



Daffodil
International
University

**CHILD MARRIAGE IN BANGLADESH: SOCIO-LEGAL AND
HUMAN RIGHTS DIMENSION**

**DISSERTATION SUBMITTED TO DAFFODIL INTERNATIONAL
UNIVERSITY IN PARTIAL FULLFILMENT OF THE REQUIREMENT
FOR THE AWARD OF THE DEGREE OF MASTER OF LAWS**

Supervisor

S. M. SAIFUL HAQUE

Assistant Professor

Department of Law

Daffodil International University

Researcher

Md Forhadul Islam Biplob

ID: 221-38-038

LL.M.

Department of Law

Daffodil International University

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Letter of Transmittal

To

Mr. S. M. SAIFUL HAQUE

Assistant Professor

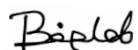
Department of Law

Daffodil International University

Subject: Prayer for Submission of Dissertation

Respected Sir,

It is an immense pleasure that I completed my most cherished research titled on “**Child marriage in Bangladesh: Socio-legal and Human rights dimension**”. In concluding this research, I even have given all of my best to do useful research and by collecting all the relevant information from different sources to fulfill your expectation. Therefore, I shall remain grateful to you if you undergo this thesis paper for your evaluation. I would be like that if any valuable recommendation is made on your part. I am always available for any longer clarification of any part of this paper at your convenience.



Sincerely yours,

Md Forhadul Islam Biplob

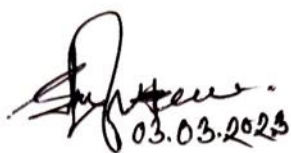
ID: 221-38-038

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Letter of Approval

This is to certify that the thesis on **Child Marriage in Bangladesh: Socio-legal and Human Rights Dimension** is done by Md Forhadul Islam Biplob in the partial fulfillment of the requirement for the degree of LL.M. from Daffodil International University of Bangladesh. The research has been carried out under my guidance and is a record of research which carried out successfully.



S. M. SAIFUL HAQUE

Assistant Professor

Department of Law

Daffodil International University

Declaration

I am completely aware that I have a commitment to clarify to the assessor which is my own work. Unless, I unmistakably demonstrate something else, my assessor is qualified for expect that everything being exhibited in the paper starts from me. I also declare this I have not presented this paper or any piece of it, for evaluation in any of my post-graduate coursework or other scholarly undertakings.

Biplob

Md Forhadul Islam Biplob

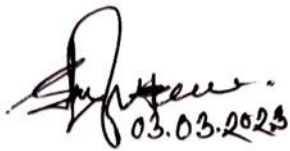
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Department of Law

Daffodil International University

Certification

This is to certify that the thesis on **Child Marriage in Bangladesh: Socio-legal and Human Rights Dimension** has been prepared by Md Forhadul Islam Biplob. It is prepared for the partial fulfillment of the requirement for the award of the degree of Master of Laws, from Daffodil International University of Bangladesh. The research has been carried out under my guidance and is a record of research which carried out successfully.



S. M. SAIFUL HAQUE

Assistant Professor

Department of Law

Daffodil International University

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At first, I would like to thank our merciful and the most passionate ALLAH for giving me the opportunity to complete my dissertation. This dissertation represents the details of the basic concepts like definition, classification, characteristics, legal documents with some case references etc.

In completing this paper, I am really very grateful to my research supervisor honorable **S. M. SAIFUL HAQUE Sir**, Assistant Professor, Department of Law, Daffodil International University who helped me the most to complete this paper. I got many directions from my most respected Sir to complete the thesis paper. Without his proper guidance, it was quite impossible for me to complete the thesis paper.

Sir, I am really grateful to you.

Unavoidably, there are some mistakes in this dissertation but I have tried with my best effort to include true, correct and important data. Therefore, I would like to request please avoid those mistakes and consider the only positive sides of this dissertation.

Biplob

Md Forhadul Islam Biplob

ID: 221-38-038

Department of Law

Daffodil International University

Dedication

Dedicate to my beloved parents.

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Abstract

In many developing nations, like Bangladesh it is common practice marrying girls at an early age. Parents saw it as a way to safeguard their daughters' financial and social futures. However, because these women frequently have children at extremely early ages and give up their schooling, child marriages are frequently linked to poor social and physical consequences. The amount of child marriage is increasing day by day in Bangladesh. In Bangladesh, babies and young children under the age of five experiences stunting and high rates of child mortality. This thesis looked at the factors that contribute to child marriages and how they affect these results. The Demographic and Health Survey was used since it was nationally representative. The study's sample included children who had been born in the five years before to the survey as well as ever-married Women aged 12 to 49 years. When examining the causes of child marriage, a multinomial logistic regression was utilized, whereas binary logistic regressions were employed to examine the consequences for children's health. An analysis tool known as decomposition was used to analyze the socioeconomic disparities in child health. The results seem to show an improvement in both of our results. In other words, over the past 20 years, marriage has become more common as people get older, whereas stunting prevalence and infant mortality have decreased. The findings of the analysis demonstrated that socioeconomic position (financial status, education, and location of living) and religion are significant determinants of age at marriage.

This paper examines the importance of protective measures, including domestic laws and human rights dimensions, to safeguard the well-being of children in Bangladesh and protect such practices.

Chapter-one

Preliminary

1.1 Introduction:

Child marriage is defined by global organizations as a formal marriage or informal union entered into by a person before reaching the age of 18. Child marriages are a prevalent social norm in many underdeveloped nations. Parents want to get their daughters married at an early age because they feel it will secure their social and financial future. However, the social and physical effects of these young marriages are frequently dismal. There is proof that females who marry early have poorer levels of education, less control over their reproductive systems, and higher mortality rates. These figures reveal a significant influence on society as a whole, with a quick increase in the population, a rapid spread of disease, and a higher percentage of illiterate women. In Bangladesh, a low-income South Asian nation, 68 percent of young women are already married by the time they turn 18, and among them, 59 percent of women have already given birth to a kid. Bangladesh thus has one of the highest rates of underage marriages among developing nations. However, early marriage has negative effects on a person's physical, mental, emotional, and intellectual health. Additionally, it limits opportunities for education and prevents personal development. It is better for the country overall if there is social awareness and supporting laws in society. Early marriage will remain a key barrier to the realization of children's rights until action is made to solve it.

1.2 Literature Review:

In order to manage research papers, I have read books, articles and publications. The following is their summarization: Programs on how to eliminate child marriage are widespread and often broaden through a framework to address the causes and potential remedies globally. Various reports on the topic are available in an effort to comprehend and address the problem. Programs on how to end child marriage are common and usually generalizing the causes and possible solutions with one program to be applied everywhere. There are lots of different reports on the subject to be found, attempting to understand and combat the phenomenon.

My paper has tried to address the problem of young spouses. Ali, N., Simhan, M. et.al. [1] provided on his book the framework of an early marriage girl life how be critical, this book took my breath away. It broke my heart but put it back together again with a renewed hope in the staggering power of the human spirit. What Nujood did to save her life was a miracle; that she did it as a 10 year old child is, quite simply, astounding. Halim, M. A. (2016). [2] wrote his book how to stop child marriage but he didn't established how can survive the children who already committed by early marriage. I am writing about my research on how they can survive this path. *Child Marriage, Rights and Choice: Rethinking Agency in International Human Rights*. By H Horii – 2021 [3]; this book addresses the issue of agency in relation to child marriage. I have been inspired from this book but think it has also some lacking. It didn't make proper guideline I already fulfilled this on my research. Jaya Sagade in her book *Child Marriage in India: Socio-Legal and Human Rights Dimensions* [4].

Significant recommendations for activities that interested parties and NGOs might do to contest and alter the current situation have been made by the author. This book clearly situates child marriage within the framework of global human rights. It demonstrates how child marriage goes against every right to which a kid is entitled, including the right to life, to education, to equity, to security of person, and of course the right to choose a spouse freely and with knowledge. (UNICEF) stated in the book *early marriage a harmful traditional practice a statistical exploration 2005*. The other history of child marriage, which has Rima as its major figure, encouraged me to choose this subject. It was my primary data collection.

1.3 Objectives of the Study:

Research on the effects of child marriage on socio - economic factors in Bangladesh is the main goal of this study. The following is a list of the study's particular goals:

1.3.1 Silently, the areas of cinematic history that are impacted by child marriage.

1.3.2 To demonstrate the connection between recognized comet features and child marriage that is significant.

1.3.3 To provide some advice against child marriage in the sake of economic progress.

1.4 Research Questions:

1 Why do child marriages occur?

2 Where do child marriages occur?

3 What is the connection between teen pregnancy and child marriage?

4 What is the price of ending child marriage?

1.5 Research Methodology:

This study tries to find out how child marriage affects Bangladesh's socio - economic factors. The study's data will be analyzed, and the research technique, which combines analysis and assessment, will serve as a tool. In order to write this paper, I consulted a number of books, legal seminars, newspapers, material from websites, other writers, and my own observations. I know that a study is done by various methods like qualitative and quantitative methods. Since I have been working efficiently in opportunity, there is not enough time to complete my research, so I have made every effort to gather information about my research from books, newspapers, and the

internet, Based on the Osceola approach, which was used for this study's qualitative form. There was some primary data and also some secondary data.

1.6 Limitations of the Study:

The concept of child marriage is very much new in Bangladesh. No Bangladeshi writer yet writes any book on Child marriage properly. Limitation Research on the basis of a specific topic is a very big thing to do. Six months is not sufficient for research in a topic. Perhaps, I will try to invent a new thing on a short time. But there have no many books on that topic. It is difficult to form public opinion on that subject and there are not many journals in which to do this study. Victims aren't being open about their issues. But I found a victim her name Rima. I observed her life and took an interview. It's made my paper more attractive as I want.

1.7 Expected Outcome:

The present study will draw from the current children's rights situation in Bangladesh based on child abuse and evaluate the existing laws on enforcement concerns in order to create a consistent concept in Bangladesh since child marriage isn't the only issue but also a curse. Additionally, this paper identifies and investigates child marriage as a factor in the outcome of law and enforcement agency.

In order to remedy the issue, further explicit goals must be defined.

Chapter-Two

The main cause of child marriage in Bangladesh

In rural Bangladesh, there are many factors that might lead to child marriage. Such as:

2.1: Gender Inequality

Child marriage is a consequence of societal and cultural conventions that devalue women and girls and prejudice against them, typically limiting their duties to the home and preventing them from accessing economic, educational, or professional opportunities outside of the home.

According to **United Nations International Children's Emergency Fund (UNICEF)** report, such discrimination — regularly shows up as physical abuse, food insecurity, a limitation of availability to information, healthcare, and education, as well as general mobility obstacles. Child marriage is both a cause and a consequence of the worst type of gender bias. Early marriage is a result of both undervaluing women and girls and the child bride's lack of power and voice, which helps to fuel more harassment based on gender. **UNICEF** strives to create a world in which every child has an equal opportunity to succeed in life. We commit ourselves to saving children's lives, upholding their rights, and assisting them in realizing their potential throughout more than 190 nations and territories. And we keep trying!

¹ United Nations Children's Fund (UNICEF). Child info: Monitoring the situation of children and women

2.2: Poverty

One of the reasons for child marriage in Bangladesh that is most commonly stated is poverty. A young girl could be considered a financial burden in areas of extreme poverty. Parents who are struggling with poverty are coerced into giving up their girls through assurances of marriage or through fictitious unions that are intended to entice the girls to become prostitutes overseas. According to strata-specific upper and lower poverty lines, higher poverty rates have decreased by half to 24.3 percent, while extreme poverty rates have decreased by two-thirds to 12.9%. Similar patterns are shown when poverty is measured using the \$2.15 per day worldwide poverty standard. It was discovered that severe poverty, a lack of educational and economic opportunities for girls, and a lack of Poor women are less likely to get married than women who are not poor, regardless of their age or whether they are currently or have previously been on assistance, according to a study of the National Longitudinal Survey of Youth. Poor women who don't work are less likely to get married than those who do of legal and enforcement procedures were the main causes of the high rates of child marriage.

2.3: Insecurity

Many parents decide to marry off their daughters at an early age because they think it is in their daughters' best interests, frequently to protect them from the increased danger of abuse and physical or sexual abuse that girls face. Child marriage is frequently prompted by coercion and harassment. Teenage girls who are not married frequently experience unwelcome attention and threats, such as the possibility of being kidnapped by suitors, and parents that feel helpless to safeguard their daughters and have little hope of receiving assistance from the government or local officials view marriage as a solution. Insecurity is one of the largest threats for young marriage.

² Human Rights Watch, 2015

³ Girls Not Brides, Report

2.4: Inadequate education

In Bangladesh, the majorities of girls drop out of school, particularly in cultural contexts where females are nurtured for their whole lives engaged in domestic work and are expected to marry at a young age. Many parents continue to retain the view that investing in a girl's education is a waste of money since she will just get married and work in another home, despite the fact that views toward the education of females have started to alter even in traditional countries. The girl's decision to stop attending school is further encouraged by the price of the education investment. Early marriage always denies children in school age their entitlement to the education they need for their own development for adult preparedness, and for a meaningful contribution to the future well-being of their family and society Indeed.

2.5: Social barrier

Poverty, racism, gender inequity, Ventilator prejudice, and society's unwillingness to discuss sexuality are some of the most damaging societal hurdles. Since parents believe their daughters would be better off financially and less likely to experience sexual abuse or unwelcome sexual contact if they are married, the majority of the family believes that marriage is a strategy to ensure that their daughters are **protected**.

2.6: Natural Disasters

The people of Bangladesh are particularly vulnerable to natural disasters because of the country's status as one of the most densely populated in the world (1,100 people per square kilometer) and because of the size of its poor population (out of one hundred twenty two million people, forty seven (47) million live in poverty and twenty six (26) million in extreme poverty). Natural calamities exacerbate a family's poverty and heighten parents' sense of responsibility to safeguard their girls and boys. Families may rush to wed off their daughters as soon as possible in order to avoid being uprooted or having their financial condition worsen after losing their houses or crops to land erosion or floods.

The poverty that leads to child abuse is made worse by the loss of life and property as well as by the inadequate government safety net for families impacted by it.

2.7: Economic and social status

Girls are frequently viewed as a financial burden by their families. Parents therefore desire to marry off their daughters while they are quite young. Parents can truly believe that providing their daughter with a typical male guardian will make her happier and safer. Some societies strive to rescue their girls by marrying them off young in a male-dominated society because they view them as a burden. Additionally, there may also be pressure from elder people in the community and family. Economic status is also responsible for child marriage.

2.8 Perception and Varying Interpretation of Religion

The individuals cited religion as one of the causes for Bangladesh's continued practice of underage marriage. In Bangladesh, religion has a significant impact on how people live their daily lives, and many individuals use religion as an excuse for unimportant choices. Religious leaders have a significant role in the nation, and many of them are well-established in their local communities. The willingness of parents to marry their children at a very early age may be impacted by the powerful influence that religious leaders have. Additionally, different interpretations of religion can contribute to the continued practice of child marriage in the nation.

Second, according to certain religious authorities, one must be physically and emotionally mature before being married.

⁴ Lane, S. (2011). Stealing innocence: Child marriage and gender inequality in Pakistan. *Plan Finland & Abo Academy University, Finland, 1*, 44.

2.9 Traditional Cultural Practices

Primitive cultural practices, some of which are against the law, are common in Bangladesh's rural and tribal areas. These practices include Watta Satta (exchanging brides for money), Pait Likkhi (marriage before a child is born or while they are still very young), Addo Baddo (marriage between tribes), and Swara/KhoonBaha/Vani/Sakh (giving girls in marriage as a means of settling disputes) [10]. Although none of these traditional practices were used against participants in our qualitative in-depth interviews, these cultural practices are deeply ingrained in the community and have been linked in previous research to child marriages in Bangladesh.

Chapter-Three

THE IMPLICATIONS OF CHILD MARRIAGE

3.1 Utilization of Maternal Healthcare Services

Maternal health care service use is an essential health problem connected to both maternal and child survival because it decreases maternal mortality and morbidity while also enhancing mothers' and children's well-being before, during, and after delivery.

The dietary supplements that were given to them throughout the prenatal period were eaten by 92% of the population. Other family members used the dietary supplements in around three-fourths of the families. 60% of the mothers did not have any home visits, whereas 50% of the mothers got at least one during the prenatal period. Only one third of the moms who experienced particular difficulties during the prenatal period—which affected nearly one fifth of the mothers—had gotten therapy.

The majority of women were released from care before 48 hours had passed .Only forty four percent of women had home visits during the postpartum period; these visits were mostly carried out by Anganwadi.

⁵https://www.researchgate.net/publication/309991755_Maternal_Healthcare_Services_Utilization_Determinants_of_Maternal_Healthcare_Services_Utilization_in_a_resource_poor_setting#:~:text=Maternal%20health%20care%20service%20utilization,before%2C%20during%20and%20after%20birth.

3.2 Reductions in personal growth

Girls cannot improve their life for early marriage. Early marriage destroys their all aims hope and improvement. The fulfillment and enjoyment of nearly all of a girl's and boy's rights are

hampered by early marriage. Most females who are dissatisfied with an arranged marriage are quite lonely. Both their independence and their ability to grow personally are lost. They are victims of the horrors of domestic abuse and desertion. Reduced baby mortality rates, hunger, missed chances for school and employment, pre- and postnatal health hazards, and infant mortality rates are only a few of the advantages that come from preventing child marriage. Childhood is ended by marriage. It has a harmful impact on children's rights to protection, health, and education. These repercussions have an effect on the girl personally, as well as her family and neighborhood. A girl who is married young is more likely to drop out of school, be unemployed, and not give back to her community.

3.3 Rejection of education

Child marriage sometimes poses serious obstacles to the right to an education. Due to child marriage, a lot of girls quit attending school. They are not given the chance to go to school, which harms their feeling of self-worth, capacity for decision-making, and ability to become financially independent. Teenage brides encounter a variety of issues, including lesser educational attainment, a lower social standing in the households of their husbands, and more. The fact that children of young, illiterate mothers frequently experience the same cycle of developmental neglect and loss as their moms offers as additional support for these consequences. A married female may find it very hard to return to school. Household duties, shame, forced exclusion from school, and gender stereotypes that keep them at home are just a few of the real obstacles married females face in their pursuit of an education. Early marriage is destroying education day by day. It plays danger affect in our rural area.

3.4 Health concerns

Early marriage and pregnancy are related. Early marriage and childbirth are linked to significantly greater incidence of pregnancy-related issues or risks to the newborn's life. Girls

experience major health problems, such as pregnancy and childbirth after marriage. There are several well-known risks associated with early pregnancy and delivery, including a higher risk of mortality, a larger chance of preterm labor, and challenges during delivery, low birth weight, and a higher chance that the baby won't survive. Pregnancy-related deaths are the leading cause of mortality for girls between the ages of 15 and 19. Children born too soon have a negative impact on a mother's health, which has a negative impact on the mother's life.

3.5 Boost the population

In particular where there is no access to contraception, child marriage increases a woman's reproductive potential and leads to larger families. Early marriage is the main culprit to boost the population of Bangladesh. No nation will be develop if the stop the boost the population. A higher total fertility is a result of child marriage since women who marry younger tend to have more children overall and earlier than women who marry later. The analysis, which uses a simultaneous equations model, demonstrates that ending child marriage would have a significant positive impact on economic growth. If child marriage were outlawed right now, annual real GDP growth per capita in emerging and developing nations would increase by 1.05 percentage points over the long term.

3.6 Results of High and Poor Fertility

In my research, I discovered that girl child marriage was strongly linked to both high and poor fertility outcomes, including quick repeat pregnancies (births in 24 months), undesired pregnancies, and pregnancy termination. Previous research from low- and middle-income nations demonstrated that adolescent marriage is linked to both high birth rates and poor fertility outcomes. Adolescent married women are typically poor, uneducated, and live in rural areas. As a result, these women are less likely to have control over household decisions, which may make it difficult for them to discuss the use of contraceptives with their husbands. However, these associations appear to be connected to social security flaws among these women. However, my investigation revealed that high reproduction and poor fertility outcomes are associated with an elevated risk, independent of the use of contraception, including.

3.7 Early pregnancy, difficulty accessing family planning services, and health issues

In Bangladesh and other countries, child marriage frequently results in an early pregnancy, which can have serious health repercussions for both mothers and kids, including markedly heightened death rates. (UNFPA, 2012) According to UNICEF, the likelihood of a woman dying during delivery in Bangladesh is 1 in 110, making this type of mortality "unacceptably widespread." (UNICEF, 2015) The high rate of pregnancy among teenage females is one factor contributing to this. The leading cause of mortality for teenage females between the ages of 15 and 19 in underdeveloped nations is complications related to pregnancy and delivery. (UNFPA, 2015) According to study, girls aged 10 to 14 are four times more likely than moms aged 20 to 24 to die after childbirth, and girls aged 15 to 19 are still twice as likely. (WHO, 2011). Teen moms are less likely to get prenatal care and frequently lack access to or sufficient knowledge about healthy diet throughout pregnancy. In low- and middle-income nations, newborns delivered to women under the age of 20 have a 50% greater chance of stillbirth or passing away during the first few weeks than kids born to moms between the ages of 20 and 29. (WHO, 2014). Low birth weight is another risk factor for adolescent moms' babies, which has long-term health effects. Young girls are particularly vulnerable to obstructed labor, the world's biggest cause of maternal death, because of their physical immaturity. In many rural places, females are married off between ten and fifteen days following their first menstrual flow.

⁶ Nour, N. M. (2008). An introduction to maternal mortality. *Reviews in obstetrics and gynecology*, 1(2), 77.

⁷ WHO/UNICEF Joint Water Supply, & Sanitation Monitoring Programmers. (2014). *Progress on drinking water and sanitation: 2014 Update*. World Health Organization.

⁸ WHO, U., & UNFPA, W. B. (2015). Trends in maternal mortality: 1990 to 2015. *Geneva: World Health Organization*.

3.8 Effects on Children

Young females who marry as children suffer, as does the subsequent generation. Preterm and low birth weight births are 35–55% more likely to occur in adolescent moms than in older women. Mortality rates are 73% greater among children born to moms under the age of 20 than among those born to older mothers. Untreated sexually transmitted illnesses including Chlamydia, syphilis, gonorrhea, and herpes simplex infection can cause preterm birth, congenital neonatal infections, and blindness in newborns.

Moreover, the death rate for children under 20 (Bicego, 1996). Young women have issues with their kids, such as low birth weight and malnourished newborns, which result in serious physical and cognitive problems when they're adults (Plan International, 2013). Anemia is a severe public health concern that affects 30% of teenage females compared to 26% of adolescent boys and almost half of all pregnant women. Adolescent moms and children are particularly susceptible to anemia (UNICEF Bangladesh, 2009).

HIV Risk

Married women are more likely to get STDs, notably the papilloma and HIV viruses. Girls engaged in frequent, hazardous sexual activity with their partners because they needed to prove their fertility. The majorities of the time, their older spouses were polygamous or had a history of having extramarital affairs. Moreover, the girls' virginity and physical immaturity increase the risk of HIV transmission due to hymeneal, vaginal, or cervical abrasions (Nour, 2006). Infection rates for HIV are highest among women between the ages of 15 and 24 worldwide; for men, the risk peaks 5 to 10 years later.

Just 16% of Bangladeshi females between the ages of 15 and 24 have been found to have a thorough understanding of HIV (Nour, 2006). In poor countries, a lot of men believe that having sex with a "new lady" can cure them of their STD. Hence, they look for a young girl to marry, not realizing that doing so would merely spread the illness to the bride and her unborn child. Child marriage frequently leads women to try and complete suicide due to the social, physical,

and emotional abuse they experience in their married household, in addition to health hazards and a cycle of poverty.

3.9 Children under the age of five passing away

Compared to women who married as adults, ladies who married as kids had a an elevated chance of newborn and under-five mortality.

However, after controlling for social inequities, the connection was lost in the modified models. Although our findings contradict those of other nations, which found that adolescent moms were more likely than adult mothers to have children under the age of five die. My findings do not diminish the relevance of postponing delivery among individuals married before the age of 18. According to my research, the economic and institutional vulnerability of women married as children may result in poor child health outcomes. As a result, measures to limit child marriage, delay births, and reduce infant mortality are expected.

Early marriage result in my regular life which has Rima as its major figure, encouraged me to choose this subject. Rima is her family's older, less fortunate daughter. Her father passed away when she was nine years old. She comes from a lowly household. Her mother was unable to provide for her needs in terms of food, clothing, and medicine. Her mother made the decision to arrange her marriage for the benefit of her. She decided to be married when she was 15 years old because of this. She became pregnant for the first time when she was 16 years old. She was grieved to learn that her first son passed away during birth. When she was 17 years old, she became pregnant for the second time. Her second child also passed away, and the same tragedy was repeated. It was my primary data collection.

3.10 Acute Respiratory Infection among Children Under 5 Years Old and Low Birth Weight Infants

In contrast to other studies' results, which indicated a amount of link between adolescent mothers, low birth weight babies, and child morbidity, my study did not discover a link between girl child marriage, low birth weight babies, and ARI, even in the comprehensive examination by age groups at marriage. Early marriage result in my regular life which has Rima as its major figure encouraged me to choose this subject. Rima is her family's older, less fortunate daughter. Her father passed away when she was nine years old. She comes from a lowly household. Her mother was unable to provide for her needs in terms of food, clothing, and medicine. Her mother made the decision to arrange her marriage for the benefit of her. She decided to be married when she was 15 years old because of this. She became pregnant for the first time when she was 16 years old. She was grieved to learn that her first son passed away during birth. When she was 17 years old, she became pregnant for the second time. Her second child also passed away, and the same tragedy was repeated. It was my primary data collection. The percentage of low birth weight children born to teen mothers was nearly equal to that of infants born to adult moms despite social disadvantage, and even after correcting for social disparities and prenatal visits, the connection remains minor. It is unclear why there is no correlation between child marriage and low birth weight infants because in previous studies, non-association with low birth weight was largely attributed to good prenatal care, a substantial amount of antenatal care visits, planned pregnancies, and good quality maternity coverage, none of which applied to the population of our study. In Bangladesh, Unexpected pregnancies were more likely to occur among women who had been married as teenagers, fewer prenatal visits, deliveries with help from inexperienced medical personnel, and home births.

3.11 Lake of awareness of negative health outcomes

In our qualitative study, more than 25% of the participants reported having health issues, which was higher than the percentage of their predecessors who were married after the age of 20. These issues included frequent pains, a disrupted menstrual cycle, abortion, hard labor, and physical weakness. The participants didn't seem to be aware of the detrimental effects of child marriages

on health, despite these issues. Our research within Bangladesh and its neighboring countries has shown that child marriage was found to be associated with poor fertility and fertility-control outcomes, child diarrhea and malnutrition, and experience. Although these health problems may be a direct result of low socioeconomic status with a lack of money to afford the expensive healthcare or to maintain a good diet, it is evident from our research within Bangladesh and its nearby nations that child marriage was found to be associated with these health issues.

This raises the question of whether cultural norms and attitudes regarding child marriage, as opposed to societal vulnerabilities, may be contributing to the continued practice of child marriage in Bangladesh. Because of the controlling behavior of husbands and in-laws toward women who have been married as children, the limited ability of women to make health-related decisions in the home, and a lack of media exposure, particularly in rural areas, the women in our study may not have been aware of the harmful effects of child marriage on their health.

3.12 Husband-Wife Conflict

Disrespect from each other it is daily life of an early marriage family because they are not enough mature that's why they committed to conflict in their daily life.

In Bangladesh, over one-third of women between the ages of 15 and 24 said that their husbands had engaged in CB. This is consistent with other research from throughout the world, which has demonstrated that CB by spouses affects women everywhere, but is most prevalent in Asia, Africa, and the Middle East. By demonstrating that among women who experienced CB, those who were married as children experienced much more CB from their husbands compared to those who were married as adults, my study contributes to the body of knowledge in this area. Although we are unable to comment on sexual violence due to the lack of data in the PDHS, I observed in 2012–2013 that women who were married as children are still more susceptible to emotional and physical abuse from their spouses. This is true even after correcting for social equality variables. These findings indicate the importance of cultural elements like men's.

Chapter-Four

Human Rights and the Socio-Legal Dimension

4.1 Human and children's rights abuse

In the ten years leading up to 2020, the UN estimates that, if this trend persists, almost 140 million girls will marry as children, which works out to 14 million girls wedded annually or around 39,000 girls married each day. According to the research, young girls are harmed in numerous ways by early child marriage, which deprives them of their right to a childhood. Girls are at risk for sexually transmitted illnesses and early pregnancy because it results in violence, abuse, and forced sexual interactions. The repercussions of almost 13.7 million 15 to 19-year-olds giving birth while married every year in the developing countries are tragic. The main cause of mortality for these girls is complications during pregnancy and childbirth, whereas young mothers' newborns are more likely to be stillborn, early, or have a higher chance of dying. These young ladies are forced to confront the dreadful prospect of an early marriage and motherhood alone, without the help of family or friends. They are left defenseless, socially isolated, and with little to no assistance to help them cope with being married at such a young age or expectations of them. The UN and other international organizations have ruled that underage marriage is against both human and child rights.

According to the Universal Declaration of Human Rights, a person must be of legal age and engage into marriage voluntarily with their complete permission. Child marriage is prohibited, according to the 1979 Convention on the Elimination of All Forms of Discrimination against Women. Children are those who are under the age of 18 according to the 1989 Convention on the Rights of the Child. The legal marriage age was raised to 18 in a number of nations; however enforcement of these laws and those mandating marriage registration is patchy (Nour NM.2008).

⁹ <https://www.unicef.org/protection/child-marriage>

¹⁰ <https://www.un.org/youthenvoy/2013/09/child-marriages-39000-every-day-more-than-140-million-girls-will-marry-between-2011-and-2020/>

¹¹ Nour, N. M. (2008). An introduction to maternal mortality. *Reviews in obstetrics and gynecology*, 1(2), 77.

The United Nations

4.2 The implications of child marriage on society

The Bangladeshi economy is badly impacted by child marriage, which can create a cycle of poverty that extends across generations. Marriage marks the end of childhood. This is harmful to children's rights to safety, health, and education. These emotions have an impact on the girl as well as her family and surroundings. A young girl who marries is more likely to drop out of school, become unemployed, and not contribute to her society. Marriage before the age of 18 might be official or informal. It is a sort of gender-based violence that deprives kids of their childhood and violates their human rights. Additionally, child marriage hinders their schooling and increases their susceptibility to abuse, prejudice, and violence. Child marriage abuses the rights of children and places them in grave danger of abuse, exploitation, and violence. Child marriage affects both girls and boys, but it affects women more severely. It is defined as a girl or boy becoming married before reaching 18 and encompasses both legal marriages and informal unions in which children live with a partner as though they are married. Childhood is ended by marriage. It has a harmful impact on children's rights to protection, health, and education. These repercussions have an effect on the girl personally, as well as her family and neighborhood.

4.3 Social prevention

“If you aware then everybody aware”

First of all aware yourself then you can aware your society. Yes social prevention is one of the great methods to stop early marriage in our country.

Change the social conventions surrounding gender, teenage sexuality, early marriage, and motherhood to enable youth to make their own decisions about their bodies and futures. Improve health services so that young people may receive the judgment- and bias-free care they require for their sexual and reproductive health, including availability to long-acting contraceptives. Encourage young women and new parents to delay and space out their pregnancies in order to safeguard the health of the mother and her unborn children. Develop innovative behavior modification techniques with young people, such as digital health and gaming, to promote healthier lifestyles and ingrained positive habits. In order to promote policies that protect the rights and health of young people, connect youth advocates and officials.

¹² The UNICEF's survey conducted in 2013

4.4 Early Marriages and Human Rights

Human rights are violated by child marriage. It jeopardizes the growth of both males and girls. In addition, it frequently leads to early pregnancies, poor health, inadequate education, and social isolation. For females in particular, all of these circumstances make it tough to escape the cycle of poverty.

Almost a hundred workshops on these topics were arranged specifically for Roma and Egyptians, teaching them about the harmful effects of early marriages, domestic abuse, and violence against children.

Every young person deserves the chance to reach their greatest potential. Let's create families and a culture that gives all kids this chance.

4.5 To raise awareness about the harmful effects of child marriage

Childhood is ended by marriage. It has a harmful impact on children's rights to protection, health, and education. These repercussions have an effect on the girl personally, as well as her family and neighborhood. A girl who is married young is more likely to drop out of school, be unemployed, and not give back to her community. Practice even though a quarter of the participants in my qualitative survey claimed to have a variety of health issues, they didn't seem to be aware of the harmful effects of child marriage on one's health. An essential weapon is the government, local and international NGOs' mass-media campaign to raise awareness of the harmful effects of child marriage on one's health. Radio and television should be utilized to inform and sensitize the public, especially parents, about the harmful health effects of the country's practice of child marriage. One strategy involves media and public health professionals working together to produce television and stage productions and advertising that highlight the negative impacts of child marriage. Employment Opportunities and Income-earning activities

4.6 Employment Opportunities and Income-earning Activities

One of the biggest reasons parents keep their daughters out of school is poverty, which indirectly prevents girls from subsequently joining the workforce and being self-sufficient. Giving young girls the opportunity to work and engage in income-generating activities might reduce the financial load that poor families typically place on their families. Offering young girls employment opportunities after they graduate from school may also aid in reducing the prevalence of child marriage in the nation because delaying the marriage of their daughters would bring financial benefits to the family that they would not otherwise experience, which is one of the causes of child marriage.

Additionally, closing the gender wage gap and eliminating gender-based occupational discrimination would give women more power and independence, which in turn would give them more opportunities to make wise decisions, particularly in the context of family decisions that directly affect their own health and the future well-being of their families.

Chapter-Five

The Legal Regulation and Its Application in Bangladesh

5.1 The child marriage restraint Act 1929

The primary law in Bangladesh for restricting child marriage is the Child Marriage Restraint Act of 1929.

According to the Act, women must be 18 years old before they may legally be married. Additionally, this Act makes early marriage illegal.

The penalty for a male adult under the age of twenty-one marrying a kid is outlined in **Section 3**. "Whoever, being a man over the age of eighteen and below the age of twenty-one, contracts a child marriage must be punished with simple imprisonment which may extend to fifteen days, with fine which may extend to one thousand taka, or with both," the law specifies in this provision.

In addition, **Section 5** of the aforementioned Act details the penalties for solemnizing a juvenile marriage.

This section states that anybody who "performs, conducts, or orders any child marriage shall be penalized with simple imprisonment which may extend to three months and shall also be liable to fine, unless he establishes that he has cause to believe that the marriage is not a child marriage.

The following penalty for a parent or guardian involved in a child marriage is mentioned in **Section 6**:

(1) When a minor enters into a child marriage, any person in charge of the child, whether as a parent, guardian, or in any other role, legal or illegal, who promotes the marriage, allows it to be solemnized, or negligently fails to prevent it from being solemnized, shall be punished with

simple imprisonment that may last up to three months and shall also be liable to a fine. **No woman shall be subject to jail, according to this provision.**

(2) For the purposes of this section, it will be assumed, unless and until the opposite is proven, that the person in charge of the minor who has entered into a child marriage negligently failed to forbid the marriage from taking place.

A movement that helped reposition women, families, and childbearing within contemporary Bangladesh led to the creation of the Child Marriage Restraint Act in 1929. This Act paved the stage for reform even if it did not invalidate child marriages.

¹³ The child marriage restraint Act, 1929 Section 3

¹⁴ The child marriage restraint Act, 1929 Section 5

¹⁵ The child marriage restraint Act, 1929 Section 6(1)

¹⁶ the child marriage restraint Act, 1929 Section 6(2)

5.2 The birth and death registration Act

Almost all of births are not recognized, which worsens the early marriage issue. The act has been in effect since 2006 according to the Law and Local Government Ministry.

A birth certificate is needed as proof of age under the Act for a variety of crucial services, including getting married, getting a passport and enrolling in school. Birth registration, however, is a common issue in Bangladesh. Even though it is illegal, early marriage of girls, particularly in rural areas are very common. The birth registration system's incomplete implementation, which makes it impossible to determine with certainty what age girls actually are, is the fundamental reason why the applicable law's enforcement is limited.

¹⁷ The birth and death registration Act 2004

5.3 The children Act 1974

This Act made for protect the children who suffer a lot for her early marriage. This Act ensures their rights and obligations. If anybody violated this Act he must be punished according to this Act.

The punishment for cruelty to children is clearly laid forth in Section 34 of the Children Act of 1974.

Section, 34 of the aforementioned act states that

If anyone over the age of sixteen who has custody, charge, or care of any child engages in behavior that is likely to cause the child unnecessary suffering or harm to his or her health, including loss of sight or hearing, injury to a limb or organ of the body, or any mental derangement, or causes behavior that is any of the foregoing, Such a person will be punished by a period of imprisonment that may last up to two years, a fine that may amount to 1,000 Taka, or with both.

Early marriages are occurring randomly, which is appropriate and shows a bare minimum of respect for the law. Early marriage is not prohibited by law, according to human-rights Protestants and social professionals, but it is a criminal offense. In addition, there isn't much of an effort to educate the public about the legislation or to address societal issues, therefore many don't obey it.

¹⁸ The children Act, 1974 Section 34

5.4 The Constitution of Bangladesh 1972

The constitution of Bangladesh is the supreme Law of Bangladesh. No one can violate the constitutional rights. The constitution of Bangladesh provides many rights for children. Those are given below

Children's rights are highlighted in constitution of Bangladesh in articles 15, 17, and 25(1), as well as Articles 27, 28(1)(2)(3)(4), 31, 32, and 39(1) (2)., which address the fundamental rights .The broad guidelines for protecting children from discrimination of any kind are outlined in articles 27, 28, and 31 of the constitution.

According to the constitution, everyone must be treated equally and without discrimination in line with the law since everyone is an equal before the law and has the right to equal protection.

All citizens in Bangladesh are equal before the law and have a right to equal protection under the law, according to Article 27 of the constitution of Bangladesh 1972. Therefore, the constitutional protection does not exclude minors.

Article 28 states that:

- (i) The state is prohibited from discriminating against any person solely on the basis of their race, caste, sexual orientation or place of birth
- (ii) Women must enjoy the same rights as males in all areas of public and political life.
- (iii) No citizen will be subjected to any handicap, liability, limitation or condition with regard to access to any place of public enjoyment or resort or admission to any educational institution solely on the basis of religion, race, caste, sex, or place of birth.

A person's right to life and personal freedom are protected under **article 32**.

¹⁹ The constitution of the People's Republic of Bangladesh, Article (15) 1972

²⁰ The constitution of the People's Republic of Bangladesh Article (17) 1972

²¹ The constitution of the People's Republic of Bangladesh Article [25(1)] 1972

²² the constitution of the People's Republic of Bangladesh Article (27) 1972

²³ The constitution of the People's Republic of Bangladesh Article [28(1) (2) (3)] 1972

²⁴ The constitution of the People's Republic of Bangladesh Article (31) 1972

²⁵ The constitution of the People's Republic of Bangladesh Article (33) 1972

²⁶ The constitution of the People's Republic of Bangladesh Article [39(1)] 1972

²⁷ the constitution of the People's Republic of Bangladesh 1972, Article [39(2)] 1972

5.5 The Universal Declaration of Human Rights, 1948 (UDHR).

The Universal Declaration of Human Rights promoted the dignity and worth of the human person and the equal rights of men and women. The state is prohibited from discriminating against any person solely on the basis of their race, caste, sexual orientation, or place of birth.

The Universal Declaration of Human Rights and other later human rights documents acknowledged the right to fully and freely agree to marriage. Several human rights documents provide guidelines that must be followed while getting married. These guidelines address concerns of age, consent, equality in marriage, and the personal and property rights of women. It affirms the right to "free and fulfills consent to marriage. The understanding that consent cannot be "free and full" if one of the participants is not old enough to make an informed choice

Article 16 of UDHR1948 states;

“(1) men and women of full age... have the right to marry and found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution;

(2) Marriage shall be entered into only with the free and full consent of the intending parties. Same provisions are included in the 1966 International Covenant on Economic, Social and Cultural Rights and the 1966 International Covenant on Civil and Political Rights.

The Universal Declaration of Human Rights provides the protection of children rights.

²⁸ The Universal Declaration of Human Rights, 1948 (UDHR), Article 16(1)

²⁹ The Universal Declaration of Human Rights, 1948 (UDHR), Article 16(2)

³⁰ UNICEF 2001

5.6 The Convention on the Rights of the Child (CRC) 1989

The Convention on the Rights of the Child 1989 has been signed by all countries in the world. The CRC does not explicitly address marriage. The CRC's stance on early marriage must thus be understood in the context of other rights to health, education, survival, etc or principles. The interests of the child, development, respect for the opinions of the child, etc.. Despite this, it is obvious that the committee attaches considerable emphasis to ensuring that marriage should not be consummated too young and that the minimum age for same gender.

However, the following are some of the most important:

Article 1: Every person younger than the age of eighteen is called a kid, unless the age of majority is earlier under the relevant law provisions.

Article 2: freedom from discrimination based on any factor, including gender, religion, ethnicity, socioeconomic status, race, or birth, among others.

Article 3: The child's best interests should always be prioritized in all issues affecting children.

Article 6: maximum assist for growth and improvement,

Article 12: the liberty to share thoughts in any situation that could influence a kid, in a manner appropriate to their age and level of maturity

Article 19: The right to protect while in the custody of parents, guardians, or anyone else from any types of physical or mental abuse, maltreatment, or exploitation, including sexual abuse

Article 24: rights to health, including the ability to obtain health treatments, as well as protection from traditional practices that are detrimental

Articles 28 and 29: right to education on the basis of equal scope

Article 34: Right to protection from all forms of sexual exploitation and abuse

Article 35: Protection against enslavement, sale, or trafficking is a legal right.

Article 36: right to security from all exploitation that violates a child's welfare in any way

³¹ The Convention on the Rights of the Child (CRC), 1989 Article 1

³² The Convention on the Rights of the Child (CRC), 1989 Article 2

³³ The Convention on the Rights of the Child (CRC), 1989 Article 3

³⁴ The Convention on the Rights of the Child (CRC), 1989 Article 6

³⁵ The Convention on the Rights of the Child (CRC), 1989 Article 13

³⁶ The Convention on the Rights of the Child (CRC), 1989 Article 19

³⁷ The Convention on the Rights of the Child (CRC), 1989 Article 24

³⁸ The Convention on the Rights of the Child (CRC), 1989 Article 36

5.7 The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964

The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964 states in Articles 1 and 2 and Article 3 respectively:

(1) Without the entire and unrestricted permission of both parties, stated in person in accordance with the law, no marriage may be lawfully entered into.

(2) States Parties to the present Convention shall the non-binding suggestion that comes with this Convention specifies minimum age for marriage of not less than 15 years

(3) Every marriage must be registered from fixed official.

This ordinance provide particular role to prevent child marriage. Everybody should maintain and respect this convention.

This is one of the greatest prevention to prevent young marriage.

³⁹ The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964 Article 1

⁴⁰ The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964 Article 2

⁴¹ The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964 Article 3

5.8 The SAARC convention on preventing and combating trafficking in women and children for prostitution

According to Article 1(5) of the Convention, "Persons susceptible to trafficking" refers to women and children who have been exploited or coerced into prostitution by traffickers by coercion, threats, kidnapping, sales, arranged marriages, child marriages, or any other illegal methods

The SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia

According to Article 4 of the Convention, "States Parties should make compulsory the civil registration of births, marriages, and deaths in an official registry in order to promote the efficient implementation of national legislation, including the minimum age for work and marriage."

Chapter-Six

Conclusion

6.1 Findings

All those studies utilize household survey data from the Demographic and Health Surveys to assess child marriage levels by country but I made my research from lot of way. This thesis includes definitions of child marriage and extreme poverty, which is helpful in preventing misconceptions and confusion. After careful research of various adequate theories, I got both the sex role theory as well as the feminist perspective. It was challenging to identify a viable explanation for the study.

However, in my perspective, the feminist method cannot be used to achieve the desired results. To examine the problem from a more impartial standpoint, the much more gender-focused theory, such the sex role theory, fits the situation better.

6.2 Recommendations

The reason for early marriage is more social and economic rather than legal which has been stated by many studies that involve child marriage. Eradication of poverty can be a way forward in this situation along with putting effort on addressing social factors which has been stated in the paper. Regulation of marital age, compulsory marriage registration, strengthening birth registration system and proper enactment of law can be effective and preventive to the child marriage. Moreover, it is needed to expand girl's education facilities, especially at secondary level and women empowerment might also help the cause. Reproductive health outcomes that arise from early marriage should be addressed accordingly and therefore, health service department may provide health knowledge on family planning, proper and timely use of contraceptives as well as other basic information not only to girls but also the other members of a family.

Some specifies Recommendations give below from my own opinion:

Government initiatives

In an effort to lower the nation's maternal mortality rate, government will take the necessary procedures to outlaw child marriage. Bangladesh's education program covers textbook and tuition fees for women who are enrolled in school. Therefore, the government ought to put into place a secondary school registration program that assures parents that their daughters should wait until the age of 18 before getting married in order to abolish child marriage from society and lower the nation's maternal mortality rate.

Education is a means of spreading knowledge among individuals

To combat early marriage, to kill early marriage, all parties must cooperate.

First; educate parents and young people about the dangers of child marriage. In this system, education is essential elements for girls' general growth and to delay marriage, parents must be persuaded to keep their daughters in school. Education of girls must be prioritized.

Importance of birth certificate

Every child must be has a birth certificate. This document serves as a child's initial birth certificate. When a child is born in country that time a birth certificate should be made in Bangladesh as a matter of law. Therefore, there won't be any mistakes in the future regarding marriage-related issues.

Marriage should be registered

According to Bangladeshi Law and Muslim Sariah Law marriage should be registered. Every marriage in Bangladesh must be registered as it is a legal requirement. By law, a marriage certificate is an official record that specifies the obligations of a wife, husband and children.

According to article 61 of the Civil Code; the authorities record the marriage in the marriage certificate in three copies; the original is retained by the government institution and each party is issued a copy of this document. After being registered at the special offices, the marriage certificate is delivered to the records department.

Initiative of NGOs and civil society

Action must be taken by a wide range of people and organizations, from local authorities to international organizations, to prevent child marriage. People need to be made aware, particularly the impoverished. We should extend our helping hands to them as well. The prevention of child marriage depends heavily on NGOs and civic society. Intergenerational sex and significant age gaps between spouses should be addressed in terms of its effects on health and rights. By reducing their economic vulnerability, providing chances for education, civic engagement, and livelihoods, as well as creating interventions, efforts should be made to help married adolescent females.

Provide supportive economic opportunities

Education and economic options should also be offered to young married girl. Special stipend for girls should be increased their enrollment in schools. One of Stipend's requirements is that she cannot be married before turning 18 years old. Girls who have an education are more inclined to educate their offspring. As a result of the mother being able to provide her family with a meager income, the entire family starts to shift their perspective on child marriage and decides to keep their girls in the home.

Improve law enforcement mechanisms

Despite Bangladesh's progressive anti-child marriage laws, the custom is still widely practiced there. Improved enforcement would increase the law's efficacy and make it simpler to stop the practice. An efficient first step would be to provide law enforcement training and information on child marriage to judges, community leaders, and other members of the legal system. (Report by Australian Aid, ICRW, and UNFPA) Parents who fail to register their children's births would be easier to find and subject to severe fines thanks to a surveillance system. Birth registration serves as the bride's evidence of age, making it a crucial step in the fight against child marriage.

Awareness through Media

Media can play a vital role to aware the general people and poor people.

Since the majority of rural people are uneducated, the media (radio, television, newspaper etc.) is essential in providing information on the negative effects of early marriages in a way that rural people can comprehend. Through a variety of anti-early marriage efforts, the media can encourage them.

6.3 Conclusion

Child marriage is a widespread issue on a global scale. Therefore, in order to effectively handle the issue with local conditions, a national strategy is required. Additionally, it was strongly linked to high fertility, quick follow-up pregnancies, unintended pregnancies, and pregnancy termination. Children who are born to young mothers were more likely to experience recent diarrhea after child marriage. Early marriage has been a long term practice in Bangladesh. Two crucial factors for early marriage are poverty and illiteracy.

A few of the elements mentioned by the researchers that contribute to the continued practice of child marriage in the nation include the strong impact of culture and general attitudes, various interpretations of religion, and maintaining family honor. Despite the extreme political challenge now facing the country, Bangladesh has made significant progress in eliminating child marriage. The women and children of Bangladesh require ongoing support and attention, as the recent deterioration of the political atmosphere may very well cause a reversal of the progress already made in ending child marriage and its worst health consequences without the support of the international community. Interventions such as the introduction and enforcement of severe legislation outlawing the practice, educating more women to empower them,

The causes are poverty, insecurity, parental concepts of safety, patriarchal ideals, societal practices, and traditions. They frequently fall prey to various forms of violence as a result. Child marriage has significant negative social, economic, and cultural implications as well as substantial health costs. But no girl's upbringing, education, health, or dreams should be taken away from her. Government and the public must pay serious attention to this issue. We must consider more carefully about the commitments we make for the next future

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