability children and has a long term impact on the society specially in case of girl children who experience domestic violence more than boys may develop personal disorder which might lead her to the path of severe depression⁵. Unfortunately in the study areas neither the community nor the implementing stakeholders recognizes domestic violence as violation of woman and girl's human rights. Rather been socialized in a patriarchal culture over majority of the mainstream society people strongly believes that parents, husbands and in-laws have the inherent power to rule the life of woman and girls. As a result of that they do believe that domestic violence is not a problem for which woman/girls need to seek help from law enforcement people⁶.

Bangladesh is under obligation to provide safety to women and children under national and international legal instruments violation of which occurs when a woman, girl or child becomes subject to domestic violence in any of its form. According to the findings root causes of this violation are embedded with the internalization process of the patriarchal ideology through socialization of the people in general and implementing stakeholders of the laws in specific.

3.2 Bangladesh's international obligation to counter domestic violence

In the international arena, Bangladesh is party to several important conventions that deal with the rights of women and children. Chief among these are the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the 1989 Convention on the Rights of the Child (CRC). These are both specialized treaties dealing solely, in the first case, with women, and in the second, children, although in several ways they complement each other. The first Article of the CEDAW defines what constitutes "discrimination against women" and states that it includes any distinction, exclusion or restriction made on the basis of sex whereby women are deprived of their "human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." CEDAW's General Recommendation 25 and CRC's General Comment 13 expand upon what constitutes violence, as well as the steps required to be taken by State Parties.⁷

Women's rights to equality and non-discrimination, as envisaged by the CEDAW, include their inherent right to be free of and protected from violence. Gender-based violence is a form of discrimination since such violence is "directed against a woman because she is a woman or that affects women disproportionately." This violence includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.⁸ CRC also requires State Parties to "take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of

⁵ In Tarash over last one year around 40 person committed to suicide and according to the local journalist and local police only two person were male and majore reason for women to suicide was domestic violence.

⁶ In all areas in FGDs mainstream community people said the same thing. In Tarash, Raiganj, Ishwardi, Atgoria, Shapahar, Porsha, Nachal and Nawabganj none of the officer in charge has complete knowledge about the Domestic Violence Act. No cases of Domestic violence been reported to the police. Findings of this study are same as the findings of the baseline survey of the same project.

⁷ General comment No. 13 (2011), CRC/C/GC/13; 18 April 2011.

⁸ CEDAW Committee(2004). General Recommendation 25, UN Doc A/59/38, annex I [4].

physical or mental treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child” (Article 19). Bangladesh is responsible for reporting on the progress of its convention implementation to the UN committee every four (CEDAW) and five (CRC) years.⁹

The Constitution of the People’s Republic of Bangladesh guarantees the fundamental rights of all, which include the right to be free of all discriminatory practices and the protection of law, which inherently includes all types of violence. Under Article 27, the Constitution reiterates equality before law and equal protection of law and allows the state to take affirmative action for the protection of women and children under Article 28(4). No one shall be deprived of life or personal liberty except in accordance with the law (Article 32) and all have the immutable right to protection under the law (Article 31): To enjoy the protection of the law and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law. Other protections have been afforded by the executive, legislative and judicial branches of the government of Bangladesh. For example, the National Women’s Development Policy 2011 clearly outlines the aim of dealing with violence committed against women within the family and society¹⁰.

The National Children Policy pledges that initiatives shall be undertaken to ensure a safe family environment and that children shall be given due protection from all forms of violence¹¹. The government has outlined a National Action Plan to Prevent Violence Against Women and Children, 2013–2025. However, although Bangladesh has successfully attained many of the Millennium Development Goals, it continues to be a country where 47 percent of adolescent girls have experienced physical and/or sexual violence and where one in every five girls between the ages of 15 to 19 is sexually abused by her husband or partner.¹² The BBS survey on VAW of 2015 reports that 34.2% of girls aged 10-14 years and 39.7% of girls aged 15-19 years have been raped at least once.¹³ Given the appalling figures, the issue of violence against women and children as an acute problem has been acknowledged in many different ways. For example, the Legal Aid Services Act of 2000¹⁴ provides for legal assistance for women who are survivors of such violence. In addition to various legislative and policy interventions to address violence against women and children, concrete initiatives have been undertaken. The Ministry of Women and Children Affairs (MoWCA) has started the Multi-Sectoral Programme on Violence Against Women, which includes the establishment of the National Trauma Counseling Centre (NTCC) to provide psychological counseling. A National Helpline Centre for Violence against Women and Children, which provides services, information and assistance has also been established under

⁹ As per CRC (Article 44) and CEDAW convention (Article 18).

¹⁰ According to many implementing stakeholders in Bangladesh government after passing different laws and policies in the parliament never take the initiatives to orient the respective law implanting stakeholder at the ground level about the law and the significance of the law in people’s life. As a result of that many officer do not know about the policies and all laws they are supposed to know and implement. DVA is one of these kinds of law which carries very low importance to the implementers.

¹¹ Protecting children from all forms of violence also include domestic violence even for married underage girls and also protecting those from child marriage as this single act deprive a girl child from many of her rights.

¹² The Daily Star, Sept. 6, 2014.

¹³ <http://www.dhakatribune.com/bangladesh/2016/10/02/survey-70-married-women-face-marital-violence/>

¹⁴ AingotoShohaiota Prodan Ain, Act No. 6 of 2000

the above Multi-Sectoral Program and provides a number that can be accessed by victims and others.

The growing problem of domestic violence has been considered to be of such magnitude as to require the introduction of a new legislation. The complexity of domestic violence requires multiple strategies compatible with the conditions and resources of the country under consideration. In the commonwealth countries, most of the societies recognized the problem of domestic violence as a serious issue accompanied by a clear manifestation of a resolution to act against the abuse of domestic violence and to deal effectively and appropriately with both the abuser and the abused. It is felt that women must have ensured access to legal remedies according to their desires. Their access to law must be simple and cheap. One of the national level practicing lawyer of the women and children tribunal 1 of the Dhaka and a person who was part of the Domestic violence Act formation team said that ‘In the context of Bangladesh, it is felt that having regard to the widely prevalent abuses of women who generally have not easy access to the ordinary existing court system, there should be some innovative legislation based upon the realities of our own infrastructure and logistics, however deficient they may be’. Two more lawyers and policy maker also mentioned that DVA is not a realistic law in Bangladesh social context, as this law after the arbitration sends back the woman to the in-laws home and fails to punish the perpetrator and also provide protection to the woman victim of domestic violence.

3.3 Child Marriage: Improvement in a very slow pace

Bangladesh continues to have one of the highest child marriage rates worldwide, and the highest rate of marriage involving girls under 15¹⁵.

Bangladesh has been ranked fourth in the world and first in the south Asian subcontinent in child marriage index with 59% child marriage.¹⁶ The rate of percentage of child marriage has declined from 64% to 59% from 2015¹⁷. The situation of child marriage in Bangladesh is still massive with its tremendous effect on women resulting in gender inequality along with social and economic disparity in the country.

Bangladesh is one of the states of south Asia where consent of the parents remains to be deciding factor of marriage. When a girl reaches at 10 or 12, the concern of the poor parents becomes to lessen the burden of the family by marrying off their daughter for which poverty is reported as the most influential factor of child marriage and the developing states are suffering more in this regard. For example findings shows that in Chapainawabganj and Natore comparatively marginalized Dalits and Adivasi’s are very poor and they prefer to marry off their girls early in order to reduce their burden. These communities mostly following Hinduism, Buddhism and Sanatan Dhormo (traditional Hindu religion) usually donot go for marriage registration because

¹⁵ Though in most survey mean age of marriage is 15, but before automation of the Birth certificate govt. officials also said that the age in birth certificate are mostly fake. On the other hand parents in rural areas hardly know the correct age of the girls when they marry off them.

¹⁶ NFPA population report: Bangladesh has a whopping 59% child marriage rate, Published on 18 April, 2019 <https://www.dhakatribune.com/bangladesh/event/2019/04/18/unfpa-population-report-2019-bangladesh-has-a-whopping-59-child-marriage-rate>

¹⁷ Bangladesh: too young to marry, Bangladesh: too young to marry, IRIN from <https://www.irinnews.org/report/85516/Bangladesh-too-young-to-marry>

except who follow Christianity legally marriage registration is not mandatory for others . As a result of this it's easy for them to marry off the girls at any age as there is no policy to check the age of the girls or boys. Scenario is not same for the converted Christian Adivashis living in the study areas because of two reasons; first they are getting enough aid from the missionaries and Christian NGOs to improve their economic condition and to continue their children education. Second to marry off their children irrespective of gender converted Christian Adivashi's need to take permission from the church and church do not allow them to marry of their children at least before completing Higher Secondary Exam. Impact of the control of the church over the life of converted Adivashi's significantly lower the rate of child marriage¹⁸ among Christians, which is reverse among Adivashi Hindu's and Sanatan religion followers.

Child marriage has been made punishable offense since the British colonial era 1929¹⁹, though several changes have been made as to minimum age of marriage, the number of child marriage cannot be decreased. Minimum age for marriage has been 18 for girl and 21 for boy since 1984. The fact of more than 60 percent child marriage in the country proves the ineffectiveness of the legal mechanism under the child marriage restraint law. Government made different level of stakeholders responsible to implement the law and to prevent child marriage are not putting effort to implement the law and also not have the authority to exercise the power i.e apart from UNO (Magistrate) and AC Land (Nirbahi Magistrate) have the power to implement the CMRA and punish all stakeholders who are involved in arranging the child marriage in any corner of the country. But for child marriage, findings of the study shows that almost 90% UNO and AC Land are not willing to go to the spot where child marriage is arranged. And according to the most of local government officials understanding this is the official responsibility of the Upazila woman affairs officer to handle the cases of child marriage as the VAW committee's member secretary is Upazila Women affairs officer.

3.4 Bangladesh's international obligation to end child marriage

Bangladesh is under international obligation to put an end of child marriage under several international instruments, for example, the Convention on the Rights of Children (CRC) imposes obligation on the member state to eliminate marriage before 18 years. The Convention against All Form of Discrimination against Women (CEDAW) prohibits child marriage stipulating 18 as the minimum age in its general recommendation no 21.²⁰ The Universal Declaration of Human Rights (UDHR) provides that marriage can be entered into only with the free consent of the intending spouse.²¹ But the ground reality of the study areas is community people do not perceive child marriage as violation of human rights. Also GoB officials at LGIs, LEB members and law enforcement officials are not oriented about the GoB international obligation to end child marriage.

¹⁸ Missionary intervention among the Adivashi (ethnic minorities) across the country have positive impact in increasing the rate of education and lower the rate of child marriage among them. In the greater Mymensing districts over last two decade 90% Garo children and young adults become educated and the rate rate of child marriage almost 0%. Though missionary intervention and conversion of religion brought serious change in their social structure and culture i.e a unique matrilineal ethnic group has been turning to a semi patriarchal society.

¹⁹ The Child Marriage Restraint Act 1929 termed child marriage as an offence.

²⁰ internet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/GEC/4733&Lang=n

²¹ Article 16(2) of the Universal Declaration of Human Rights

Chapter 4

In depth analysis of The Domestic Violence Prevention and Protection Act 2010 with particular focus on Sections 14 to 17

4.1 DV Act and the purpose

The government of Bangladesh enacted the domestic violence protection and prevention Act 2010 to combat domestic violence by incorporating both preventive and protective measure in the act. The Act defines domestic violence in terms of physical, psychological, sexual or economic abuse against a woman or a child of a family by any other person of that family with whom victim is, or has been, in family relationship. The Domestic Violence Prevention and Protection Act 2010 has been referred to as a quasi-civil and a quasi-criminal law since offences of domestic violence under the Act are not punishable per se but only attract punishment in case of certain breaches. Domestic violence legislation attempts to keep the door open for reconciliation between the parties and that is why there is an intentional absence of punitive measures. The fourth chapter of the Domestic Violence Prevention and Protection Act deals with the reliefs and remedies available to the aggrieved person. These include:

- Protection orders—Interim (Section 13) and Permanent (Section 14)
- Residence orders (Section 15)
- Compensation orders (Section 16)
- Safe custody orders for child/children (Section 17)

4.2 Some limitations and gaps in DV Act

The Act was passed 9 years ago but the incidents of domestic violence is yet to reach at an acceptable rate rather the application of the law cannot be effected to attain the expectation for which the law has been enacted. Among the limitations and gaps of the Act, we find following are the major in chapter four of the Act.

1. Section 16 states that the victim may be given compensation for the sufferings suffered. This provision is made for the purpose of protecting the victim. But the section also specifies that in recovering the money of compensation the public demand recovery Act will be applicable. The public demands recovery Act provides for mechanism of recovering public demands through sale by certificate officer which is reported as lengthy procedure. Resorting to different authority for recovering compensation money will make the task hard to the victim which sometimes may result in abandonment of claim. Certificate officer is an admin cadre who is burdened with different administrative task for which in-ordinary delay occurs in the recovery of the compensation money.

2. Section 15 of the DV Act authorizes the court to order recovery of assets, goods and property belonging to the aggrieved person from the possession of the respondent with the assistance of the enforcement officer from the shared residence. However, neither the Act nor its Rules specify

any details as to the funds and personnel required for such recovery. More importantly, it fails to mention where, after such recovery, the property will be stored or kept.

3. The Act does not provide any guideline as to method of imposing punishment for violating a protection order under section 15. The offence of violation of protection order under section 15 is to be conducted as per the provision of the code of criminal procedure 1908, the Code of Criminal Procedure provides the method of trial not the method of imposition of punishment.

However, the penalties set forth under the DV Act are compoundable, which means that the perpetrator may enter into a compromise with the victim and evade punishment. The DV Act also imposes certain duties on police officers, including informing the victim about the availability of medical and legal aid services. Despite the broad definition of “domestic violence,” implementation and prosecution of the law has been weak. We found many enforcement officers have little knowledge about their obligations under the DV Act, often encouraging victims to file complaints under stricter laws²². The impunity of perpetrators, which is in the majority of cases based on political patronage and economic influence, negatively impacts the laws aimed at addressing domestic violence. Such impunity is often encouraged by police inaction and bias toward the more powerful perpetrator. The DV Act does not provide for special measures for girls who are subject to violence within child marriages. It also fails to provide a strategy for identifying child abuse within the family or provide practical assistance to ensure children have access to services. Although a child may apply for legal relief, the remedies available for children are in reference to the relief available to their mothers.

4.3 Lofty aspirations with less enforcement measures

The DV Act pledges to deal with the disputes without imposing harsh penalties. The ultimate objective is to ensure the stability of the family by undertaking some reformatory measures. The Act does not specify any punishment if the residence order is violated. Though there is a provision of penalty for violation of protection order however, our findings reveal that there is no application of such protection in our targeted locality. It is true that the aim of the Act is noble for a society where there is a culture of compliance. The finding suggests that people are not prepared to use this law being part of reformatory measures rather they prefer to impose punitive measures for the domestic violence cases. Furthermore findings of the study also suggest almost all the incidents of domestic violence are dealt under the Prevention of Women and Children Repression Act 2000 or the Dowry Prohibition Act 2018 and the domestic violence cases filed under the aforesaid laws are utterly false. The purpose of dealing the domestic violence cases under above mentioned laws is to confine the perpetrators immediately or to create a panic in the minds of the offender so that he might himself from repeating such offences. However this malpractice not only disregards the implementation of DV Act but also creates a culture where lawlessness shall prevail. Moreover the false cases create huge burden to the judiciary while increasing the case backlog. The increasing case backlog not only hampers the adjudication of genuine cases but also disrupts the growth of judiciary. The access to justice is also hampered because of the filing of false cases that also questions the credibility of the judiciary. The frustrating finding is that even the Advocates at the local level advise the litigants to file case

²² In case of Domestic violence most of the victim strait take the help of lawyer and according to lawyers’ advice file a case against their husbands and in-laws instead of seeking help from local officer in charge.

under the under the Prevention of Women and Children Repression Act 2000 or the Dowry Prohibition Act 2018 and This malpractice by the lawyers serves only the interest of their personal gains though the whole process leads to create a culture of non-compliance.

Another important finding is that the complaints of domestic violence if filed result into divorce in most of the cases. Husbands consider the filing of complaints of domestic violence against him as offensive and threat to his patriarchal authority. Study shows women do not want to report the incidents of domestic violence for the sake of saving the family and the continuation of relationship even if that causes hardship. Findings also shows that still men do not need to file a divorce petition, rather they verbally three times says divorce in front of family members and even sometimes in presence of UP chairman and members. Findings also shows that In many cases men do not bother to divorce their wife and they send back the women to her parents home. In the study areas among educated people it is to be added that divorces petition resulting out of the incidents of domestic violence are compelled to be filed by women. As husbands avoid the payment the dower if the divorce is filed by wife. So in one hand husbands create a situation where wife has no alternative but to opt for divorce or separation. Moreover community people and law enforcement people still beliefs that domestic violence is a family matter and it should resolve within the family.

The Officer In Charge of the Tarash thana said that 'shameless women only bring family matter into the police station and make the bed room life public'.

Six out of eight Officer In Charge in the local Thana of the study areas told us that they usually do not receive any case of domestic violence because they believe these family problems can be solved by the seniors of the family. Though an Officer In Charge is responsible as DVA implementing stakeholder but their thought process is completely controlled by the existing gender ideology due to their socialization in a patriarchal culture and family.

4.4 No existence of enforcement officer

The DV Act requires that the Government shall, by notification in the official gazette, appoint one or more Enforcement Officers in each upazila, thana, district or in a metropolitan area and shall also notify the area or areas within which an Enforcement Officer shall exercise the powers and functions conferred on him or her by or under this Act. In order to implement the provisions of protection order, residence order, compensation order and custody order, the role of enforcement officer is instrumental. The enforcement officer is responsible to take the benefits and services of the law in the hands of the victims. The victims of domestic violence in most of the cases are socially and economically poor and marginalized and they cannot afford the lawyers fee and also cannot access to other relevant stakeholders. The Act obliges here the enforcement officer to create a bridge between victims and responsible stakeholders for implementing the law. However, the findings reveal that there is no existence of such enforcement in the upazila and district level. It clearly shows infrastructural inadequacy making the implementation of the law more challenging. The local administration is also unaware of the provision of enforcement officer.

4.5 Law without being real

It is well settled that a law should underscore the social, economic and cultural context of a society and only then, the law can address the social and legal problems. A law should reflect the voices of common people enabling them to use the law with a view to redressing their sufferings and grievances. However, the findings portray that the DV Act failed to reflect the concerns of the common people. The social and cultural contexts of large number of people are being ignored under this Act. After reading the Act and having concrete findings, it can be reasonably deduced that the Act fails to address the concerns of common people rather the Act has been fashioned in way that arguably suits with the desire of urban elite communities²³.

4.6 Practical gaps

Believes and perception of the Society

Findings show that society still believes that the issue of domestic violence is not an issue at all to discuss in public. Furthermore taking family matter in public is disgraceful for the family. Even many officers in law enforcement and in local government believe that domestic violence is an issue which should not spread out of the family. One of the Adivashi female UP member in Tarash said that according to her observation among mainstream people an ordinary or even educated woman of Bangladesh feels ashamed for disclosure of behavior by her husband. They think that disclosure will bring dishonor to the family and in most cases they feel threaten to disclose their oppressive relation with husband and in-law because this may make her worse. For example in all four areas women who participated in the FGDs said that they do not like to talk even with the members of the wider kin network that they are tortured by their husbands and in-laws. It is also experienced by some women that disclosure of the tortures being made upon them would be fruitless because the persons listening to the same would be powerless to do anything fruitful in changing the behavior of their husbands.

On the other hand image of police to the public is very low and community people relate police with corruption and different types of abuse. So for women going to the Thana is socially problematic as the society labels those women who take help from police later as bad women in the society. As a result of that women do not like to be labeled as bad women and they do prefer to take help from legal aid providing NGOs and from UP members and chairmen. In all program areas there is no reported case in Thana been found. In eight upazila we found only one case of Domestic violence in Tarash where the victims family call police at home to threat the husband and to scare him, but they didn't filed a case against her husband.

²³ Advocate Moloy who was part of this law formation team said that DVA will never be functional because the law is faulty and this is not appropriate for 95% women living in Bangladesh. According to him this faulty law to prevent domestic violence also encouraging practicing lawyers at local level to abuse the Prevention of Women and Children Repression Act 2000 or the Dowry Prohibition Act 2018.

This woman is from the Mahato ethnic group and was very badly tortured by her husband and in-laws for dowry and also for any minor reason. Two years after marriage when her husband called her sister and brother-in law by telling lies, also when her brother in-law wanted to take her back with them her in-laws said that they will send the body of her later. So the brother in-law called police at home and took a written commitment that they would never torture her again and would allow her to go to her parents home whenever she wish to. Since then this woman in-laws and husband stop torturing her and now her in-laws have good relation with her parents.

Lack of Social Support

Findings shows that women do not like to share their sufferings at home with others due to much reason. First of all they believe scolding or giving a slap once in awhile by mother in-law or by the husband is not abuse. They keeps this right to scold or beat her sometime otherwise she would not be able to learn the norms of the in-laws family and repeat the same mistake in future. Findings show this happens mostly in newly married underage girls' life and also in married young adults' females' life.

Also in severe cases they share the problem with parents but socially parents do not like to take back the married girl to parental home. According to the government officials and kazis' in case of child marriage 80% girls either left abundant or divorced and returned to parental home putting some sort of social and financial burden on the parents or brothers. Findings also show this is prevalent in the society that once a girl married and moreover a mother than they have no social or biological need in life and most cases parents hardly think about these women/girls future and or help them to start a new life. Findings suggest that many of young girls who are left by their husband or divorced are psychologically suffering and they are not getting access to counseling services as these services is not available even in the district head quarter²⁴. Considering these social factors women and girls said that it's better to stay with husband rather going back to parental home.

Lack of initiatives of respective institutions and NGOs

According to findings members of local government including chairman and members play no role while dealing with Domestic violence. They even in public gathering or seminar do not advocate stopping domestic violence. At local government level there is a committee to combat violence against women (VAW) which do not have any budgetary allocation. VAW committee is headed by UNO but the member sectary is the Upazila woman officer which is a second class non cadre position and by position person holding these chair do not keep the authority to issue any office order to arrange the VAW committee meeting. Findings suggest that due to the lack

²⁴ Also see Baseline survey of the project on “Strengthened Civil Society Protects and Promotes Women’s Rights” (2018) of NETZ Bangladesh and a Study of The Save the Children International ‘Exploring the current dimensions of child marriage and factors behind the practice: A study in Meherpur context’; 2015.

of time UNO and also due to the lack of importance of the committees work many Upazila woman officer said that they face challenge in arranging meeting unless UNO is willing to do that. Moreover, in reality, in large number of cases they do not take any initiative to stop domestic violence.

Addressing social and economic aspect

Like every law in Bangladesh, the DV Act also ignores the social and economic aspects of target groups for whom the law would be applicable. The practical evidence suggests that the prevalence of domestic violence is prevalent in every household in various forms²⁵. Without addressing the social, cultural and economic causes the society, law cannot reach the common people and more importantly law may turn into a weapon to exploit people. For example, when woman cannot take abuse and violence they can commit to suicide. According to the report of the Tarash press club over last one year only in Tarash 40 persons commit to suicide and 2 out of 40 were male²⁶. Age bracket of women committed to suicide is 15-25 years. Reasons of suicide are mainly domestic violence. Over majority of suicide cases took pesticide in order to suicide. In the study areas findings show that these deadly pesticides are easily available in the local market.

4.7 Comparison with relevant laws of some other countries

The Indian law on domestic violence appears in certain cases to be more liberal, including relationships in the nature of marriage (Section 2(g)) so that in effect, domestic relationships are not restricted to those persons related by affinity (shared characteristics) or blood. The Indian Act emphasizes protection of women in particular, which is clear from the title of the Act: Protection of Women Against Domestic Violence Act of 2005. It also deals with violence against children, since it mentions that the aggrieved person may be a child in Section 18(c).

In Nepal,²⁷ laws define “domestic violence” as any form of physical, mental, sexual and economic abuse perpetrated by any person on another person with whom he has a family relationship. In Bangladeshi Law, domestic violence is defined as physical abuse, psychological abuse, sexual abuse or economic abuse against a woman or a child of a family by any other person of that family with whom the survivor is, or has been, in a family relationship.

Two important provisions which are absent in the Bangladeshi law but present in the Indian law are Section 14, dealing with “counseling” and Section 15, dealing with “assistance of welfare expert.” The Domestic Violence Prevention and Protection Act encourages attempts to arrive at a compromise or a settlement but none of the actors brokering or mediating such settlements, including the judges, are trained in the family counseling methods that might be needed. It may also be immensely important for the court to be able to refer perpetrators of violence or couples to marital counseling in order to ensure that the solution is permanent. In a personal interview,

²⁵ These findings have been endorsed by the base line survey of the same project.

²⁶ Among study Upazilas rate of Suicide is alarmingly high on Tarash and according to the Tarash press club majority cases are not officially reported to police due to various reasons. In Pabna adjacent to Atghoria and Ishwardi in Chatmohor upazila rate of suicide of male is very high. These areas need separate in depth study to explore the root causes of suicide and it’s link with child marriage and domestic violence.

²⁷ The Domestic Violence (Crime and Punishment) Act, 2008 of Nepal.

Honorable Justice Imman Ali said that the “thrust of the Act should have been counseling.” Therefore, failure to provide counseling system remains as one of major limitation of chapter four of the Act.²⁸

²⁸ Page 55, Five Years After Bangladesh’s Domestic Violence Prevention and Protection Act 2010, is it helping survivor, from <https://planusa.org/docs/phr-domestic-violence-2016.pdf>

Chapter 5

In depth analyses of The Child Marriage Restraint Act 2017 with particular focus to Section 10 and 19

5.1 CMRA and the purpose

The elimination of Child marriage is one of the important goals of SDG and Bangladesh government has made commitment to eliminate early marriage and early forced marriage by 2030 in line with target 5.3 of SDG. Bangladesh is a focus country of the UNICEF, UNFPA global program to accelerate action to end child marriage. Bangladesh is also a member of the south Asian initiative to end violence against children (SAIEVAC) which adopted a regional action plan to end child marriage from 2015 to 2018. At 2014 Girl summit the government signed a charter committing to end child marriage by 2020.²⁹

The government of Bangladesh has launched a national plan of action in 2018 aiming to eliminate child marriage through existing institutional initiatives, programs and combined effort of all. The goal of the national plan of action is to end the marriage of girls below 15 years and to reduce by one third the rate of marriage for girls aged 18 years in 2021 and to completely eliminate child marriage by 2041.³⁰

In response to the immense need to modify the law relating to child marriage in Bangladesh, the government has enacted the Child Marriage Restraint act 2017 bringing some changes in the field specially for the purpose of creating more deterrence against child marriage. Terming child marriage as offence, the Act provides different types of punishment for different perpetrator. Highest punishment is two years imprisonment or fine not exceeding one lakh or both. The Act has been designed with following positive aspects:

- reiterating the cognizable, non-bailable and non-compoundable nature of the offence,
- setting up of child marriage prevention committee
- strengthening the powers of government officials
- increasing penalties for child marriage

5.2 Limitations of the CMRA

The biggest limitation of the Act is the ‘special provision’ as stipulated in section 19 that ‘if a marriage is solemnized in such manner and under such special circumstances in the best interests of the minor, at the directions of the court and with consent of the parents or the guardian of the minor.....it shall not be deemed to be an offence under this Act.’ Although the

²⁹ Girl Summit held in UK in 2014

³⁰ National Plan of Action launched to end child marriage in Bangladesh, Published on 02 August, 2018 from <https://www.dhakatribune.com/bangladesh/2018/08/02/national-plan-of-action-launched-to-end-child-marriage-in-bangladesh>

rules adopted in 2018 under CMRA has further detailed out the procedures of legalizing a marriage following the 'special provision', it stills risks poor implementation. Findings of the study suggest that most importantly, this 'special provision' gives a wrong message and severely weakens the argument of making 18 the minimum age of marriage and in a way validates the problematic argument that '18 is not a realistic minimum age of marriage for girls in Bangladesh context.'

In the social context of Bangladesh where the awareness against child marriage is still under-developed, the special case clause may be used for solemnizing underage marriage. Law does not sufficiently outline what circumstances will fall under special case for which there will be a tendency among the people to solemnize child marriage first then to resort special case clause to escape liability under law.

Secondly, one of the purposes of criminal law is to put deterrence, when law itself creates gap to escape charge, the law will be in that case failure to create deterrence and therefore the law will not work. Similar result will be in case of the Child Marriage Restraint Act 2017 as marriage in special cases will be a gap in the Act to escape charge.

Section 10 of the Act is another provision which creates exception. According to Section 10 a person took initiative of child marriage and if the marriage did not take place, the person may be exempted from charge upon submitting bond or affidavit by stating that he shall not be involved in child marriage in future. The provision contemplates special circumstances to exempt a person who takes initiative of child marriage but child marriage has not been solemnized. But the section in some respects creates scope for misuse for which the section may bring more complication in reduction of child marriage in Bangladesh.

1. Though the section says about exemption on promise of future omission and promotion of restraint of child marriage, the section is vague in its application for example it does not say what will happen if the person does not comply with the promise or no details have been disclosed as to the method of working of the section for which the section may be used by perpetrator as a shield.

2. The section is in contradiction with some cardinal principles of criminal law for example under the criminal law an abettor is offender and gets punishment for the offence abetted by him whether the offence abetted by him has been committed or not. But the section in hand provides exemption to abettor of child marriage. Another general principle of criminal law that is liability for attempt to commit crime is in contradiction with the section.

3. The Child Marriage Restraint Act is the parent legislation to protect the country from the curse of child marriage which should provide wide social awareness mechanism to end child marriage but providing such an exemption clause will create barrier to boost awareness amongst people and findings shows that parents are taking advantage of exemption as well they are marrying off the same girl later in nearby Upazila or in district head quarters.

For the reasons stated above it is submitted that section 10 and section 19 of the Child Marriage Restraint Act 2017 have created a lot of complications that deserve to be analyzed.

Furthermore, marriage in Bangladesh is largely regulated by personal laws. These laws consist of codified and uncodified rules, which are officially recognized, applied and enforced by the Supreme Court of Bangladesh. While the CMRA prohibits child marriage, it does not clarify that it has primacy over contradictory provisions of personal laws that condone it, thereby preventing

general laws from being effectively implemented or enforced. The CMRA does not clarify if it has primacy over prior legislation, including religion-based personal status laws that govern the areas of marriage and divorce and specify differing legal ages for marriage.

Marriages in violation of the CMRA are valid unless voided under applicable personal laws. Child marriage, even though a punishable offence, is not void under Bangladeshi law. When the 1929 CMRA was effective, the Supreme Court declared that, in the case of Muslim parties, a marriage will be found valid if the parties have reached puberty in accordance with Muslim personal law. The 2017 CMRA is not silent with respect to the validity of a marriage that violates the minimum age requirement, nor does the 2017 CMRA contain any provisions regarding the voidability of a child marriage. A girl or woman seeking to have her child marriage voided would have to follow the procedures set forth in the applicable personal laws. However, these procedures can be quite restrictive and difficult to access, especially for girls who have limited capacity to avail legal procedures. Under Muslim personal law, a girl may seek dissolution of a marriage entered into when she was under the age of 18; however, dissolution of marriage on this basis is possible only where the marriage has not been consummated and the marriage must be repudiated by the age of 19. This option provides a very short window for a girl to have her child marriage dissolved, and therefore is likely to be practically unavailable to many.

5.3 Practical gaps

Irregularities by the Nikah Register

The Nikah Register is responsible to register the marriage in an assigned locality. The registration of Marriage is compulsory in order to avail legal entitlements arising of a valid marriage. The findings show that the Nikah register maintains two register books one is for child marriages and the other one for regular marriages. Once the parties of child marriage attain majority, the Nikah register adds the marriage as regular marriage by taking information from the duplicate register book of child marriage. Though there are some incidents of cancellation of the license of the register, however, their irregularities are being continued to be done strategically. Also in few cases Nikah Register were sent to the jail under the CMRA but later they got bail and doing the same job in his community or in other areas. For example Madhainagar union Tarash upazila's Nikha Register was in jail for twice and currently he is living at home continuing his job as Nikah Register.

Marriages by Notary Public

Findings show that the marriage by notary public is another strategy to justify child marriage. Even the local administration including UNO is helpless to prevent such marriages. Though there is no provision of such marriage under any existing laws of Bangladesh, these marriages are being conducted with the help of corrupt advocates who can issue notary. These marriages have no legal basis and community people are not aware about the fact. We didn't hear from any administrative person whether in any district District Administrator (DC) or the bar council took any initiative to cancel the license of these corrupt Advocates/notary publics.

Never ending burden for the parents

In order to avoid economic burden, parents often go for child marriages for their daughters. However, the evidence reflects that more than 80% cases of child marriages result into divorces. Husbands of those child bride loose attraction over the child bride within one or two years and attempts for another marriage that lead to polygamy. The divorced child bride again returns to the house of her parents. The parents now face the real burden of undertaking expenses and the stigma as well for having their divorced daughter.

Intervention by the local government members

It is interesting to note that members of local government including chairman and members play a dual role while dealing with child marriages. In public gathering or seminar, they always advocate stopping child marriages, however, in reality, in large number of cases they facilitated child marriages considering the interest of their vote bank. Findings show that UP chairman's proper initiatives can stop child marriage and make the community aware about the consequences of arranging child marriage for the family and other stakeholders who are involved with the entire process. For example in Naogah union, Tarash previous chairman send one girls father and uncle into the jail for six months as they were planning to marry off their underage girl. This incident terrified other community people and over last two years rate of child marriage significantly lowers in some villages of Naogah Union. On contrary the cases of child marriage where parents got exemption there is no single evidence we found that after some day parents didn't marry off the girl either in own village or by taking her to another place. Findings also show that UP and Upazila officials do not take any action against Kazi by knowing the fact that all kazi's has their agent or sub kazi in the village and also have professional link with adjacent areas kazi's where they are sending the girl's parents to marry off the girl. Through these chains of activities Kazis (Nikah registers) also earn money. Findings from different study areas also show that in case of child marriage kazi's charges the parents of bride two to three times more.

Addressing social and economic aspect

Like every law in Bangladesh, the CMMR Act also ignores the social and economic aspects of targets groups for whom the law would be applicable. The practical evidence suggests that the prevalence of child marriage is more acute in villages rather than urban areas. Without addressing the social and economic practicalities of the people, law cannot reach the common people and more importantly law may turn into a weapon to exploit people. For example, when a poor father gives consent to child marriage as he is unable to maintain her daughter or to secure the dignity of her daughter and after that if he has to suffer imprisonment for engaging in child marriage, then the survival or the existence of that family, of which the father is the only earning member, may turn into a serious question. So here the law, ignoring the practical situation, works as a device to suppress people.

Chapter 6

Engagement and efficiency of the concerned machinery/infrastructure and service providers in dealing with DVA and CMRA

6.1 Concerned mechanisms (machinery/infrastructure and service providers) to deal with DV Act and CMRA:

The National Plan of Action (NPA) to End Child Marriage has been launched on 2nd August 2018 to eliminate child marriage through existing institutional initiatives, programmes and combined efforts of all. The goal of the NPA is to end the marriage of girls below the age of 15 years and to reduce by one third the rate of marriage for girls aged 18 years in 2021, and to completely eliminate child marriage by 2041. The strategic objectives of the NPA include enhancing awareness of harmful effects of child marriage through community mobilization, introducing legal remedies for girls whose rights are violated by child marriage, and scaling up existing and future social safety net programs to eliminate child marriage

VAW committee at all level of the administrative strata needs to have budgetary allocation to act promptly and to become functional. Findings show that lack of coordination between government officers is a big issue of non compliance of the CMRA at ground level. Not only that. According to some officials' financial dishonesty of their peer colleagues do not allow UP and others to play a more active role in stopping child marriage. Lack of coordination among different law implementing stakeholders is one of the hindering factor in reducing and stopping child marriage.

6.2 Effectiveness of the mechanisms:

6.2.1 *How holistic the mechanism is*

There are supposed to be union and upazilla committees to restrain child marriage. However, it has been seen in the study areas that even the committee members are unaware of the existence of such committee, they cannot recall about any meeting and they also don't know who the other committee members are. Findings also suggest in many cases upazila officials know that they are member of the committees to restrain child marriage but they do not attend any meeting.

In the case of domestic violence cases, those are resolved through UP Chairman and members through Salish and Village courts. However village court is not mandated to take up any case of gender based violence. Furthermore, there is no safe home for the victims of Domestic Violence and there are no counseling facilities available in the areas. Furthermore CMRA make different GOB officials and sectors responsible to act jointly in implementing the law but this not happening in reality. For example in none of the places we found that the schools, UP, Upazila Health Complex, UNO and OCs even participate in any meeting or took any initiative jointly.

6.2.2 Awareness about the laws, perception and attitude

Almost zero awareness about the Assessment Committee under the rules of CMRA to recommend legalizing marriage under the 'special provision'. Even members of the committee

interviewed have seen that they are unaware of such committee, let alone the procedure to be followed.

Regarding not using the DV Act, several interviewees said that Lawyers/Advocates also prefer to take cases under the Prevention of Women and Child Repression Act or Dowry Prevention Act, not under Domestic Violence Act. Even the legal aid organizations do not promote DV Act.

According to a law enforcement personnel, Domestic Violence Act is not very useful and victims do not like to come to the police with complains against their in-laws and husband as they need to live with the same family after complaining against them, which increases the risk for the victim to be more tortured by in-laws and husband. In local police station they hardly receive any case of domestic violence, even the cases they receive they turn those case to dowry related torture and apply clause 11 of the law to protect women and children from any kind of violence. The DV Act focuses on arbitration, providing protection etc. Which is difficult ensure as well more work for police. On the other hand victim and victims' family when come with complain of domestic violence they like to punish the perpetrators instead of negotiation through arbitration. Application of the domestic violence act is very low in the study area.

6.2.3 Implementation capacity and skill of the implementers

One big challenge for the implementers is that increasingly child marriages are conducted secretly for fear of intervention by authorities. This can be seen as a sign of progress and that enforcement efforts are having an impact. But it also points to the need for more effective measures to detect planned child marriages before they take place and to respond with assistance for underage spouses and sanctions for those who arrange and conduct weddings of children. Also according to the UNOs when parents secretly take their girls to another administrative jurisdiction, respective Upazila officers cannot take further action to stop the marriage.

Some interviewees pointed to the crucial role of the central government in ensuring that laws and policies are consistently enforced across all institutions and in all parts of the country and to the current gaps in enforcement. In numerous cases, people described situations where local officials, both from the Union Parishad and the police, had intervened to prevent a child marriage in one village only to have the family easily circumvent their efforts by going to another jurisdiction or a different official instead. A number of interviewees said that they had gone “to court” to get married; these people had seen a notary or lawyer and signed an affidavit which they believed made them married. In fact, such an affidavit has no legal validity.

Many times, law enforcers take bonds from people involved in child marriage; however, in most cases they don't keep record of it which makes it difficult to prove the violation of the bond and allows them to continue the crime.

6.2.4 Coordination and Collaboration among implementers

Several interviewees said, “The best way to end child marriage is if people in the administration – the chair, the member, the police sit together and decide to end child marriage”. Some interviewees explained that although the police will sometimes assist in trying to prevent a child marriage, they will never arrest anyone responsible for such a marriage, even though the CMRA makes child marriage a criminal act with anyone who contracts, performs, conducts, or directs a child marriage subject to imprisonment.

Another big obstacle to prevent child marriages is the Local Government Representatives (UP Chariman and Members). They commit not to go for child marriages publicly however, considering their vote bank they also facilitate the commission of Child Marriage in several occasions.

Local NGOs only provide training to the elites and community members. Regarding child marriage NGOs are only raising awareness of multi stakeholders about the consequence of child marriage. But they should focus on the root causes of child marriage. Findings show increasing number of child sexual abuse is one of the key reasons of child marriage, which been admitted by administrative people also. In the study areas children are taking self initiative sometimes and running away from home with their own selected person. Which cases scare the parents as mentioned by the community people and to protect the family honour when family guess that the girl fallen love with someone they arrange marriage of the girl. NGOs also need to have more livelihood related intervention for poor households which may have a positive impact on child marriage as in the study areas among Adivashis intervention of Church and missionaries increases the rate of education and this is evident that converted Christian people instead of marry off their girls prefer to send them to the schools because they receives enough financial and material aids from church funded NGOs to bear the educational expenses of children and also increase the income of the households

Chapter 7

Recommendation and Conclusion

7.1 Recommendation:

CMRA

- To increase the monitoring of female students particularly at the local level schools or other educational institutions by the institutes and to take measures to bring them back to the school by the authority i.e TO, ATO and head teacher.
- To ensure the accountability of UP Chairmen and members if they facilitate child marriages.
- Special measures and developmental schemes need to be equipped to enrich the capability of people particularly the poor people and they should be made aware about the disastrous impact of child marriage.
- To provide training to the UNO, Social welfare officers, Women affairs officer and other relevant stakeholders on relevant laws, rules and policies.
- To provide special training to the Moulovi (religious preacher) and Imams on positive gender aspects been describe in Islam.
- The functioning of the assessment committee should be monitored by an independent cell.
- To execute the provision of cancellation of license of the Nikah Register if they are found to be engaged with child marriages
- To disseminate the positive role of women in any public gatherings, seminars or workshops.
- Lawyers must be held responsible for giving any notary or affidavit for conducting child marriages. Their licenses should be suspended based on investigation report.
- The best stories and achievement of girls, UPs and responsible Govt. officers who positively stop child marriage and domestic violence should be disseminated nationwide. For example according to the officials of Tarash Woman Affairs Officer of Sirajganj Sadar Upazila stopped more than hundred child marriage, if so than govt. need to take initiative to share the experience of this particular person with other government officials across the country.
- To include basic legal provisions necessary for daily life in a simple language in the educational curriculum with a view making people sensible and aware.
- Respective government officials and legally responsible persons to implement the CMRA need to know about their role and the law thoroughly and for that GOB along with different NGOs should arrange training and orientation on CMRA for these particular sections of population.

DV Act

- The enforcement officer should be recruited immediately as per the law. There should be a separate desk for the enforcement officer where people shall approach primarily with their domestic violence complaints.
- There should be exemplary punishment for filing false cases. The investigation of the false cases under the Prevention of Women and Children Repression Act 2000 or the

Dowry Prohibition Act 2018 should be made promptly and thereby make the perpetrators responsible.

- Medical facilities should be equipped in terms of knowledge and equipments to treat severe cases of domestic violence. The number of doctors should be increased in the upazila level as there are very less number of doctors considering the huge number of patients.
- Govt. should create the position of counselor at upazila health complex as well as for the shelter homes and safe homes of the Directorate of Social Well Fare. Currently there is no provision to appoint a counselor in any of the government service centers.
- Safe shelter home should be established in every upazila. There should be a one stop crisis centre at the Upazila level.
- Both Men and Women should be made aware about the benefits of the DV Act
- The local administration should be empowered and mobilized so that they can effectively resolve disputes through Alternative dispute resolutions monitored by tri party watch committee i.e govt. can follow the integrity pledge of Transparency International.
- The human resources at the local administration should be increased.
- DV Act needs to be revisited to incorporate penal provisions for causing the incidents of domestic violence. Since the domestic violence incidents are occurred mostly within the family, the family court could be given jurisdiction to try the complaints of domestic violence. Family courts are more acquainted with the family disputes rather than the Magistrates.
- Extra-legal facilities meaning the infrastructural facilities i.e safe home, counselor service, one stop crisis center etc. to empower the relevant stakeholders should be undertaken.
- The positive role of women needs to be highlighted in any decision making process starting from the local level to the national level. Participation of women at the local administration should not be symbolic; they should actively engage to fight against injustice towards women.
- At all level all the committees responsible to handle the issue of domestic violence need to be reformed with specific JD and budgetary allocation i.e UZLAC, DLAC & VAW. Government also needs to make these committees functional.
- Multi stakeholder and multi tier awareness activities and campaign is needed to bring positive change in people's attitude towards women and violence against women.
- Also NGOs and GoB need to take long term, midterm and shorter activities to Change the patriarchal ideology which is controlling the society and peoples life. For example teaching gender equality and how to behave with each other needs to start from pre schools.

7.2 Conclusion:

Our journey through the lives of women, girls and the organizations working in eight Upazilas has been an eye opener. We have come across incidents that have been unheard before. What we do with this information is the next big question. Where and how programs that is working somewhat effectively in this area can go, can we help them to develop better programs that create more women and men as change maker, will train the legally responsible persons about

the CMRA and DVA and will be able to aware more victims, families and wider communities, and will be able to have more effective advocacy with Govt. to make required services available for women who are victim of DV and child marriage. However where would the 'financial' support come from are some questions that we need to address. Hopefully this report will shed some light on these important issues.

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Annex – 1 Case Study

Case Study 1

CSO's Information dissemination about CMR Act helped the victim of a child marriage mother to gave her daughter a new life.

Sumaya's mother Sharmin Akter fall victim to early marriage herself. Sharmin was married at age of 12. According to Sharmin Akter, she was child at that time and whatever parents asked her, she followed their instruction, although she had no consent on this marriage.

After one year of marriage sharmin akter gave birth of a daughter and named her Sumaya. Due to giving birth of a daughter, her husband divorced Sharmin and got married again. After getting the divorce letter from her husband, Sharmin filed a case under Women and Children Repression Act. When arrest warrant was issued against Sharmin's husband, they asked for a mutual solution, but Sharmin refused to do that.

After few years after Sharmin got married again and her daughter Sumaya was happy at her step father's house. However, when Sumaya was six years old, Sumaya's biological father took her to his house. Since then for around four years, Sharmin could not see her daughter. Sharmin told that her daughter is staying there but she is not getting proper care from her stepmother.

Meanwhile, when Sumaya was a candidate of JSC (8th grade), her stepmother arranged Sumaya's marriage. One day after returning from school, Sumaya saw few people came to their house and they were discussing about her marriage. She got frighten and two days later she went to her mother's house without telling anyone. Knowing all the details from Sumaya, Sharmin went to the Upzilla Nirbadhi Officer (UNO) with her daughter and sought help and security. Sumaya told the UNO that she wants to continue her study.

After getting all the information, UNO promised to Sharmin and her daughter to ensure safety. UNO immediately took action and gave a legal order that Sumaya should stay with her mother. At the end Sumaya was saved from child marriage because of her brave decision of leaving the father's house alone and the timely intervention from the authority.

Case Study- 2

CSO member solved a problem of domestic violence through mediation.

Asima Khatun and Abdur Rouf live in Soriwala village of Mosidpur union of Naogaon district. Asima is a human rights activist involved with local CSO. One day another CSO member Mozharul Haque noticed in a common CSO meeting that Asima looked unhappy, so he asked Asima about if anything has happened. Asima Khatun told to Mozharul that she is being mentally tortured by her husband Abdur Rouf due to the marriage of their daughter Rubina without her husband's consent. Knowing the matter of Asima's family Mazharul Haque visited their home and had a meeting with Abdur Rouf and tried to make understand him that the tension between wife and husband will not bring any good result. He told Abdur Rouf, 'If your daughter is happy with her husband, then it would be wise decision to stop blaming your wife.' As a result of the repeated discussion finally Abdur Rouf was able to understand that he is doing a wrong thing his and now they are living peacefully. Asima's problem was solved due to the intervention of a CSO member.

Case Study - 3

Active initiative of Upazila Admin and CSO Member gave a new life to the victim of child marriage.

Shamima khatun is daughter of Mr Samsul Haque from Tatoir village of Sapahar Upzilla of Nagaon district. After her mother's death, Shamima's father got married again. When Shamima was eleven years old, her parents arranged her marriage with a 31 years old man. Shamima was being raped (intercourse without her consent) every day since her marriage, but her parents did not give any importance to the mental and physical torture she had faced by her husband. Even though she cried for not going to her father in law's house, her parents compelled her to go there. One day while Shamima's father in law was taking her to her parent's house, Shamima ran away. She thought that she will go somewhere else where she will not be found, or she will commit suicide. Local people found her and after talking with her, they realized her situation and they informed Mariam, local CSO member. Mariam brought Shamima to her house and learnt everything from her. Then Mariam informed the matter to Police and union chairman, Chairman and police authority called Shamima's father and made a bond signed by him that he will not send his daughter to her husband's house. On the same day, Shamima aslo divorced her husband by the help of police. Shamima was passing well for few days after her divorce, but her father again tried to arrange marriage for her. Shamima informed that to Mariam and Mariam brought her and kept her at a relative's house. Shamima is now enrolled in class seven at Sapahar zaman nagar high school with the help of Mariam.

Case Study - 4

CMR Act can save girls life by taking proper legal action by the local Administration.

Shaheeda Khatun studies in class eight. Her father's name is Md Jahirul Islam. One day Shaheeda's family guardians took decision of her marriage and the marriage ceremony was arranged on 3 August, 2019. Md Hakim, member of CSO learnt about it and informed Upazila Nirbahi Officer (UNO) about Shaheeda Khatun's forced/child marriage. The UNO asked police to investigate the matter. In the meantime, the family finished her marriage formality. However, police arrested her parents, bridegroom and bridegroom's uncle from the spot. After hearing this case, UNO sentenced her uncle and kazi for seven days and bridegroom for a month of imprisonment.

After being freed from Jail, they tried to bring the bride, but their effort failed due to the intervention of CSO members. Shaheeda divorced her husband with the help of CSO members and she is now continuing her study.

Case Study- 5

Active role of Police can stop domestic violence.

Sabitri is the younger sister of Gita Rani. Sabitri used to face domestic violence at her in law's house in the form of beating, bullying by almost everyone. One day Gita Rani rushed to Gita's in Law's house after being informed that Sabitri has taken poison. After reaching there with another relative she realized that Sabitri did not take poison but they have been tricked to brought Gita to hear complaints against Sabitry. Gita brought her sister with her and then went to the local police station to report about the violence took place against Sabitri.

The local police took step to hold a mediation involving all parties. Sabitri's in laws promised to take good care of her in future. They had been warned by the police that if they continue ill treating Sabitri then they will face severe consequence. Sabitri is doing well at her in law's house now and her sister said that poor people in village who do not have relation politicians are really scared of police and they always try to follow the instruction of the police.

Case Study- 6

Coordinated effort of CSO members, local elected representatives and local administration can stop child marriage.

Sharmin is 9th grade student aged 15 was forced to early marriage by family members. The local UP member was also invited in the marriage ceremony. However after inquiring he found that it's a child marriage, so he informed the UP Chairman. Then they also informed the local CSO

member of We Can and together they went to local police station and sought help from the police.

The police then intervened and parents of Sharmin agreed to sign a bond that they will wait till Sharmin reach the age of 18 and after that they will complete the marriage. Sharmin is continuing her study now.

This is an example of how a coordinated effort of CSO members, local elected representatives and local administration can stop child marriage.

Annex-2 Terms of Reference

6/23/2019

NETZ Partnership for Development and Justice



Consultancy for a Project to conduct study on DVA & CMRA

NETZ Partnership for Development and Justice, a Germany-based international development organization is going to commission individual consultant(s)/consultancy firm to conduct **Study on section 14-17 of Domestic Violence Act 2010 (DVA) and sections 10 and 19 of Child Marriage Restraint Act 2017 (CMRA) Under EU funded project 'Strengthened Civil Society Protects and Promotes Women's Rights'**. Interested consultant /consultancy firms are invited to apply as individual or as a team for carrying out the study on DVA & CMRA with technical and financial proposals.

Details of the scope of works are outlined in the Terms of Reference.

Applicants must submit both the technical and financial proposals along with the CVs of the team members. Only shortlisted applicants will be contacted for interview.

To apply, please send the required documents with cover letter to this email address mashiur@netz-bangladesh.de by **30 June 2019** with a copy to zakir@netz-bangladesh.de. Please mark the subject line of your email "**Application for conduct study on DVA & CMRA**".

Annex 3 - Data Collection Tools

“Study on Section 14-17 of Domestic Violence Act 2010 (DVA) and sections 10 and 19 of Child Marriage Restraint Act 2017 (CMRA)”

FGD Participants: DHRD MEMBERS

Basic Information:

A. Name of the Village/UP	
B. Name of Upazila	
C. Name of District	
D. Name of the FGD moderator	
E. Name of the Note taker	
F. Date of FGD session	
G. Start time:	End time:

Issue based Discussion:

1. What do you mean by child marriage? Explain. Do you prefer child marriage? If yes, then why? If not, then why? Please explain.
2. Do you know about any case of child marriage in your village? Tell us briefly. How many child marriage took place in your area and how? What was your role as a DHRD ? Explain.
3. Do you know about any law to stop child marriage? If yes please explain. Do you know anyone who used this law to stop the child marriage? How they did it? Please explain.
4. According to your knowledge who are the key actors in arranging child marriage and what role they play in not to implement the law? And how?
5. Do you know about domestic violence? Is there any relationship between child marriage and domestic violence? explain
6. What are the forms of physical and sexual violence against women at domestic and community level?
7. What are the underlying causes for consigning child marriage and domestic violence in your locality? explain

8. How many people have been exempted from framing charge on the ground of undertaking that that he shall not be involved in a child marriage in future and take initiatives to prevent child marriage in his locality? Been a DHRD do you have information about this? How you collect the information.
9. What do you know about the law of stopping child marriage and domestic violence? explain
10. Do you know What are the existing redressal mechanism and/or support system for the victim of child marriage and domestic violence? Please explain
11. Do you know any of such cases have been solemnized by following the directions of the court and taking consent of the parents? Please explain the process? Who took initiatives and how they proceed?
12. What is your role to combat child marriage, domestic violence?
13. What role women play in decision making process at home and also at community level?

FGD Participants: Non DHRD (Local Elites, Teachers, Religious leaders, Kazis etc)

Basic Information:

A. Name of the Village/UP	
B. Name of Upazila	
C. Name of District	
D. Name of the FGD moderator	
E. Name of the Note taker	
F. Date of FGD session	
G. Start time:	End time:

Issue based Discussion:

1. What is the scenario of child marriage in this locality? explain

2. Who are playing key role in arranging child marriage in your community? How they violet the law? explain
3. What are the root causes of child marriage? How do the community people can be able to remve these causes of child marriage? Explain.
4. Do you hear about the child marriage restrained act? Explain what you know about the law.
5. Do you hear about any case where a child marriage is initiated but not solemnized?
6. Was there any case filed in such situation? How many of such cases have been proceeded for charge framing? If not please explain why?
7. Is there any case where a person have been exempted from framing charge on the ground of undertaking that that he shall not be involved in a child marriage in future and take initiatives to prevent child marriage in his locality? If yes who took the initiative? If not then why the community is using the law to stop child marriage?
8. How many of such people have taken initiative to prevent child marriage in latter cases? And how? How many of such people have violated the aforesaid undertaking or bond? And what happened to them. Explain.
9. What can parents, religious leaders and teachers do to stop child marriage? Is culture and religion have any effect in child marriage and if yes how?
10. Would you please tell us about the effectiveness of the law of stopping child marriage? How the law can be implemented to stop child marriage in your community?
11. What people often do after the incidents of domestic violence in your locality?
12. What sorts of domestic violence are reported to the Police Officers/Enforcement Officers? UP members/Gram adalot or to heads and panchaytets?

FGD Participants: UP Representatives

Basic Information:

A. Name of the Village/UP	
B. Name of Upazila	
C. Name of District	
D. Name of the FGD moderator	
E. Name of the Note taker	
F. Date of FGD session	
G. Start time:	End time:

Issue based Discussion:

1. What is the average marriage age of girls and boys of your union by religion and ethnic group? Why?
2. What is the scenario of child marriage and domestic violence in this union? Please explain
3. What are the root causes of child marriage and domestic violence? Please explain. Who are the key actors in arranging child marriage? What role you play to keep these actors away from arranging child marriage? Please explain.
4. How is the support system of the most vulnerable (poor) families in your union?
5. How child marriage and domestic violence can be stopped here? What role you as UP body can play? Please explain.
6. How many cases of domestic violence get reported to the village court? How is the response about the dispute resolution system by the village court? Please explain
7. What can UP do for stopping child marriage and domestic violence? How?
8. Do you hear about any case where a child marriage is initiated but not solemnized? Please explain the case?
9. Was there any case filed in such situation? How many of such cases have been proceeded for charge framing?
10. How many people have been exempted from framing charge on the ground of undertaking that that he shall not be involved in a child marriage in future and take initiatives to prevent child marriage in his locality?

<p>11. How many of such people have taken initiative to prevent child marriage in latter cases? And how?</p>
<p>12. How many applications of child marriage have been filed to court under special provision of the Child Marriage Restraint Act 2017?</p> <p>13. How many applications of child marriage have been sent by the Court to the Assessment Committee to determine the applicability of special provision?</p> <p>14. Did you take part in the decision making process of the Assessment Committee? What was your role?</p> <p>15. Have you taken any initiative to prevent child marriage? How</p>
<p>16. Did you play any role after the incidents of domestic violence? How?</p> <p>17. How often the victims of domestic violence make applications to the Police Officer for obtaining relief? If not why?</p> <p>18. Did you provide any support if the victims fail to reach police officer, enforcement officer? How?</p> <p>19. How many psycho-social counseling services and safe shelter homes are there in your locality? If any how that works? If not where the victim gets support and service?</p> <p>20. Do the victims of domestic violence take services from the psycho-social counseling services and safe shelter homes? If not why?</p>

FGD Participants: LOCAL NGOS

Basic Information:

H. Name of the Village/UP	
I. Name of Upazila	
J. Name of District	
K. Name of the FGD moderator	
L. Name of the Note taker	

M. Date of FGD session	
N. Start time:	End time:

Issue based Discussion:

1. What is the situation of child marriage and domestic violence at your working area?
2. What are the main reasons/root causes of child marriage and domestic violence you think?
3. How child marriage and domestic violence can be stopped here? Who are the key players?
4. Are you working on the issue of child marriage and domestic violence? Do you hear about any case where a child marriage is initiated but not solemnized?
5. Was there any case filed in such situation? How many of such cases have been proceeded for charge framing?
6. How many people have been exempted from framing charge on the ground of undertaking that that he shall not be involved in a child marriage in future and take initiatives to prevent child marriage in his locality?
7. Do you have the data how many applications of child marriage have been filed to court under special provision of the Child Marriage Restraint Act 2017?
8. How many applications of child marriage have been sent by the Court to the Assessment Committee to determine the applicability of special provision?
9. Did you take part in the decision making process of the Assessment Committee? What was your role? Please explain.
10. Have you taken any initiative to prevent child marriage? How?
11. Did you play any role after the incidents of domestic violence? If yes please explain your role?
12. Do you know how often the victims of domestic violence make applications to the Police Officer for obtaining relief?
13. Did you provide any support if the victims fail to reach police officer, enforcement

<p>officer? How?</p> <p>14. How many psycho-social counseling services and safe shelter homes are there in your locality? If not then why? What NGOs did to ensure the service for the victims?</p> <p>15. Did your NGO provide any psycho-social counseling services to the victims of domestic violence? Please explain the process.</p>
<p>16. Do you have data whether any victims of domestic violence have received protection order/residence order /compensation order?</p> <p>17. How many victims of domestic violence have been awarded compensation?</p>
<p>18. How is the scope for women in the decision-making process at family, community and local level?</p>
<p>19. What are the existing programmatic strategies to respond to the child marriage and domestic violence incidents?</p>
<p>20. What role can NGOs play to stop child marriage and domestic violence? And also to effectively implement the Laws?</p>

FGD Participants: LOCAL PRESS CLUB/ Media

Basic Information:

O. Name of the Village/UP	
P. Name of Upazila	
Q. Name of District	
R. Name of the FGD moderator	
S. Name of the Note taker	
T. Date of FGD session	
U. Start time:	End time:

Issue based Discussion:

<p>1. What are the frequencies of child marriage and domestic violence in this area?</p>
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2. What are the main causes for consigning child marriage, domestic violence in your locality?
3. Who are the main victims or vulnerable of that incidents and who generally do these?
4. Did you report any case where people have been exempted from framing charge on the ground of undertaking that that he shall not be involved in a child marriage in future and take initiatives to prevent child marriage in his locality?
5. How many of such people have taken initiative to prevent child marriage in latter cases?
6. How many people have been convicted for violating such undertaking or bond?
7. How many cases of child marriages have been solemnized in your locality by resorting special provision of Child Marriage Restraint Act 2017?
8. How many of such cases have been solemnized by following the directions of the court and taking consent of the parents?
9. How many applications of child marriage have been filed to court under special provision of the Child Marriage Restraint Act 2017?
10. How many applications of child marriage have been sent by the Court to the Assessment Committee to determine the applicability of special provision?
11. How many of such applications of child marriages have been solemnized based on the recommendations of the Assessment Committee and by following the directions of the court?
12. How many of such applications of child marriage have been refused by the Assessment Committee?
13. How many applications of child marriages have been filed where marriage was solemnized forcefully or on the ground of rape/abduction/ forced physical relationship?
14. What could be the approximate incidents of domestic violence in your locality?
15. How often the victims of domestic violence make applications to the Police Officer for

obtaining relief?
16. How many victims of domestic violence have been provided services by the Enforcement Officer?
17. How many victims of domestic violence have received protection order/residence order /compensation order?
18. How many victims of domestic violence have been awarded compensation?
19. How is the media coverage of that incidents? How much media publish the follow-up news or coverage.
20. How does the law enforce agency response to those incidents/ threats?

“Study on Section 14-17 of Domestic Violence Act 2010 (DVA) and sections 10 and 19 of Child Marriage Restraint Act 2017 (CMRA)”

Key Informants Interview (KII) Checklist

1. KII for UNO

1. What is the scenario of child marriage and domestic violence in this upazila?
2. What are the root causes of child marriage and domestic violence?
3. What are the forms of physical and sexual violence against women in domestic and community level?
4. Do you hear about any case where a child marriage is initiated but not solemnized?
5. Have you taken any initiative to stop such child marriage?
6. How many cases of child marriages have been solemnized in your locality by resorting special provision of Child Marriage Restraint Act 2017?
7. How many of such cases have been solemnized by following the directions of the court and taking consent of the parents?
8. How many applications of child marriage have been filed to court under special provision of the Child Marriage Restraint Act 2017?
9. How many applications of child marriage have been sent by the Court to the Assessment Committee to determine the applicability of special provision?
10. How many of such applications of child marriages have been solemnized based on the recommendations of the Assessment Committee and by following the directions of the court?
11. How many of such applications of child marriage have been refused by the Assessment Committee?
12. How often the victims of domestic violence make applications to the Police Officer for obtaining relief?
13. How often the victims of domestic violence receive medical services?
14. How many victims of domestic violence have been provided services by the Enforcement Officer?
15. How many psycho-social counseling services and safe shelter homes are there in your locality?

16. How often the victims of domestic violence take services from the psycho-social counseling services and safe shelter homes?
17. How many victims of domestic violence have received the services of Enforcement Officer for the arrangement of safe shelter or alternative accommodation?
18. How many victims of domestic violence have been awarded compensation?
19. How these incidents of child marriage and domestic violence can be combatted here?
20. Being the responsible office at local govt. institution to take action against these unhuman incidents what your department has been doing?

2. MOHILA BISHOYOK KORMOKORTA

1. What is the scenario of child marriage and domestic violence in this upazila?
2. What are the root causes of child marriage and domestic violence?
3. What are the forms of physical and sexual violence against women in domestic and community level?
4. What are the prevailing support offering to the victims or the vulnerable women from your department? Are these sufficient to cover up all the victims or vulnerable ones?
5. How these incidents can be combatted here?
6. Have you taken any initiative to stop such child marriage?
7. How many applications of child marriage have been filed to court under special provision of the Child Marriage Restraint Act 2017?
8. How many applications of child marriage have been sent by the Court to the Assessment Committee to determine the applicability of special provision?
9. How many of such applications of child marriages have been solemnized based on the recommendations of the Assessment Committee and by following the directions of the court?
10. Did you take part in the decision making process of Assessment Committee?
11. How often the victims of domestic violence make applications to the Police Officer for obtaining relief?
- 12.** How often the victims of domestic violence receive medical services?
13. How many psycho-social counseling services and safe shelter homes are there in your locality?
14. How often the victims of domestic violence take services from the psycho-social counseling services and safe shelter homes?

15. What steps should be taken to reduce the incidents of child marriage and domestic violence in this area?

3. SOCIAL WELFARE OFFICER

1. What is the scenario of child marriage and domestic violence in this upazila?
2. What are the root causes of child marriage and domestic violence?
3. What are the forms of physical and sexual violence against women in domestic and community level?
4. What sorts of social protection services are available here? Are they sufficient?
5. How these incidents can be combatted here?
6. Have you taken any initiative to stop such child marriage?
7. How often the victims of domestic violence make applications to the Police Officer for obtaining relief?
8. How often the victims of domestic violence receive medical services?
9. How many psycho-social counseling services and safe shelter homes are there in your locality?
10. How often the victims of domestic violence take services from the psycho-social counseling services and safe shelter homes?
11. What steps should be taken to reduce the incidents of child marriage and domestic violence in this area?

4. OFFICER IN CHARGE (OC)

1. What is the scenario of child marriage and domestic violence in this upazila?
2. Do you hear about any case where a child marriage is initiated but not solemnized?
3. Was there any case filed in such situation? How many of such cases have been proceeded for charge framing?
4. How many people have been exempted from framing charge on the ground of undertaking that that he shall not be involved in a child marriage in future and take initiatives to prevent child marriage in his locality?
5. How many of such people have taken initiative to prevent child marriage in latter cases?
6. How many of such cases have been solemnized by following the directions of the court and taking consent of the parents?

7. How many applications of child marriage have been filed to court under special provision of the Child Marriage Restraint Act 2017?
8. How many applications of child marriage have been sent by the Court to the Assessment Committee to determine the applicability of special provision?
9. How many of such applications of child marriages have been solemnized based on the recommendations of the Assessment Committee and by following the directions of the court?
10. How many of such applications of child marriage have been refused by the Assessment Committee?

11. What are the forms of physical and sexual violence against women in domestic and community level?
12. How do you respond to child marriage and domestic violence?
13. How often the victims of domestic violence make applications to the Police Officer for obtaining relief?
14. How often the victims of domestic violence receive medical services?
15. How many victims of domestic violence have been provided services by the Enforcement Officer?
16. How often the victims of domestic violence make applications to the Police Officer for obtaining relief?
17. How often the victims of domestic violence receive medical services?
18. How many victims of domestic violence have been provided services by the Enforcement Officer?
19. How often the respondents comply with the protection order, residence order, compensation order and custody order?
20. How many victims of domestic violence have received the services of Enforcement Officer for the arrangement of safe shelter or alternative accommodation?

21. How these incidents can be combatted here?
22. Being the responsible office at local govt. institution to take action against these unhuman incidents what your department has been doing?

5. UZLAC

1. What is the scenario of child marriage and domestic violence in this upazila?
2. Did you provide any service to the victims of child marriage and domestic violence?
3. What sorts of services you provide to the victims of child marriage and domestic violence?
4. What are the root causes of child marriage and domestic violence?
5. What are the forms of physical and sexual violence against women in domestic and community level?
6. How do you respond to the victim of child marriage and domestic violence?
7. What are the prevailing support offering to the victims or the vulnerable women from the committee? Are these sufficient to cover up all the victims or vulnerable ones?
8. How these incidents can be combatted here?
9. What role can be played by the civil society organization and community people to reduce these incidents?

KII at the National Level

Tentative interviewee:

- 1. Prof Meghna Guha Thakurta**
- 2. Advocate Moloy Kumer Bhowmick**
- 3. Ms. Taposhi Rabeya (BLAST).**
- 4. Salma Ali, BNWLA**
- 5. Nina Goswami**
- 6. Mahila Parishad**

Annex -4 List of stakeholders interviewed

National Level

- Policy Advocates
- Law year of special court for Women and children
- National Legal Aid NGOs

Upazila Level

- UNO
- AC Land
- Women Affairs Officer
- Social Welfare Officer
- Maddhomic Shikkha Officer
- UHPO
- Upazila Vice Chairperson
- OC at local Thana

Committees/Offices at Upazila level

- VAW committee
- UZLAC
- UP
- Local NGOs
- Local Press
- Partners of NETZ Bangladesh

Community level

- CSO
- Local elites & professionals
- Victim/Survivors