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Between Risk and Referral: Child Marriage Protection for Rohingya Girls in Cox's Bazar

Legal Ambiguity, Camp Governance and Community Decision-Making in Cox's Bazar,
Bangladesh

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Abstract

This thesis examines how ambiguities within Bangladesh's child-marriage protection framework affect the implementation of child-marriage protections for Rohingya girls in the refugee camps of Cox's Bazar. Although Bangladesh formally prohibits child marriage through the Child Marriage Restraint Act 2017, the framework contains interpretive uncertainties concerning "special circumstances", the best interests of the minor, guardian consent, child participation, age verification and the continuing protection of girls who have already been married. These uncertainties become more complex in the Rohingya camp context, where formal law operates through humanitarian administration, documentation systems, camp-level governance and community-based decision-making.

The thesis adopts a qualitative socio-legal methodology. It combines doctrinal analysis of international and domestic legal instruments with secondary literature, humanitarian reports and empirical material from three semi-structured interviews. The interviews provide situated perspectives on child-marriage decision-making, legal awareness, community mediation, documentation and access to protection. The analysis is guided by feminist legal theory, legal pluralism and a human rights-based approach.

The thesis argues that the implementation gap is not caused by legal ambiguity alone. Rather, ambiguity becomes harmful when it travels through unequal family relations, community mediation, partial documentation and fragmented protection pathways. The interview findings suggest that child marriage may be understood by adults as safety, honour or betterment before it is recognised as a rights violation. As a result, Rohingya girls' access to protection may depend on whether their situation becomes visible to the right actor at the right time. The thesis concludes that effective protection requires child-sensitive participation, reliable age verification, accountable referral pathways and continuing support for married girls as rights-holders.

List of Abbreviations

CMRA — Child Marriage Restraint Act

CEDAW — Convention on the Elimination of All Forms of Discrimination against Women

CiC — Camp-in-Charge

CRC — Convention on the Rights of the Child

FDMN — Forcibly Displaced Myanmar National

GBV — Gender-Based Violence

HRBA — Human Rights-Based Approach

ISCG — Inter-Sector Coordination Group

JRP — Joint Response Plan

MoU — Memorandum of Understanding

NGO — Non-Governmental Organisation

OHCHR — Office of the United Nations High Commissioner for Human Rights

RRRC — Refugee Relief and Repatriation Commissioner

SOP — Standard Operating Procedure

UN — United Nations

UNFPA — United Nations Population Fund

UNHCR — United Nations High Commissioner for Refugees

UNICEF — United Nations Children's Fund

APBn — Armed Police Battalion

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Chapter 1: Introduction

1.1 Background and Context

Child marriage is generally understood as any formal or informal marriage in which at least one party is below the age of eighteen.¹ It is widely recognised as a violation of children's rights because it affects education, health, development, bodily autonomy, protection from violence and meaningful participation in decisions affecting the child.² Although child marriage may affect both boys and girls, it is experienced in a deeply gendered way, with girls disproportionately affected by the practice and its consequences.³

Bangladesh remains one of the countries with a high prevalence of child marriage, despite the existence of domestic legal protections and international commitments to eliminate the practice. UNICEF has recently described Bangladesh as having the highest rate of child marriage in Asia.⁴ The issue becomes more complex in humanitarian settings, where displacement, insecurity, poverty, restricted mobility, limited access to formal justice and fragile documentation systems may increase the risk of child marriage and weaken the practical reach of legal protection.

This thesis focuses on Rohingya girls in the refugee camps of Cox's Bazar, Bangladesh. The Rohingya camps represent one of the largest and most complex refugee settlement contexts in the world, where formal Bangladeshi law operates alongside humanitarian administration, camp-level governance and community-based decision-making.⁵ Rohingya refugees are documented and assisted through humanitarian systems, but their legal status, restricted mobility and limited access to ordinary justice mechanisms create specific challenges for the implementation of child-protection laws.

The central concern of this thesis is therefore not only why child marriage occurs among Rohingya girls, but how existing legal protections operate within the specific governance environment of the camps. Bangladesh's child-marriage framework formally prohibits child marriage and creates mechanisms for prevention and punishment. However, the effectiveness of those protections

¹ UNICEF, 'Child Marriage' <https://data.unicef.org/topic/child-protection/child-marriage/> accessed 9 July 2026.

² Convention on the Rights of the Child 1989, arts 3, 12, 19 and 24(3); UNICEF, 'Child Marriage' <https://data.unicef.org/topic/child-protection/child-marriage/> accessed 9 July 2026.

³ UNICEF, 'Child Marriage' <https://data.unicef.org/topic/child-protection/child-marriage/> accessed 9 July 2026.

⁴ UNICEF Bangladesh, 'Slow Progress for Adolescent Girls in Bangladesh, Including Highest Child Marriage Rate in Asia' (8 March 2025) <https://www.unicef.org/bangladesh/en/press-releases/slow-progress-adolescent-girls-bangladesh-including-highest-child-marriage-rate-asia> accessed 9 July 2026.

⁵ UNHCR, 'Bangladesh' <https://www.unhcr.org/where-we-work/countries/bangladesh> accessed 9 July 2026; Inter-Sector Coordination Group, *2025–26 Joint Response Plan: Rohingya Humanitarian Crisis* (2026) <https://rohingyaresponse.org/project/2026-jrp/> accessed 9 July 2026.

depends on how legal standards are interpreted, communicated and applied by courts, administrative actors, humanitarian organisations, families and community intermediaries.

This thesis examines the gap between formal legal protection and lived reality in the camps. It asks how ambiguities within Bangladesh's child-marriage protection framework affect implementation for Rohingya girls, and how camp-level governance and community-based decision-making shape the practical application of those protections. By treating the Rohingya camps as a case-study context, the thesis explores how law functions not only as written legislation, but as a set of norms that must travel through humanitarian administration, documentation systems, family authority and community structures before reaching girls at risk.

1.2 Forms and Drivers of Child Marriage in the Rohingya Camp Context

Child marriage is a significant human rights violation that has persisted for generations despite international and domestic efforts to eliminate the practice. In displacement and humanitarian emergencies, child marriage may take different forms and be shaped by different factors than in non-displacement settings. Neal and others argue that the relationship between humanitarian emergencies and child marriage is context-specific, meaning that each emergency may affect child marriage differently depending on the social, economic and institutional conditions of that setting.⁶ Therefore, the prevalence, forms and drivers of child marriage must be examined in relation to the specific context in which the practice occurs.

In the Rohingya camp context, studies and policy reports suggest that the risk of child marriage increased after the large-scale displacement of Rohingya refugees to Bangladesh in 2017.⁷ The key drivers and enablers of child marriage among Rohingya communities include economic hardship, lack of hope for the future, gendered norms around family honour, fear of sexual violence and trafficking, weak enforcement of child-marriage laws, desire for family security and the unintended consequences of humanitarian aid policies.⁸ These factors show that child marriage in the camps cannot be explained only as a traditional or cultural practice. It is also shaped by displacement, insecurity, poverty, limited access to education and uncertainty about the future.

The gendered nature of child marriage is particularly important in the Rohingya camp context. UNICEF and UNFPA note that child marriage remains significantly more prevalent among girls than boys within Rohingya communities.⁹ This reflects wider gendered expectations concerning girls' sexuality, reputation, mobility and marriageability. While boys may also experience early

⁶ Sarah Neal and others, 'The Causes of Maternal Mortality in Adolescents in Low and Middle Income Countries: A Systematic Review of the Literature' (2016) 16 *BMC Pregnancy and Childbirth* 352.

⁷ UNFPA Asia and the Pacific Regional Office and UNICEF Regional Office for South Asia, *Child Marriage in Humanitarian Settings in South Asia: Policy Brief (Rohingya Community in Bangladesh)* (2021) <https://asiapacific.unfpa.org/en/publications/child-marriage-humanitarian-settings-south-asia-policy-brief-rohingya-community> accessed 9 July 2026.

⁸ *ibid.*

⁹ *ibid.*

marriage, the practice affects girls more severely because it is closely connected to restrictions on education, early pregnancy, domestic responsibilities, dependency on husbands or in-laws, and exposure to gender-based violence.¹⁰ Therefore, this thesis focuses specifically on Rohingya girls as the group most affected by child marriage and most vulnerable to its long-term consequences.

While these factors explain why families may consider early marriage, they do not fully explain why child marriage continues despite the existence of legal protection mechanisms. In humanitarian settings, the effectiveness of child-marriage prevention depends not only on legal prohibition, but also on how laws are understood, interpreted and implemented by different actors operating within the camp environment. This is particularly relevant in the Rohingya camps, where formal legal protections interact with humanitarian administration, community-based decision-making and informal marriage practices.

Formal and Informal Marriages

Rohingya child marriages have often occurred through informal, religious or community-based arrangements rather than through formal registration processes.¹¹ This creates difficulties for monitoring and prevention, particularly where a marriage is arranged or solemnised before it becomes visible to administrative or protection actors. UNICEF and UNFPA have also identified weak birth registration, incomplete marriage registration and difficulties in age verification as factors that complicate the enforcement of minimum-age requirements in the Rohingya context.¹²

At the same time, formal documentation mechanisms have developed inside the camps. In 2019, the Government of Bangladesh, together with UNHCR, introduced systems for documenting marriages and divorces through Camp-in-Charge offices as part of the broader refugee registration framework.¹³ Marriage and divorce certificates issued through CiC offices are used to update family registration records, while registration procedures are intended to strengthen documentation and support age verification.¹⁴ UNHCR further notes that marriage registration can contribute to child protection by enabling verification of the age of the bride before registration.¹⁵

Despite these administrative mechanisms, informal community-based marriage practices continue to coexist with formal registration procedures. As a result, child marriages may take place through

¹⁰ Silvia Guglielmi, Khadija Mitu and Jennifer Seager, “‘I Just Keep Quiet’: Addressing the Challenges of Married Rohingya Girls and Creating Opportunities for Change” (2021) 33 *The European Journal of Development Research* 1232.

¹¹ Andrea J Melnikas, Sigma Ainul, Iqbal Ehsan, Eashita Haque and Sajeda Amin, ‘Child Marriage Practices among the Rohingya in Bangladesh’ (2020) 14 *Conflict and Health* 28.

¹² UNFPA Asia and the Pacific Regional Office and UNICEF Regional Office for South Asia (n 2).

¹³ UNHCR, *Bangladesh Operational Update: 1–31 October 2019* (UNHCR 2019) 3
<https://data.unhcr.org/fr/documents/download/72444> accessed 9 July 2026.

¹⁴ UNHCR, *Bangladesh Operational Update: October 2024* (UNHCR 2024) 1
https://www.unhcr.org/sites/default/files/2024-12/UNHCR%20October%202024%20ops%20update_final.pdf
accessed 9 July 2026.

¹⁵ UNHCR, *Bangladesh Operational Update: 1–31 October 2019* (n 8) 3.

religious or community arrangements before being reported to camp authorities. This creates challenges in monitoring compliance with child-marriage laws because the formal documentation process may occur only after the marriage has already been socially accepted or completed.

This coexistence reflects the presence of multiple overlapping systems of authority within the refugee camp, including Bangladeshi legal frameworks, humanitarian administrative mechanisms and community-based governance structures. These overlapping systems create a complex environment for determining responsibility and ensuring effective implementation of child-marriage protections. For this reason, the issue is not only whether child marriage is legally prohibited, but how marriage decisions become visible, documented and addressed within the camp governance system.

1.3 Research Problem and Research Questions

Although child marriage is prohibited under international human rights law and Bangladesh's domestic legal framework, the existence of formal legal protection does not necessarily ensure effective prevention, protection or access to justice in humanitarian settings. In the Rohingya refugee camps of Cox's Bazar, child-marriage protection operates within a complex governance environment where state law, humanitarian administration, camp-level protection structures and community-based decision-making coexist. This creates a central research problem: how do legal protections against child marriage become interpreted and implemented in a setting where access to protection is mediated through multiple actors and institutions?

Existing literature has examined the prevalence and drivers of child marriage among Rohingya communities, including poverty, displacement, insecurity, gender norms, limited education, fear of sexual violence and family concerns about honour or protection.¹⁶ These studies are important because they explain why families may consider early marriage. However, they do not fully explain how formal legal protections operate once they enter the specific governance environment of the camps. Less attention has been given to how legal ambiguity, humanitarian administration, documentation practices and community-based authority shape the practical implementation of child-marriage protections for Rohingya girls.

The legal position of Rohingya refugees in Bangladesh further complicates this issue. Bangladesh does not formally recognise the Rohingya as refugees under a domestic refugee-status determination framework, while humanitarian protection and assistance are provided through

¹⁶ UNFPA Asia and the Pacific Regional Office and UNICEF Regional Office for South Asia, *Child Marriage in Humanitarian Settings in South Asia: Policy Brief (Rohingya Community in Bangladesh)* (2021) <https://asiapacific.unfpa.org/en/publications/child-marriage-humanitarian-settings-south-asia-policy-brief-rohingya-community> accessed 9 July 2026; Andrea J Melnikas, Sigma Ainul, Iqbal Ehsan, Eashita Haque and Sajeda Amin, 'Child Marriage Practices among the Rohingya in Bangladesh' (2020) 14 *Conflict and Health* 28.

cooperation between the Government of Bangladesh, UNHCR and other humanitarian actors.¹⁷ As a result, Rohingya girls live within a protection environment that is neither simply domestic nor fully international. Formal child-marriage law applies within Bangladesh, but access to protection in the camps is shaped by camp administration, humanitarian referral systems, documentation processes and community intermediaries.

The problem is not only institutional. It is also interpretive. Bangladesh's child-marriage framework contains protective mechanisms, but it also leaves questions concerning the meaning of the child's best interests, the role of parents or guardians, the child's participation, proof of age and the continuing protection needs of girls who have already been married. These issues may become more complex in the camp context, where marriage decisions may involve parents, guardians, religious actors, Majhis, humanitarian caseworkers, Child Protection Focal Points and Camp-in-Charge offices. In such a setting, the meaning of protection may be shaped before formal legal mechanisms are activated.

This is particularly important because child marriage in the Rohingya camps may be understood socially through the language of safety, honour, economic survival, family responsibility or betterment.¹⁸ These explanations do not make child marriage lawful or rights-compliant. However, they show why formal protection may be difficult to activate where marriage is interpreted by adults as being for the girl's welfare. The research problem therefore lies in the gap between formal legal protection and the mediated pathways through which girls become visible to protection actors.

This thesis addresses that gap through a socio-legal analysis. It combines doctrinal analysis of international and domestic child-marriage protections with qualitative interview evidence and secondary materials on Rohingya camp governance, child protection, documentation and community decision-making. The aim is not to measure the prevalence of child marriage in the camps, but to examine how legal ambiguity and camp-level governance affect the implementation of protection for Rohingya girls.

Accordingly, the main research question is:

How do ambiguities within Bangladesh's child marriage protection framework affect the implementation of child marriage protections for Rohingya girls in the refugee camps of Cox's Bazar?

The sub-question is:

¹⁷ UNHCR, 'Bangladesh' <https://www.unhcr.org/where-we-work/countries/bangladesh> accessed 9 July 2026; Inter-Sector Coordination Group, *2025–26 Joint Response Plan: Rohingya Humanitarian Crisis* (2026) <https://rohingyaresponse.org/project/2026-jrp/> accessed 9 July 2026.

¹⁸ Child Protection Sub-Sector Cox's Bazar, *Child Protection Situation Analysis: Cox's Bazar Rohingya Response* (October 2024) 12–13 <https://rohingyaresponse.org/wp-content/uploads/2024/10/CPSS-Situation-Analysis-Report-2024.pdf> accessed 9 July 2026.

How do camp-level governance structures and community-based decision-making processes shape the interpretation and application of these protections in practice?

1.4 Theoretical Framework Literature Review

1.4.1 Research Paradigm and Theoretical Framework

This research is situated within an interpretivist paradigm because it examines how legal norms are understood, negotiated and applied within the Rohingya refugee camp context. The study does not treat law only as written rules, but as norms that acquire meaning through family decision-making, community authority, humanitarian administration and camp-level protection practices.¹⁹ This approach is suitable because the thesis is concerned with how child-marriage protections are interpreted in practice and how those interpretations affect Rohingya girls' access to protection.

The thesis uses three connected theoretical lenses: feminist legal theory, legal pluralism and a human rights-based approach. Together, these frameworks allow the study to examine child marriage as a legal, gendered and governance-related problem. Feminist legal theory is used to analyse how gendered power shapes decisions about girls' marriages. Legal pluralism is used to examine how formal law interacts with humanitarian administration and community-based authority in the camps. A human rights-based approach provides the normative standard for assessing whether Rohingya girls are treated as rights-holders with participation, protection and access to remedies.

Feminist Legal Theory and Patriarchal Structures

Feminist legal theory is the primary analytical lens of this thesis. It is used to examine how legal concepts such as protection, consent, guardianship and the best interests of the child may appear neutral, while still being interpreted through unequal gender relations. Smart argues that law should not be treated as a neutral instrument that automatically corrects inequality, because legal

¹⁹ Alan Bryman, *Social Research Methods* (5th edn, Oxford University Press 2016) 26–28.

categories may themselves reproduce gendered power.²⁰ This is relevant to child marriage because adult claims of protection, honour or family responsibility may limit rather than secure a girl's autonomy.

The thesis also draws on theories of patriarchy. Walby understands patriarchy as a system of social structures and practices through which men dominate women, while Hunnicutt emphasises patriarchy as a framework for analysing dominance, gender and power.²¹ Sultana similarly explains patriarchy as a social system that operates through economic, cultural and institutional structures that subordinate women and limit their autonomy.²² These approaches are important for this research because decisions about girls' marriages are often made within family and community structures where parents, guardians, husbands, male relatives or community leaders may hold greater authority than the girl herself.

In this thesis, feminist legal theory is used to question whether the language of protection actually protects Rohingya girls or whether it reproduces patriarchal control. Where early marriage is described as safety, honour, security or betterment, the analysis asks whose understanding of welfare is being prioritised and whether the girl's own voice is being displaced. This lens is later applied to the ambiguity around the "best interests of the child", guardian consent and child participation.

Legal Pluralism and Multiple Governance Structures

Legal pluralism provides the second theoretical lens. It helps explain how child-marriage protection operates in a setting where formal state law is not the only source of authority. Merry explains legal pluralism as the coexistence of state law, customary norms, religious practices and other forms of social ordering.²³ Moore's concept of the semi-autonomous social field is also useful because it shows how social groups may generate rules and expectations that influence behaviour, even while remaining connected to the formal legal system.²⁴

This framework is particularly relevant to the Rohingya camps. Formal Bangladeshi law operates alongside humanitarian administration, Camp-in-Charge offices, UNHCR and NGO protection

²⁰ Carol Smart, *Feminism and the Power of Law* (Routledge 1989).

²¹ Sylvia Walby, *Theorizing Patriarchy* (Basil Blackwell 1990); Gwen Hunnicutt, 'Varieties of Patriarchy and Violence Against Women: Resurrecting "Patriarchy" as a Theoretical Tool' (2009) 15(5) *Violence Against Women* 553.

²² Abeda Sultana, 'Patriarchy and Women's Subordination: A Theoretical Analysis' (2011) 4 *Arts Faculty Journal* 1.

²³ Sally Engle Merry, 'Legal Pluralism' (1988) 22(5) *Law & Society Review* 869.

²⁴ Sally Falk Moore, 'Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study' (1973) 7(4) *Law & Society Review* 719.

systems, documentation processes, religious norms, Majhis and family authority. These actors do not have equal legal status, but they may affect whether a child-marriage concern becomes visible, whether it is referred and how it is understood before formal protection is activated.

Legal pluralism therefore helps this thesis avoid a simple division between “law” and “practice”. The problem is not that law exists only on paper while camp practices exist separately. Rather, formal legal protections travel through several actors and institutions before reaching girls at risk. In that process, a proposed marriage may be treated as a legal violation, a protection concern, a family matter, a religious practice or a community issue. This framework is later used to analyse camp governance, Majhis, documentation and referral pathways.

Human Rights-Based Approach

A human rights-based approach provides the normative framework of the thesis. It shifts the analysis from needs or welfare to rights, participation, accountability and institutional responsibility.²⁵ This is important because child marriage cannot be addressed only through criminalisation or formal prohibition. Effective protection also requires prevention, safe reporting, child participation, confidentiality, access to services, remedies and continuing support after marriage.

The Convention on the Rights of the Child is central to this approach. Article 3 requires the best interests of the child to be a primary consideration; Article 12 recognises the child’s right to express views freely in matters affecting her; and Article 19 requires protection from violence, abuse and exploitation.²⁶ CEDAW is also relevant because child marriage undermines the equality, autonomy and development of women and girls.²⁷

In this thesis, the human rights-based approach is used to assess whether legal and administrative practices treat Rohingya girls as rights-holders rather than only as dependants within families or households. It is particularly relevant to the analysis of best interests, child participation, confidentiality, documentation, age verification and continuing protection after marriage.

Therefore, These three frameworks work together. Feminist legal theory exposes how adult-defined protection may reproduce patriarchal control. Legal pluralism explains how formal child-marriage law is mediated through overlapping authorities in the camps. A human rights-based approach evaluates whether these processes secure the girl’s participation, safety, accountability and access to protection. Together, they allow the thesis to analyse the implementation gap as a

²⁵ Office of the United Nations High Commissioner for Human Rights, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation* (United Nations 2006) 15–16

<https://www.ohchr.org/sites/default/files/Documents/Publications/FAQen.pdf> accessed 9 July 2026.

²⁶ Convention on the Rights of the Child 1989, arts 3, 12 and 19.

²⁷ Convention on the Elimination of All Forms of Discrimination against Women 1979, art 16(2).

problem produced through the interaction of legal ambiguity, gendered power and plural camp governance.

1.4.2: Literature Review

Existing literature identifies child marriage as a persistent global phenomenon shaped by poverty, gender inequality, limited access to education, social norms, humanitarian insecurity and weak legal enforcement. Although child marriage is prohibited under international human rights law and the domestic legal system of Bangladesh, research shows that legal prohibition alone does not necessarily eliminate the practice because of exceptions, enforcement gaps and social acceptance continue to operate. Scolaro and others argue that child-marriage legislation in the Asia-Pacific region is often weakened by legal inconsistencies, exceptions and limited implementation.²⁸ Similarly, the World Bank notes that child-marriage laws may have limited effect where enforcement is weak and where girls lack access to education, economic security and practical alternatives.²⁹

The relationship between humanitarian crises and child marriage is particularly complex because of the layered vulnerability. Neal, Stone and Ingham show that armed conflict can affect adolescent transitions, including age at first marriage, sexual debut and first birth, but the direction and intensity of those effects differ across contexts.³⁰ This is important because it avoids treating displacement as a single automatic cause of child marriage. Instead, the literature suggests that emergency settings interact with existing gender norms, poverty, insecurity and institutional weakness in different ways. Presler-Marshall, Jones and Alhassan similarly argue that child marriage in humanitarian contexts is shaped by a combination of economic drivers, gender norms and crisis-related pressures, and that girls' own experiences must be examined within the specific social conditions of displacement.³¹ which indicates that each humanitarian setting has its own

²⁸ Elena Scolaro, Ana Blagojevic, Bethany Fillion, Venkatraman Chandra-Mouli, Lale Say, Johanna Svanemyr and Marleen Temmerman, 'Child Marriage Legislation in the Asia-Pacific Region' (2015) 13(3) *The Review of Faith & International Affairs* 23.

²⁹ World Bank Group, *Ending Child Marriage: Child Marriage Laws and Their Limitations* (World Bank Group 2017) <https://documents1.worldbank.org/curated/en/511031498961765019/pdf/116829-WP-P151842-PUBLIC-EndingChildMarriage.pdf> accessed 9 July 2026.

³⁰ Sarah Neal, Nicole Stone and Roger Ingham, 'The Impact of Armed Conflict on Adolescent Transitions: A Systematic Review of Quantitative Research on Age of Sexual Debut, First Marriage and First Birth in Young Women under the Age of 20 Years' (2016) 16 *BMC Public Health* 225.

³¹ Elizabeth Presler-Marshall, Nicola Jones and Iyad Alhassan, *Through Their Eyes: Exploring the Complex Drivers of Child Marriage in Humanitarian Contexts* (Gender and Adolescence: Global Evidence/Overseas Development Institute 2020) <https://www.gage.odl.org/wp-content/uploads/2020/12/Child-marriage-report-final.pdf> accessed 7 July 2026.

context, and child marriage in one camp cannot be judged or compared as if all refugee camps experience the same realities.

This study examines the wider literature that is relevant to the Rohingya camp context in Cox's Bazar to analyze the drivers of child marriage of Rohingya girls inside the camp. The policy brief by UNICEF and UNFPA on child marriage in humanitarian settings identifies several drivers of child marriage among Rohingya communities, including economic concerns, lack of hope for the future, gendered norms around family honour, fear of sexual violence and trafficking, weak enforcement of child-marriage laws, desire for family security and unintended consequences of humanitarian aid policies.³² The same policy brief also notes the gendered nature of child marriage in the Rohingya community, where the practice is significantly more prevalent among girls than boys.³³ UNICEF's global work on child marriage among boys is relevant here because it shows that boys can also be affected by child marriage, while confirming that the scale and consequences of the practice remain highly gendered.³⁴ This supports the focus of this thesis on Rohingya girls living inside the camp, not because boys are irrelevant, but because girls are disproportionately affected and experience particular consequences for education, bodily autonomy, pregnancy, mobility and exposure to gender-based violence.

Further research on Rohingya child marriage specifically shows how displacement reshapes marriage practices. Melnikas and others found that child marriage among Rohingya communities in Bangladesh is influenced by poverty, displacement, religious and socio-cultural understandings of marriage readiness, concerns about girls' safety and reputation, and perceptions that regulation of marriage became weaker after displacement to Bangladesh.³⁵ Additionally, Guglielmi, Mitu and Seager show that married Rohingya girls face heightened risks of gender-based violence, including intimate partner violence, mental distress and exclusion from social participation beyond the household.³⁶ These studies show that child marriage in the camps must be examined not only as a coping strategy caused from vulnerability, but also as a gendered protection failure that narrows girls' agency and future opportunities.

³² UNFPA Asia and the Pacific Regional Office and UNICEF Regional Office for South Asia, *Child Marriage in Humanitarian Settings in South Asia: Policy Brief (Rohingya Community in Bangladesh)* (UNFPA/UNICEF 2021) <https://www.unicef.org/rosa/media/14851/file/Policy%20Brief%20-%20Bangladesh.pdf> accessed 9 July 2026.

³³ *ibid.*

³⁴ UNICEF, *Child Marriage among Boys: A Global Overview of Available Data* (UNICEF 2021) <https://data.unicef.org/resources/child-marriage-among-boys-available-data/> accessed 9 July 2026.

³⁵ Andrea J Melnikas, Sigma Ainul, Iqbal Ehsan, Eashita Haque and Sajeda Amin, 'Child Marriage Practices among the Rohingya in Bangladesh' (2020) 14 *Conflict and Health* 28.

³⁶ Silvia Guglielmi, Khadija Mitu and Jennifer Seager, "'I Just Keep Quiet': Addressing the Challenges of Married Rohingya Girls and Creating Opportunities for Change' (2021) 33 *The European Journal of Development Research* 1232.

The literature also shows a tension between adult explanations of protection and the human rights framing of child marriage as a harmful practice. In the Rohingya camps, families may view marriage as a way to protect girls from insecurity, sexual violence, gossip, poverty or threats to family honour.³⁷ However, such norms of protection may conflict with the rights-based understanding of child marriage as a practice that restricts girls' rights to education, health, development, participation and protection from violence.³⁸ This tension is central to the thesis because it raises the question of whose understanding of protection becomes dominant: the adult's interpretation of safety and honour, or the girl's own agency, rights and future possibilities through the lens of feminist theory against patriarchy.

Additionally, This study extends to examine the existing domestic legislation in Bangladesh on child marriage protection. The Child Marriage Restraint Act, 2017, specifies the minimum legal age of marriage at eighteen for women and twenty-one for men and provides punishment for those involved in contracting, solemnising or facilitating child marriage.³⁹ However, this Act creates a special provision under section 19, which a marriage below the legal age may take place in "special circumstances" if it is in the best interests of the minor, with court direction and the consent of the parent or guardian.⁴⁰ Existing scholarship and legal commentary criticise this provision because it may create uncertainty in interpretation and implementation, especially where social norms, family interests and institutional practices affect the meaning of the child's "best interests".⁴¹

The principle of the best interests of the child is central to international child-rights law. Article 3 of the Convention on the Rights of the Child requires the best interests of the child to be a primary consideration in all actions concerning children.⁴² However, the Committee on the Rights of the Child clarifies that the best-interests principle requires an individualised assessment based on the child's rights, circumstances, vulnerability, safety, development and views.⁴³ Article 12 further recognises the child's right to express views freely in matters affecting her, while Article 19 requires protection from violence, abuse and exploitation.⁴⁴ The CRC framework therefore questions approaches that determine girls' futures mainly through guardianship authority without meaningful attention to the child's own agency.

This tension is especially significant in the Rohingya refugee camps where prevalence of gender norms and community-based protection practices dominates the child marriage decisions.

³⁷ UNFPA Asia and the Pacific Regional Office and UNICEF Regional Office for South Asia (n 5); Melnikas and others (n 8).

³⁸ Convention on the Rights of the Child 1989, arts 3, 12, 19 and 24(3); Convention on the Elimination of All Forms of Discrimination against Women 1979, art 16(2).

³⁹ Child Marriage Restraint Act 2017, ss 2, 7–9 and 11.

⁴⁰ Child Marriage Restraint Act 2017, s 19.

⁴¹ Scolaro and others (n 1); Tanzina Sharmin, 'Condoning Child Marriage in Bangladesh: A Step Backwards' (Oxford Human Rights Hub, 20 April 2023) <https://ohrh.law.ox.ac.uk/condoning-child-marriage-in-bangladesh-a-step-backwards/> accessed 9 July 2026.

⁴² Convention on the Rights of the Child 1989, art 3.

⁴³ UN Committee on the Rights of the Child, *General Comment No 14 on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration* UN Doc CRC/C/GC/14 (29 May 2013) paras 32, 48–79.

⁴⁴ Convention on the Rights of the Child 1989, arts 12 and 19.

Research on child marriage in humanitarian contexts shows that families may use marriage as a response to perceived insecurity, economic pressure and protection concerns.⁴⁵ However, a rights-based approach requires these adult explanations to be examined critically, because the language of protection under guardian authority may also restrict girls' autonomy, education, mobility and participation.

On top of that, the legal status of Rohingya refugees in Bangladesh further complicates the implementation of child-marriage protections. Bangladesh has not ratified the 1951 Refugee Convention or its 1967 Protocol and does not provide a formal domestic refugee-status determination system for Rohingya refugees.⁴⁶ Rohingya refugees are commonly referred to by the Government of Bangladesh as Forcibly Displaced Myanmar Nationals, while UNHCR works with the Government of Bangladesh on registration, documentation, protection and assistance.⁴⁷ This creates a complex protection environment in which Rohingya girls are physically within Bangladesh and entitled to protection, but their access to legal remedies and administrative protection is shaped by camp governance, humanitarian systems, documentation practices and restricted mobility.

Documentation is one area where this complexity becomes visible and evident. The UNICEF and UNFPA policy brief identifies weak birth registration, incomplete marriage registration and difficulties in age verification as factors affecting the enforcement of minimum-age rules in the Rohingya context.⁴⁸ Since 2019, marriage and divorce documentation through Camp-in-Charge offices has been introduced as part of the broader registration framework, with age verification before registration identified as one way to address child marriage.⁴⁹ However, recent research on vital-event registration shows that child marriage is associated with delayed marriage registration.⁵⁰ This suggests that the marriages most in need of legal and protection scrutiny may enter the documentation system late. This literature is important for the thesis because it links the legal ambiguity around proof of age to the practical realities of humanitarian registration and delayed visibility in the Rohingya camps.

⁴⁵ Presler-Marshall, Jones and Alhassan (n 4); UNFPA Asia and the Pacific Regional Office and UNICEF Regional Office for South Asia (n 5).

⁴⁶ UNHCR, 'States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol' <https://www.unhcr.org/media/states-parties-1951-convention-relating-status-refugees-and-1967-protocol> accessed 9 July 2026.

⁴⁷ UNHCR, *Annual Results Report 2024: Bangladesh* (UNHCR 2025) https://www.unhcr.org/sites/default/files/2025-06/bangladesh_arr_2024.pdf accessed 9 July 2026.

⁴⁸ UNFPA Asia and the Pacific Regional Office and UNICEF Regional Office for South Asia (n 5).

⁴⁹ UNHCR, *Bangladesh Operational Update: 1–31 October 2019* (UNHCR 2019) 3 <https://data.unhcr.org/fr/documents/download/72444> accessed 9 July 2026.

⁵⁰ Orsola Torrisi and others, 'Registration of Family Vital Events in a Conflict-Induced Displacement Setting' (2026) 24 *Population Health Metrics* 40.

Legal protection in humanitarian contexts is not provided exclusively through formal state institutions. It is shaped by a plurality of overlapping systems of authority, including state administration, humanitarian organisations, administrative actors and informal community structures. Merry's work on legal pluralism shows that multiple forms of legal and social norms may coexist in a given context.⁵¹ McConnachie's work is also relevant because she argues that refugee camps are not neutral humanitarian spaces, but governed spaces in which containment, protection and authority operate together.⁵² Her analysis of refugee camps as spaces of containment helps frame the Rohingya camps as sites where protection is structured through control, administration and restricted movement, rather than through ordinary access to legal institutions.

Camp governance literature is therefore central to this thesis. Islam's chapter on Rohingya refugees in Bangladesh examines refugee agency in camp governance and shows how camp governance involves collaboration between government authorities, humanitarian organisations and refugee actors, particularly Majhis.⁵³ Islam describes Majhis as intermediaries between the Rohingya community, governmental officials and humanitarian organisations, while also noting concerns about their representativeness, informal authority and position within the camp hierarchy.⁵⁴ This is important because Majhis may influence how information moves between families and camp authorities, including information concerning marriage, disputes and protection concerns.

Reports and humanitarian literature also raise concerns about the Majhi system. The Protection Sector Working Group's protection considerations on the Majhi system identify accountability and protection concerns around the role of Majhis.⁵⁵ Presler-Marshall, Jones and Alhassan also discuss the role of community actors in child-marriage practices in humanitarian settings, including concerns that informal systems may shape marriage documentation and the visibility of girls' age.⁵⁶ These sources are relevant because they show that child-marriage protection in the Rohingya camps cannot be understood only through the written law. It must also be examined through the community and administrative pathways that shape whether a case is recognised, referred or kept within informal decision-making.

⁵¹ Sally Engle Merry, 'Legal Pluralism' (1988) 22(5) *Law & Society Review* 869.

⁵² Kirsten McConnachie, 'Camps of Containment: A Genealogy of the Refugee Camp' (2016) 7(3) *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 397.

⁵³ Sariful Islam, 'Agency of the Refugees in Camp Governance: Rohingya Refugees in Bangladesh' in Nasir Uddin (ed), *Reshaping Rohingya Futures* (Palgrave Macmillan 2025) 147.

⁵⁴ *ibid* 156.

⁵⁵ Protection Sector Working Group, *Protection Considerations on the Majhi System* (Humanitarian Response 2018) https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/protection_considerations_on_the_majhi_system_pswg_fv_june_2018.pdf accessed 9 July 2026.

⁵⁶ Presler-Marshall, Jones and Alhassan (n 4).

These existing literatures therefore, provide important foundations for this thesis. It explains the drivers of child marriage, the gendered consequences for Rohingya girls, the limits of legal prohibition, the ambiguity of the best-interests principle, the legal status complications affecting Rohingya refugees, and the role of camp governance and Majhi authority. However, there remains a specific gap. Existing studies often examine either the drivers of child marriage or the structure of camp governance. Less attention has been paid to how Bangladesh's child-marriage legal framework, particularly ambiguities around best interests, guardian authority, child participation, age verification and continuing protection after marriage, interacts with camp-level governance and community-based decision-making. This thesis addresses that gap by examining child marriage as a socio-legal implementation problem. It focuses not only on why child marriage occurs, but on how legal protections are interpreted, mediated and applied within the Rohingya camp context. By connecting legal ambiguity with humanitarian administration, community governance and girls' own agency, the thesis contributes to literature on child marriage, refugee protection, legal pluralism and access to justice in humanitarian settings.

1.5 Methodology:

This thesis adopts a qualitative socio-legal methodology to examine how legal norms on child marriage operate in practice within the Rohingya refugee camps of Cox's Bazar. A socio-legal approach is appropriate because the research is not concerned only with the content of formal law but with how legal protections are interpreted, mediated, and applied within a specific social and governance context.⁵⁷ The study therefore combines doctrinal legal analysis, qualitative interviews, and secondary materials on child marriage, refugee protection, and camp governance.

The research is designed as a case-study analysis of the Rohingya refugee camps in Cox's Bazar. The camps are treated as the case-study context through which the thesis examines the implementation of Bangladesh's child-marriage protection framework. The aim is not to produce a general account of all child-marriage practices in Bangladesh or among all Rohingya communities. Rather, the study focuses on how legal ambiguity and camp-level governance shape the implementation of child-marriage protections for Rohingya girls in this particular humanitarian setting.

The doctrinal part of the research analyses international and domestic legal instruments relevant to child marriage, child protection, and gender equality. The main legal materials examined are the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Child Marriage Restraint Act 2017, and the Child Marriage

⁵⁷ Reza Banakar and Max Travers, *Theory and Method in Socio-Legal Research* (Hart Publishing 2005).

Restraint Rules 2018.⁵⁸ The doctrinal analysis identifies the legal standards and protection mechanisms relating to minimum age, best interests of the child, child participation, parental or guardian consent, age verification, prevention, punishment and continuing protection after marriage.

Particular attention is given to the interpretive uncertainty surrounding section 19 of the Child Marriage Restraint Act 2017. The research does not argue that the best-interests principle itself causes child marriage. Rather, it examines how open-ended concepts such as “special circumstances,” “best interests,” guardian consent, and child participation may create implementation problems where they are applied within unequal family relations, plural governance structures and weak accountability systems. The doctrinal analysis therefore provides the legal foundation for examining how formal protections may become uncertain in the Rohingya camp context.

The non-doctrinal part of the research uses qualitative semi-structured interviews. Semi-structured interviews were selected because they allowed participants to describe their experiences and understandings in their own words, while still enabling the research to explore themes connected to the research questions.⁵⁹ The interviews focused on child-marriage decision-making, legal awareness, the role of parents and guardians, community mediation, camp-level protection mechanisms, documentation, reporting, and barriers to protection.

The empirical material consists of three semi-structured interviews. The first participant was a Rohingya woman who had experienced child marriage and later divorce. The second participant was a Rohingya male activist with knowledge of community issues and awareness activities. The third participant was a head Majhi/community leader involved in local mediation and referral. These participants were selected because they offered different situated perspectives: lived experience, community activism and community-level governance. The interviews were conducted online using the Zoom video call setting, in Bengali and later translated and analysed manually.

The study uses purposive sampling because the research required participants with direct experience of, or relevant knowledge about, child marriage practices and protection mechanisms in the Rohingya camp context. Due to the sensitivity of the topic and the restricted accessibility of refugee populations, participant recruitment was facilitated through community contacts. The sample is small and is not intended to be representative of all Rohingya girls, families, Majhis, or camp actors. Its value is analytical rather than statistical. The interviews are used to complement the doctrinal analysis and secondary literature by showing how legal protection may be understood, delayed, or weakened before it reaches formal legal or humanitarian mechanisms.

Secondary sources are also central to the methodology. The thesis relies on academic literature, humanitarian reports and policy documents from organisations such as UNICEF, UNFPA, and UNHCR and child-protection actors working in the Rohingya response. These materials are used to contextualise the interview findings and to examine wider patterns concerning child marriage

⁵⁸ Convention on the Rights of the Child 1989; Convention on the Elimination of All Forms of Discrimination against Women 1979; Child Marriage Restraint Act 2017; Child Marriage Restraint Rules 2018.

⁵⁹ Alan Bryman, *Social Research Methods* (5th edn, Oxford University Press 2016) 466–470.

drivers, documentation, refugee registration, camp governance, protection referral pathways, and access to justice. The use of secondary sources is important because the small number of interviews cannot provide a complete account of the camp context on their own. The analysis therefore reads the interview findings alongside legal materials, academic literature, and humanitarian reports.

The interview data were analysed using manual thematic coding.⁶⁰ Initial codes were informed by the research questions and the theoretical framework, including legal ambiguity, best interests, guardian authority, child participation, camp governance, documentation, and access to protection. The coding process then developed into four main themes used in Chapter 4: child marriage as “betterment” and future security; adult authority and girls’ limited participation; mediated access to protection through Majhis, NGOs, the Camp-in-Charge, police, and other actors; and the gap between legal awareness and implementation. These themes allow the thesis to examine how legal ambiguity becomes practically significant within the camp setting.

Ethical considerations were central to the research design. Child marriage is a sensitive issue involving gendered harm, family pressure, and possible protection risks. For this reason, the interviews were conducted with attention to voluntary participation, informed consent, confidentiality, and anonymity. Identifying details, including names, camp blocks, and other personal information, were removed. The interviews were conducted in Bengali to ensure that participants could communicate comfortably. The research does not include direct interviews with minor girls, and the interview evidence is presented carefully to avoid exposing participants or communities to harm.

The methodology therefore reflects the thesis’s wider theoretical approach. The doctrinal analysis identifies the legal ambiguities within Bangladesh’s child-marriage protection framework. The camp-governance analysis examines how those ambiguities travel through humanitarian administration, documentation systems, and community-based authority. The interviews provide situated perspectives on how these issues are understood in practice. Together, these methods allow the thesis to examine the gap between law on paper and law as experienced, interpreted, and mediated in the Rohingya camp context.

⁶⁰ Virginia Braun and Victoria Clarke, ‘Using Thematic Analysis in Psychology’ (2006) 3(2) *Qualitative Research in Psychology* 77.

Chapter 2: Legal Framework and Doctrinal Gaps in Child Marriage Protection

This chapter examines the international and domestic legal frameworks governing child marriage and identifies the doctrinal ambiguities that are relevant to the Rohingya refugee camps of Cox's Bazar as the case-study context of this thesis. The purpose of this chapter is to establish the legal framework through which the implementation of child marriage protections will later be analysed in the camp setting.

The chapter first outlines the relevant international human rights standards, particularly under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. It then examines Bangladesh's Child Marriage Restraint Act 2017, focusing on minimum age, preventive mechanisms, criminal liability, age verification and the special provision under section 19. The chapter argues that Bangladesh's domestic framework contains important protective mechanisms, but also leaves unresolved questions concerning the meaning of the child's best interests, the role of parents or guardians, the child's participation, proof of age and the continuing protection needs of girls who have already been married.

The purpose of this chapter is not to argue that legal ambiguity alone causes child marriage. Rather, it shows that ambiguity can weaken protection where legal safeguards depend on interpretation by courts, administrative actors, parents, guardians, community leaders or humanitarian institutions. Drawing on feminist legal theory, legal pluralism and a human rights-based approach, the chapter analyses how formal legal protections may become protection gaps when implemented through patriarchal family relations, overlapping normative systems, weak institutional accountability and limited access to remedies.

This analysis provides the legal foundation for Chapter 3. While Chapter 2 identifies the doctrinal ambiguities and protection gaps within Bangladesh's legal design, Chapter 3 examines how those gaps are translated into institutional and community pathways of child marriage protection in the

Rohingya camps. In this way, the Rohingya camp context is treated not as a separate topic from the legal framework, but as the case study through which the practical consequences of that framework are examined.

2.1 International Human Rights Standards on Child Marriage

International human rights law provides the normative benchmark for assessing Bangladesh's child-marriage protection framework. The Convention on the Rights of the Child defines a child as every human being below the age of eighteen, unless majority is attained earlier under applicable law.⁶¹ This definition is important for this thesis because it establishes the general international standard against which marriage below the age of eighteen is assessed.

Bangladesh is a State party to the Convention on the Rights of the Child. It has ratified CRC with reservations to Article 14(1), concerning the child's freedom of thought, conscience and religion, and Article 21, concerning adoption.⁶² These reservations are relevant to Bangladesh's overall treaty position, but they do not directly limit the CRC provisions. The most important Article for this thesis are , Article 2 on non-discrimination, Article 3 on the best interests of the child, Article 12 on the child's right to be heard, Article 19 on protection from violence and Article 24(3) on harmful traditional practices.⁶³

Bangladesh is also a State party to CEDAW with the reservations concern on Article 2 and Article 16(1)(c), on the basis of conflict with Sharia law based on the Holy Quran and Sunna.⁶⁴ Specifically, These reservations are very significant to this study because Article 2 concerns the general obligation to eliminate discrimination against women, while Article 16(1)(c) concerns equal rights and responsibilities during marriage and at its dissolution. However, Bangladesh has not entered a reservation to CEDAW Article 16(2), which provides that the betrothal and marriage of a child shall have no legal effect and requires States to specify a minimum age for marriage and make marriage registration compulsory.⁶⁵

These treaty commitments matter because they require Bangladesh to follow the international child-rights and gender-equality standards through domestic law, policy and practice. Under Article 4 of the CRC, States parties must undertake legislative, administrative and other measures to implement the rights recognised in the Convention.⁶⁶ Similarly, CEDAW requires States parties to take appropriate measures to eliminate discrimination against women, including in matters relating to marriage and family relations, subject to the effect of reservations.⁶⁷ The question for

⁶¹ Convention on the Rights of the Child 1989, art 1

⁶² United Nations Treaty Collection, 'Convention on the Rights of the Child: Status of Treaties' and 'Declarations and Reservations' (accessed 6 July 2026).

⁶³ Convention on the Rights of the Child 1989, arts 2, 3, 12, 19 and 24(3).

⁶⁴ United Nations Treaty Collection, 'Convention on the Elimination of All Forms of Discrimination against Women: Status of Treaties' and 'Declarations and Reservations' (accessed 6 July 2026).

⁶⁵ Convention on the Elimination of All Forms of Discrimination against Women 1979, art 16(2).

⁶⁶ Convention on the Rights of the Child 1989, art 4.

⁶⁷ Convention on the Elimination of All Forms of Discrimination against Women 1979, arts 2 and 16.

this thesis is therefore not only whether Bangladesh has enacted a domestic law prohibiting child marriage, but whether the domestic framework provides mechanisms capable of translating international standards into effective protection.

The CRC is central to this analysis because it recognises children as rights-holders rather than merely dependants of parents or guardians. Article 3 requires that the best interests of the child be a primary consideration in all actions concerning children.⁶⁸ The UN Committee on the Rights of the Child explains that the best-interests principle is not merely a general expression of welfare. It is a substantive right, an interpretive legal principle and a procedural rule. A proper assessment of best interests must be individualised and should consider factors including the child's views, identity, vulnerability, safety, health, education and development.⁶⁹ Articles 19 and 24(3) of the CRC further strengthen this protection framework. Article 19 requires States to protect children from all forms of physical or mental violence, injury, abuse, neglect, maltreatment or exploitation. Article 24(3) requires States to take all effective and appropriate measures to abolish traditional practices prejudicial to children's health.⁷⁰ Read together, these provisions frame child marriage as a harmful practice and child-protection concern requiring state action, not merely as a private family matter.

Additionally, Article 12 of the CRC is equally important. It requires that children capable of forming their own views be given the opportunity to express those views freely in all matters affecting them, with those views given due weight according to age and maturity.⁷¹ The Committee on the Rights of the Child has clarified that Article 12 does not impose a fixed minimum age for participation. States should not begin with the assumption that a child is incapable of forming views.⁷² This is important in child-marriage protection because decisions concerning marriage directly affect a girl's education, health, bodily integrity, family life and future opportunities. A decision made in the name of a child's welfare cannot therefore be treated as rights-based if the girl's own views are excluded or replaced by adult assumptions.

CEDAW complements the CRC by locating child marriage within structural gender inequality. Article 16(2) directly addresses child marriage by requiring that the betrothal and marriage of a child shall have no legal effect, and that States take necessary action to specify a minimum age for marriage and make marriage registration compulsory.⁷³ The CEDAW Committee has also emphasised that a minimum age of marriage is necessary to protect women and girls from harmful consequences of early marriage and to ensure free and full consent to marriage.⁷⁴

⁶⁸ Convention on the Rights of the Child 1989, art 3.

⁶⁹ UN Committee on the Rights of the Child, General Comment No 14 on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration UN Doc CRC/C/GC/14 (29 May 2013) paras 6, 32, 43–45 and 48–79.

⁷⁰ Convention on the Rights of the Child 1989, arts 19 and 24(3).

⁷¹ Convention on the Rights of the Child 1989, art 12.

⁷² UN Committee on the Rights of the Child, General Comment No 12: The Right of the Child to Be Heard UN Doc CRC/C/GC/12 (20 July 2009) paras 20–21 and 28–31.

⁷³ Convention on the Elimination of All Forms of Discrimination against Women 1979, art 16(2).

⁷⁴ UN Committee on the Elimination of Discrimination against Women, General Recommendation No 21: Equality in Marriage and Family Relations UN Doc A/49/38 (1994) paras 36–39.

The joint guidance of the CEDAW Committee and the CRC Committee further recognises child marriage as a harmful practice rooted in gender discrimination and unequal social norms. It emphasises that eliminating harmful practices requires not only formal legal prohibition, but also prevention, protection, access to remedies, birth and marriage registration, and measures addressing the social conditions that sustain such practices.⁷⁵ This is particularly relevant to humanitarian settings, where displacement, insecurity and limited access to institutions may weaken the practical effect of formal legal protection.

International law therefore provides two standards that are central to this study to find doctrinal gap in Bangladesh domestic legal framework on Child marriage. First, child marriage must be treated as a rights violation and harmful practice, not merely as a family or community decision. Secondly, any assessment of a child's welfare must include the child's own views and must not rely only on parental, guardian or community interpretations of protection. These standards provide the legal basis for examining Bangladesh's domestic framework on child marriage in the next sub- chapter.

2.2 Bangladesh Domestic Legal Framework on Child Marriage

Because Bangladesh is a State party to the CRC and CEDAW, the Child Marriage Restraint Act 2017 should be assessed not only as a domestic criminal statute, but also as part of Bangladesh's attempt to give effect to its international obligations on child protection, gender equality, minimum age, participation and marriage registration. The question is therefore not simply whether Bangladesh has a law prohibiting child marriage. The more important question is whether the domestic framework provides mechanisms capable of translating those international standards into effective protection for minor girls, including Rohingya girls living within Bangladesh's territory under camp administration.

Bangladesh's domestic framework formally prohibits child marriage. The Child Marriage Restraint Act 2017 sets the minimum age of marriage at eighteen years for females and twenty-one years for males.⁷⁶ This establishes a clear legal standard for identifying child marriage and corresponds, for girls, with the general CRC understanding of childhood as extending to eighteen years.

Additionally, This Act also contains preventive mechanisms. Firstly, Section 3 provides for the formation of Child Marriage Prevention Committees. Secondly, Section 4 authorises specified

⁷⁵ Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, Joint General Recommendation No 31 of the Committee on the Elimination of Discrimination against Women/General Comment No 18 of the Committee on the Rights of the Child on Harmful Practices UN Docs CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1, paras 20, 31, 55 and 64.

⁷⁶ Child Marriage Restraint Act 2017, s 2.

government officials and local-government representatives to intervene when they receive information about a proposed child marriage. Thirdly, Section 5 empowers courts to issue injunctions to prevent a child marriage from being solemnised.⁷⁷ These provisions show that the Act is not concerned only with punishment after marriage has taken place. It also attempts to create mechanisms for preventive intervention. It further creates criminal liability for adults who contract child marriages, parents or guardians who promote or permit them, persons who solemnise or conduct them, and marriage registrars who register them.⁷⁸ This is important because it treats child marriage as a matter of public concern rather than leaving it entirely within family, religious or community authority. The Act therefore recognises that parents, guardians, marriage registrars and other facilitators may contribute to the continuation of child marriage.

Along with that, Age verification is another important part of the framework. Section 12 recognises birth certificates, national identity cards, educational certificates, passports and other prescribed documents as evidence for proving age.⁷⁹ In principle, this strengthens prevention because the legality of marriage depends on whether the parties have reached the required age. In practice, however, the effectiveness of this provision depends on whether the person at risk has access to recognised documentation and whether officials can verify age before the marriage is completed or socially accepted.

However, the most significant doctrinal issue in the CMRA falls under “Special circumstances” section. In Section 19 provides that a marriage solemnised under special circumstances prescribed by the Rules, in the best interests of the minor, at the direction of the court and with the consent of the parents or guardian, shall not be considered an offence under the Act.⁸⁰ This provision should be described carefully. It does not simply state that any minor may marry. Nor does it allow parents or guardians to authorise a child marriage by themselves. Court direction and compliance with the prescribed procedure are also required. The legal effect of section 19 is that, where its conditions are satisfied, the marriage is not treated as an offence under the CMRA.

Nevertheless, section 19 creates a tension within the domestic legal framework. The Act sets a general minimum age and criminalises participation in child marriage, but section 19 recognises an exceptional process in which a marriage involving a minor may fall outside criminal liability. The key legal problem is therefore not the existence of the best-interests principle itself. The problem is how “special circumstances” and the “best interests of the minor” are to be interpreted, whose understanding of the child’s welfare is prioritised, and how the minor’s own views are heard within that process.

The Child Marriage Restraint Rules 2018 provide a procedure for applications under the special provision. Rule 17 requires an application to be made to the court and provides for inquiry and recommendation concerning whether the proposed marriage would be in the best interests of the minor.⁸¹ However, the existence of a procedure does not remove all ambiguity. Civil-society and legal analysis in Bangladesh has criticised the special provision for not providing sufficiently clear

⁷⁷ Child Marriage Restraint Act 2017, ss 3–5.

⁷⁸ Child Marriage Restraint Act 2017, ss 7–9 and 11.

⁷⁹ Child Marriage Restraint Act 2017, s 12.

⁸⁰ Child Marriage Restraint Act 2017, s 19.

⁸¹ Child Marriage Restraint Rules 2018, r 17.

substantive criteria for determining what amounts to “special circumstances” or how the best interests of the minor should be assessed in child-marriage cases.⁸² As a result, the protective effect of the law may depend heavily on interpretation by decision-makers.

Another important feature of the CMRA is that it focuses mainly on prevention, punishment and criminal liability rather than on the continuing legal and protective position of girls who have already been married. The Act does not contain a general provision declaring every child marriage contracted in violation of the Act void from the beginning.⁸³ This point should not be overstated because the validity and consequences of marriage may also be affected by personal laws and other domestic legal rules. However, the CMRA itself regulates the punishment of those involved in child marriage more clearly than it regulates the civil status, support needs and legal remedies of girls already affected by child marriage.

Bangladesh’s domestic framework therefore contains both protection and uncertainty. On the one hand, the CMRA provides minimum ages, preventive powers, criminal liability and age-verification mechanisms. On the other hand, its special provision, reliance on guardian consent, limited procedural guidance on child participation and dependence on documentary proof create interpretive and practical difficulties. These difficulties become particularly important in humanitarian settings where formal legal rules interact with displacement, limited documentation, humanitarian administration and community-based decision-making.

2.3 Doctrinal Ambiguities within the Domestic Framework

The CMRA contains significant protective tools, but the practical strength of those tools depends on interpretation and activation. Four doctrinal ambiguities are most relevant to this thesis: the meaning of best interests and special circumstances; the relationship between guardian authority and child participation; age verification and access to documentation; and the position of girls who have already been married.

2.3.1 Best Interests and “Special Circumstances”

The first ambiguity concerns the relationship between the general prohibition of child marriage and the special provision under section 19. The CMRA establishes a minimum marriage age, but section 19 creates an exceptional process based on “special circumstances” and the “best interests

⁸² Taslima Yasmin, A Review of the Effectiveness of the New Legal Regime to Prevent Child Marriages in Bangladesh: Call for Law Reform (Plan International Bangladesh and Girls Not Brides Bangladesh 2020) 31–34.

⁸³ Child Marriage Restraint Act 2017, ss 7–19.

of the minor”. The Act does not provide a closed definition of special circumstances, nor does it set out detailed substantive criteria for assessing best interests in the context of a proposed child marriage. This matters because the best-interests principle can be interpreted in different ways. Under the CRC, best interests must be assessed in relation to the whole range of the child’s rights, including safety, health, education, development, identity and the child’s own views.⁸⁴ However, in social practice, adults may interpret “best interests” more narrowly as immediate protection, family honour, economic security or avoidance of social stigma. A parent or guardian may sincerely believe that marriage protects a girl from harassment, poverty or reputational harm, while giving insufficient attention to the long-term consequences for her education, health, autonomy and development.

The ambiguity therefore lies in the gap between rights-based best interests and adult-defined welfare. A flexible standard is not necessarily wrong, because child-rights decision-making often requires individual assessment. The difficulty arises where flexibility is not accompanied by clear criteria, evidence-based assessment, meaningful participation and safeguards against adult pressure. In such circumstances, the language of best interests may become vulnerable to interpretation through social norms rather than through the child’s rights.

This concern is particularly relevant in child-marriage contexts in vulnerable settings. Research on child-marriage legislation shows that legal exceptions, discretionary standards and weak enforcement can undermine minimum-age laws where social norms continue to support early marriage.⁸⁵ In Bangladesh social context, the exception of section 19 has been criticised because it may create uncertainty about the strength of the minimum-age rule, especially where decision-makers are asked to assess a child’s welfare without detailed statutory criteria.⁸⁶

The issue is therefore not that the best-interests principle is inherently harmful. The principle is central to international child-rights law. The problem is that, in the context of child marriage, the phrase “best interests” can be misdirected if it is detached from the child’s rights, views, development and long-term protection. A rights-based best-interests assessment cannot simply ask whether marriage appears to solve an immediate family or social problem. It must ask whether marriage protects the full range of the child’s rights and whether less harmful alternatives are available.

2.3.2 Guardian Authority and the Child’s Participation

The second ambiguity concerns the role of parents or guardians. Section 19 expressly requires parental or guardian consent as one of the conditions within the exceptional process. At the same time, the Act recognises parents and guardians as possible facilitators of child marriage by creating liability for those who promote, permit or negligently fail to prevent such marriages.⁸⁷ This

⁸⁴ UN Committee on the Rights of the Child, General Comment No 14 (n 9) paras 48–79.

⁸⁵ Elena Scolaro, Ana Blagojevic, Bethany Fillion, Venkatraman Chandra-Mouli, Lale Say, Johanna Svanemyr and Marleen Temmerman, ‘Child Marriage Legislation in the Asia-Pacific Region’ (2015) 13(3) *The Review of Faith & International Affairs* 23.

⁸⁶ Yasmin (n 22) 31–34.

⁸⁷ Child Marriage Restraint Act 2017, ss 8 and 19.

produces an internal tension because this same legal framework treats guardians as potential contributors to child marriage and as necessary participants in the exceptional decision-making process.

However, this does not mean that parents or guardians should be excluded from all child-protection processes. Parents and guardians may provide care, support and important information about the child's circumstances. The problem may arise when guardian's consent cannot be treated as a substitute for the child's own participation. The interests of a family and the interests of the individual child may overlap, but they are not always identical. Article 12 of the CRC requires that children capable of forming views be given the opportunity to express those views freely in matters affecting them.⁸⁸ The Committee on the Rights of the Child has emphasised that children should be heard in judicial and administrative proceedings affecting them and that potential conflicts between the child's interests and those of parents or representatives must be recognised.⁸⁹ This is vital inconsistency argument because the people who speak in the child's name may also be involved in arranging or supporting the marriage.

Additionally, The right to be heard does not mean that a child's apparent willingness can legitimise a harmful or otherwise prohibited marriage. Nor does it mean that the protective minimum age should be displaced whenever an adolescent states that she wishes to marry. Rather, participation requires that the girl is treated as a rights-holder whose experiences, fears, wishes and circumstances form part of the protection process.⁹⁰

This distinction is important because apparent consent may be shaped by dependency, fear, economic pressure, family authority, limited education or lack of alternatives. Feminist legal theory is useful here because it shows how family decision-making may appear private or protective while reproducing unequal gendered power relations.⁹¹ In the context of child marriage, the girl whose welfare is being assessed is often an adolescent girl whose sexuality, honour and future are treated as matters for family or community control.

The doctrinal gap is therefore not a simple conflict between child autonomy and adult protection. It is a gap in the procedure for supported child participation. The CMRA and the Rules do not clearly explain how the minor must be heard, whether she should be heard separately from parents or guardians, whether she should receive independent assistance, or how decision-makers should assess whether her stated view has been shaped by pressure or constrained choice. This ambiguity is directly relevant to the Rohingya camp context. In humanitarian settings, girls' agency may be constrained by displacement, poverty, insecurity, limited education and reliance on family or community structures for protection and survival. A girl may appear to accept a marriage because she has few realistic alternatives. A rights-based approach must therefore examine not only whether the girl expressed a view, but also the circumstances in which that view was formed.

⁸⁸ Convention on the Rights of the Child 1989, art 12.

⁸⁹ UN Committee on the Rights of the Child, General Comment No 12 (n 11) paras 32–37.

⁹⁰ UN Committee on the Rights of the Child, General Comment No 20 on the Implementation of the Rights of the Child during Adolescence UN Doc CRC/C/GC/20 (6 December 2016) paras 18–20.

⁹¹ Carol Smart, *Feminism and the Power of Law* (Routledge 1989); Sylvia Walby, *Theorizing Patriarchy* (Basil Blackwell 1990); Martha Albertson Fineman, 'The Vulnerable Subject: Anchoring Equality in the Human Condition' (2008) 20 *Yale Journal of Law and Feminism* 1.

2.3.3 Age Verification, Documentation and Practical Accessibility

The third ambiguity concerns age verification and practical access to documentation under CMRA 2017. Section 12 of the Child Marriage Restraint Act 2017 identifies birth certificates, national identity cards, educational certificates, passports and other prescribed documents as evidence for proving age.⁹² On paper, this strengthens the protection framework because a minimum-age law can only be enforced if the age of the parties can be verified. However, the practical value of section 12 depends on whether girls at risk possess recognised documents, whether officials can access and rely on those documents, and whether age verification occurs before the marriage is completed or socially accepted.

This point is important because legal rules on minimum age do not operate in isolation. Scholarship on child-marriage legislation has shown that minimum-age laws may be weakened where birth registration is incomplete, marriage registration is inconsistent, enforcement is weak, or social norms encourage informal marriage practices.⁹³ The World Bank similarly argues that legal reform alone is insufficient where enforcement mechanisms are weak and where girls and families lack realistic alternatives to marriage.⁹⁴ In other words, a statutory age limit is protective only if it is supported by administrative systems capable of proving age and activating intervention in time.

This concern is especially significant and visible for displaced and stateless populations in Bangladesh. Rohingya girls in Cox's Bazar do not participate in ordinary Bangladeshi civil registration in the same way as citizens. UNICEF's Rohingya policy brief states that civil registration is indispensable in humanitarian settings because it is needed for enforcing child-marriage laws, accurately monitoring child-marriage rates and obtaining birth registration. It also notes that birth registration is not carried out in the Rohingya camps, affecting access to education, health services and social protection benefits.⁹⁵ This means that the difficulty is not only the absence of a legal minimum age. The difficulty is the mismatch between the documentary assumptions of the CMRA and the administrative reality of a displaced population.

Rohingya-specific research supports this concern by the Population Council and UNFPA study, that found the absence of well-defined rules on minimum age, marriage registration and legal documentation contributed to informal marriage practices in the camps.⁹⁶ It also recorded accounts of age restrictions being avoided through non-registration, monetary negotiation and falsification of age in marriage-related processes.⁹⁷ Melnikas and others similarly show that Rohingya marriage practices are shaped by community norms, informality, displacement and the changing regulatory

⁹² Child Marriage Restraint Act 2017, s 12.

⁹³ Scolaro and others (n 25).

⁹⁴ World Bank Group, *Ending Child Marriage: Child Marriage Laws and Their Limitations* (World Bank Group 2017).

⁹⁵ UNICEF, *Child Marriage in Humanitarian Settings: The Rohingya Community in Bangladesh* (Policy Brief, UNICEF Regional Office for South Asia 2021) 4.

⁹⁶ Sigma Ainul, Iqbal Ehsan, Eashita F Haque, Sajeda Amin, Ubaidur Rob, Andrea J Melnikas and Joseph Falcone, *Marriage and Sexual and Reproductive Health of Rohingya Adolescents and Youth in Bangladesh: A Qualitative Study* (Population Council 2018) 1.

⁹⁷ Ainul and others (n 36) 14.

environment after arrival in Bangladesh.⁹⁸ These studies matter because they show that documentary weakness is not a minor technical issue. It affects whether child marriage becomes visible to any authority capable of preventing it.

UNHCR's 2019 operational update shows that the Government of Bangladesh and UNHCR attempted to address part of this problem through marriage and divorce documentation in the camps. The update states that registered marriages and divorces would be documented, certificates issued to the parties, and one original copy kept at the Camp-in-Charge office. UNHCR also stated that civil documentation is a key element of protection and that child marriage would be better addressed through age verification before registration.⁹⁹ This mechanism is important because it creates an administrative point at which age may be checked and marital status recorded.

However, this mechanism does not fully resolve the legal ambiguity. Marriage and divorce documentation through CiC offices should not be treated as equivalent to ordinary national civil registration or automatic judicial protection under the CMRA. It can make some marriages administratively visible, but it cannot guarantee prevention where a marriage is arranged by family members, religious actors or community intermediaries before it reaches the CiC office. If the marriage enters the administrative system only after the decisive social decision has already been made, documentation may record the marriage rather than prevent it.

The doctrinal gap is that the CMRA does not clearly explain how camp-based identity documents, UNHCR-supported registration records or CiC marriage and divorce documentation should interact with section 12. It does not specify whether these records can be treated as recognised proof of age, how disputed age should be assessed, or which camp-level actor has authority to trigger a preventive response under the Act. These questions become especially important where formal law, humanitarian registration and community-based marriage practices overlap.

Age verification is therefore not simply an evidentiary detail. It is one of the points at which legal protection becomes practical or fails to activate. A clear minimum age protects girls only if age can be verified before the marriage becomes socially settled. In the Rohingya camp context, the effectiveness of section 12 depends on documentation, referral, administrative recognition and the willingness of actors to treat a proposed marriage as a child-protection concern rather than a private family matter. This issue links the doctrinal analysis in this chapter to the camp-level governance analysis in Chapter 3.

2.3.4 Criminalisation and Continuing Protection after Marriage

The fourth ambiguity concerns the position of girls who have already been married. The CMRA is principally structured around prevention, injunctions, offences, penalties and enforcement. It creates liability for adults who contract child marriages, parents and guardians who facilitate them,

⁹⁸ Andrea J Melnikas, Sigma Ainul, Iqbal Ehsan, Eashita Haque and Sajeda Amin, 'Child Marriage Practices among the Rohingya in Bangladesh' (2020) 14 Conflict and Health 28.

⁹⁹ UNHCR, Bangladesh Operational Update: 1–31 October 2019 (UNHCR 2019) 3.

persons who solemnise them and registrars who register them. It also provides a limited compensatory mechanism by directing certain fines to the minor who is the aggrieved party.¹⁰⁰

These provisions are important for deterrence and accountability. However, the Act does not contain a general provision declaring every child marriage contracted in violation of the CMRA void from the beginning.¹⁰¹ This should not be overstated but It does not automatically mean that every child marriage is valid, because questions of marriage validity and its consequences may also be governed by personal laws and other domestic legislation. The narrower point is that the CMRA itself does not provide a uniform and comprehensive framework addressing the civil status and continuing protection needs of every girl who has already been married.

This differs from the standard expressed in CEDAW Article 16(2), which provides that the marriage of a child shall have no legal effect and requires minimum age and compulsory registration.¹⁰² From a child-rights perspective, the distinction matters because punishment alone does not answer what happens to the girl after the marriage has taken place. Her situation may involve safety, housing, maintenance, pregnancy, education, custody, separation, stigma and access to services. These issues may be addressed through other areas of law or through protection services, but they are not comprehensively regulated by the CMRA itself.

This creates an implementation problem. If child marriage is prevented before it happens, the legal question is one of prohibition and intervention. If the marriage has already taken place, the question becomes broader: how should the law and protection system respond to the girl's continuing rights and needs? A purely punitive framework may punish adults involved in the marriage, but it may not provide the girl with a clear pathway to safety, support, education, health care or justice.

The issue is particularly important in the Rohingya camp context because a child marriage may become socially settled before it becomes visible to formal actors. Once that has happened, the problem is not only whether the marriage was unlawful. The problem is how the girl can access protection, services, legal information and meaningful choices after the marriage. This reinforces the need to understand child-marriage protection not only as a question of criminalisation, but also as a question of access to justice and continuing support.

2.4 Protection Gaps Created by Ambiguities in Bangladesh's Domestic Legal Design

The preceding section identified the doctrinal ambiguities within Bangladesh's child-marriage framework. This section moves beyond identification and examines how those ambiguities create protection gaps when viewed through the theoretical framework of this thesis. The central argument is that Bangladesh's domestic legal framework does not fail simply because it lacks

¹⁰⁰ Child Marriage Restraint Act 2017, ss 7–13.

¹⁰¹ Child Marriage Restraint Act 2017, ss 7–19.

¹⁰² Convention on the Elimination of All Forms of Discrimination against Women 1979, art 16(2).

formal rules. Rather, the gap lies in the way legal protection is designed to operate through institutions, documents, adult decision-makers and enforcement mechanisms that may not sufficiently secure the agency, participation and continuing protection of minor girls. Feminist legal theory, legal pluralism and a human-rights-based approach together show that legal ambiguity becomes harmful not only when statutory language is unclear, but also when such language is implemented within unequal social relations, plural normative orders and weak institutional systems.

Feminist legal theory provides the first analytical lens for understanding this weakness. Carol Smart argues that law should not be treated as a neutral instrument that simply corrects social inequality, because legal categories may themselves reproduce gendered power.¹⁰³ Fineman's vulnerability theory similarly argues for a more responsive state and challenges legal frameworks that assume autonomy while ignoring dependency and structural disadvantage.¹⁰⁴ This is important for child marriage because the law may formally prohibit the practice while still relying on family or guardian authority in ways that obscure the girl's dependency and unequal position. Where the legal process assumes that adults speak protectively on behalf of the child, it may fail to examine whether those adults are also shaped by patriarchal norms concerning honour, sexuality, obedience, marriageability and family reputation.

The feminist analysis is strengthened by theories of patriarchy. Walby conceptualises patriarchy as a system of social structures and practices through which men dominate, oppress and exploit women, operating across both private and public spheres.¹⁰⁵ Hunnicutt similarly argues that patriarchy remains useful for theorising violence against women because it keeps attention on dominance, gender and power rather than treating harm as an individual or isolated problem.¹⁰⁶ Applied to Bangladesh's child-marriage framework, this means that a legal rule should not assume that decisions made inside the family are automatically protective. Child marriage is often justified through the language of care, safety, honour or economic survival, but these justifications may reproduce gendered control over girls' bodies, mobility and futures.

From this perspective, the protection gap is not simply that section 19 contains discretionary language or that guardian consent appears in the legal framework. The deeper concern is that adult-defined welfare may enter the legal process as the child's "best interests". A parent or guardian may consider marriage protective because it appears to reduce sexual harassment, economic insecurity, reputational risk or the burden of care. However, feminist legal analysis asks whose protection is being prioritised and whose voice is being silenced. It questions whether the girl is being protected as a rights-holder or controlled as an object of family honour. Therefore, legal ambiguity becomes dangerous when it allows patriarchal meanings of protection to be translated into legal or administrative decision-making.

¹⁰³ Carol Smart, *Feminism and the Power of Law* (Routledge 1989).

¹⁰⁴ Martha Albertson Fineman, 'The Vulnerable Subject: Anchoring Equality in the Human Condition' (2008) 20 *Yale Journal of Law and Feminism* 1.

¹⁰⁵ Sylvia Walby, *Theorizing Patriarchy* (Basil Blackwell 1990).

¹⁰⁶ Gwen Hunnicutt, 'Varieties of Patriarchy and Violence Against Women: Resurrecting "Patriarchy" as a Theoretical Tool' (2009) 15(5) *Violence Against Women* 553.

The joint CEDAW/CRC guidance on harmful practices supports this analysis. It recognises that harmful practices are rooted in sex, gender and age-based discrimination, and are often justified by reference to social norms, custom, religion or ideas of protection and control over women and children.¹⁰⁷ This guidance is important because it connects feminist analysis to international legal standards. It shows that child marriage cannot be understood merely as a family decision. It is a harmful practice sustained by unequal power relations, and therefore legal frameworks must do more than create formal prohibition. They must ensure that the language of protection is not used to justify the continuation of harm.

Bangladeshi constitutional jurisprudence also supports the need to treat gendered harm as a matter requiring active legal and institutional response. In *Bangladesh National Women Lawyers Association v Bangladesh*, the High Court Division responded to the absence of specific legislation on sexual harassment by issuing guidelines to protect women and girl children in educational and workplace settings.¹⁰⁸ Although the case did not concern child marriage directly, it is relevant because it shows that gender-based harm can persist through social silence, institutional inaction and unequal power relations. The case therefore supports the broader proposition that rights-based protection requires institutions to intervene where private or social arrangements expose women and girls to harm.

Comparative child-rights jurisprudence further strengthens this point. In *Rebeca Z Gyumi v Attorney General*, the High Court of Tanzania treated child marriage as inconsistent with equality, dignity and the best interests of the child, and ordered reform towards a minimum age of eighteen without discriminatory exceptions.¹⁰⁹ Msuya's analysis of the judgment notes that Tanzanian law had permitted girls below eighteen to marry with parental or judicial consent, but the court rejected the adequacy of third-party consent where the practice itself exposed girls to structural harm.¹¹⁰ This jurisprudence is not binding on Bangladesh, but it is useful as persuasive comparative authority because it challenges the idea that parental or judicial consent can, by itself, cure the rights violation produced by child marriage.

A similar rights-based approach appears in *Independent Thought v Union of India*, where the Supreme Court of India held that sexual intercourse with a girl below eighteen constitutes rape regardless of marital status. The Court emphasised that a child remains a child whether married, unmarried, separated, divorced or widowed, and that marriage cannot remove the child from the protection of law.¹¹¹ This reasoning is important for Bangladesh's child-marriage framework because it challenges the tendency to treat marriage as a status that transforms the girl from a child

¹⁰⁷ Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, *Joint General Recommendation No 31 of the Committee on the Elimination of Discrimination against Women/General Comment No 18 of the Committee on the Rights of the Child on Harmful Practices* UN Docs CEDAW/C/GC/31–CRC/C/GC/18 (14 November 2014) paras 6–7, 15–17.

¹⁰⁸ *Bangladesh National Women Lawyers Association v Bangladesh* Writ Petition No 5916 of 2008, Supreme Court of Bangladesh, High Court Division, judgment of 14 May 2009.

¹⁰⁹ *Rebeca Z Gyumi v Attorney General* Miscellaneous Civil Cause No 5 of 2016, High Court of Tanzania at Dar es Salaam, judgment of 8 July 2016.

¹¹⁰ Norah Hashim Msuya, 'The Analysis of Child Marriage and Third-Party Consent in the Case of Rebeca Z Gyumi v Attorney General Miscellaneous Civil Case No 5 of 2016 Tanzania High Court at Dar es Salaam' (2019) 52(1) *De Jure Law Journal* 295.

¹¹¹ *Independent Thought v Union of India* (2017) 10 SCC 800.

into a wife. A rights-based framework must resist that transformation. If the law punishes child marriage but does not clearly secure the continuing rights of the married girl as a child, the law may leave her trapped between criminal prohibition and family status.

A second analytical lens is the expressive function of law. A child-marriage law does more than punish offences; it communicates a public standard about what the legal system considers unacceptable. Amin, Asadullah, Hossain and Wahhaj argue that, in a context where state enforcement capacity is limited, the power of child-marriage law depends significantly on its expressive effect: the law signals what behaviour is socially acceptable or unacceptable. They argue that the special provision in Bangladesh's 2017 law weakened the clarity of the minimum-age benchmark and contributed to confusion about the legal standard.¹¹² This does not mean that section 19 automatically authorises all child marriages. Rather, it means that ambiguity in a minimum-age law may reduce the law's ability to function as a clear social norm against child marriage.

The issue is therefore normative as well as institutional. If the law contains a clear prohibition but also preserves an exceptional route based on "special circumstances" and "best interests", implementation actors may receive mixed signals. Courts may understand the exception narrowly, but families, marriage intermediaries, religious actors or local officials may understand it more broadly. This is where doctrinal ambiguity becomes socially productive: it does not merely remain inside the statute; it travels through public understanding, local decision-making and enforcement practice. The High Court Division's 2017 rule questioning why the "special circumstances" provision should not be declared discriminatory, unconstitutional and inconsistent with international obligations indicates that section 19 generated constitutional and rights-based concern within Bangladesh itself.¹¹³

Legal pluralism provides the third analytical lens. Griffiths defines legal pluralism as the presence of more than one legal order in a social field, while Merry explains that legal pluralism draws attention to the coexistence of state law, customary law, religious norms and other forms of normative ordering.¹¹⁴ Moore's concept of the "semi-autonomous social field" is also useful because it shows that social fields can generate rules and induce compliance even while remaining connected to the state legal system.¹¹⁵ Tamanaha further argues that legal pluralism is not limited to traditional societies, but is a common feature of modern legal orders where multiple regulatory systems coexist.¹¹⁶

¹¹² Sajeda Amin, M Niaz Asadullah, Sara Hossain and Zaki Wahhaj, 'Is the Law Enough to End Child Marriage?' (LSE International Development Blog, 8 November 2019).

¹¹³ 'HC Questions "Special Circumstances" in Child Marriage Restraint Act 2017' *Dhaka Tribune* (Dhaka, 10 April 2017) <https://www.dhakatribune.com/bangladesh/law-rights/18018/hc-questions-special-circumstances-in-child> accessed 8 July 2026.

¹¹⁴ John Griffiths, 'What is Legal Pluralism?' (1986) 18(24) *The Journal of Legal Pluralism and Unofficial Law* 1; Sally Engle Merry, 'Legal Pluralism' (1988) 22(5) *Law & Society Review* 869.

¹¹⁵ Sally Falk Moore, 'Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study' (1973) 7(4) *Law & Society Review* 719.

¹¹⁶ Brian Z Tamanaha, 'Understanding Legal Pluralism: Past to Present, Local to Global' (2008) 30 *Sydney Law Review* 375.

Applied to Bangladesh's domestic child-marriage design, legal pluralism shows that the CMRA does not operate in an empty legal space. It operates alongside family norms, religious marriage practices, informal mediation, social expectations and administrative practices. The CMRA assumes that child marriage prevention can be activated through state officials, courts, local government representatives, registrars and prevention committees. However, in practice, marriage decisions may be shaped before they reach those actors. Families, religious solemnizers, community leaders and local intermediaries may interpret a proposed marriage through social ideas of honour, safety, poverty or family responsibility. Therefore, the gap lies in the distance between the formal legal pathway and the actual social pathway through which child-marriage decisions are made.

This does not mean that formal law is irrelevant. Rather, legal pluralism explains why formal law may be filtered through other normative systems before it becomes effective. If a girl's marriage is already socially approved, religiously solemnised or treated as a family arrangement before it reaches a registrar, court or prevention committee, the formal legal system may arrive too late. In that situation, implementation does not fail because there is no law. It fails because the law's activation depends on whether the case becomes visible to the right actor at the right time.

This theoretical point is particularly important for the Rohingya camp context. McConnachie's work on refugee camps shows that camps are not legally empty or anarchic spaces; rather, they are governed through overlapping forms of authority, including state actors, humanitarian agencies and refugee community structures.¹¹⁷ Therefore, if legal pluralism already complicates the implementation of child-marriage law in ordinary domestic settings, it becomes even more significant in refugee camps, where formal Bangladeshi law interacts with humanitarian administration, Camp-in-Charge offices, documentation systems, protection referral pathways and community-based authority.

A human-rights-based approach provides the fourth analytical lens. Cornwall and Nyamu-Musembi argue that rights-based approaches shift development and policy analysis from needs and charity towards entitlement, power, accountability and participation.¹¹⁸ Uvin similarly traces the movement from development as service delivery to rights-based approaches that place obligations on duty-bearers and strengthen claims by rights-holders.¹¹⁹ Broberg and Sano also emphasise that a human-rights-based approach can strengthen assistance to vulnerable groups by focusing on empowerment, participation, accountability and the duties of institutions.¹²⁰ OHCHR and the UN Sustainable Development Group explain that HRBA requires attention to participation,

¹¹⁷ Kirsten McConnachie, *Governing Refugees: Justice, Order and Legal Pluralism* (Routledge 2014).

¹¹⁸ Andrea Cornwall and Celestine Nyamu-Musembi, 'Putting the "Rights-Based Approach" to Development into Perspective' (2004) 25(8) *Third World Quarterly* 1415.

¹¹⁹ Peter Uvin, 'From the Right to Development to the Rights-Based Approach: How "Human Rights" Entered Development' (2007) 17(4–5) *Development in Practice* 597.

¹²⁰ Morten Broberg and Hans-Otto Sano, 'Strengths and Weaknesses in a Human Rights-Based Approach to International Development: An Analysis of a Rights-Based Approach to Development Assistance Based on Practical Experiences' (2018) 22(5) *The International Journal of Human Rights* 664.

equality, non-discrimination, accountability and the capacity of both rights-holders and duty-bearers.¹²¹

Applied to child marriage, this approach requires more than legal prohibition. It asks whether the law identifies rights-holders and duty-bearers, whether affected girls can participate meaningfully, whether duty-bearers have capacity and accountability, and whether remedies are available when rights are violated. Bangladesh's legal framework should therefore be assessed not only by whether it criminalises child marriage, but also by whether it enables girls to claim protection and whether institutions can respond effectively.

This reveals a major implementation vulnerability. The CMRA creates duties for courts, officials, police, local government representatives, registrars and Child Marriage Prevention Committees. However, the effectiveness of those duties depends on coordination, resources, monitoring and accountability. The National Plan of Action to End Child Marriage 2018–2030 recognises that ending child marriage requires coordinated action among ministries, local government, NGOs, development partners, civil society, religious leaders and adolescents.¹²² Yet the existence of a multi-actor framework can itself create accountability problems if it remains unclear who must act, when they must act, and what follows if they fail.

Civil-society monitoring reinforces this concern. Ain o Salish Kendra's UPR factsheet states that ambiguity remains because neither the Act nor the Rules clarify the "special provision" under section 19. It also notes that Child Marriage Prevention Committees lack coordination from union to central level, adequate resources, proper documentation and monitoring mechanisms, contributing to non-accountability.¹²³ This supports the argument that the protection gap is not only doctrinal. It is also institutional. A legal rule that depends on multiple duty-bearers may fail where those duty-bearers lack clear responsibilities, resources, training, monitoring or accountability.

A final concern relates to remedies and continuing protection. The joint CEDAW/CRC guidance stresses that legislation on harmful practices must include implementation, monitoring, effective enforcement, prevention, protection, recovery, reintegration and redress for victims.¹²⁴ This standard is broader than criminalisation. It treats harmful practices as producing continuing rights violations that require support beyond punishment of offenders. The CMRA, however, is mainly structured around prevention, punishment, injunctions, mobile courts, compensation and offences. These mechanisms are necessary, but they do not by themselves create a comprehensive protection pathway for girls who are already married.

¹²¹ Office of the United Nations High Commissioner for Human Rights, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation* (United Nations 2006) 15–16; United Nations Sustainable Development Group, 'Human Rights-Based Approach' (accessed 1 July 2026).

¹²² Ministry of Women and Children Affairs, Government of Bangladesh, *National Plan of Action to End Child Marriage 2018–2030* (2018).

¹²³ Ain o Salish Kendra, *Fact Sheet: Child Marriage, 4th Cycle of Universal Periodic Review, September 2018–June 2023* (Child Rights Advocacy Coalition in Bangladesh 2023) https://upr-info.org/sites/default/files/country-document/2023-08/Ain_o_Salish_Kendra_factsheet_3.pdf accessed 8 July 2026.

¹²⁴ Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, *Joint General Recommendation No 31/General Comment No 18* (n 5) paras 12–13, 55–56, 64 and 87..

This matters because child marriage is not only a single unlawful event. It creates continuing consequences, including loss of education, early pregnancy, sexual and domestic violence, dependency on husband or in-laws, stigma, restricted mobility and barriers to health care and legal support. Legal commentary on the CMRA has also criticised the absence of a clear annulment mechanism for child marriages, meaning that girls may have to rely on ordinary marriage dissolution procedures rather than a child-specific remedy.¹²⁵ A child-rights approach therefore requires the legal system to see the married girl not only as a party to an unlawful marriage, but also as a child who may remain in need of care, protection and remedy.

Therefore, the deeper protection gap in Bangladesh's domestic legal design is not the mere existence of ambiguity in statutory language. It is the interaction between ambiguity and weak implementation conditions. Feminist legal theory shows how adult-defined welfare may reproduce patriarchal control over girls' lives. Legal pluralism shows that formal legal rules may be interpreted, delayed or displaced by family, religious and community norms before the state system is activated. A human-rights-based approach shows that legal protection must be supported by accountable duty-bearers, child participation, remedies and institutional capacity. Together, these frameworks show that the CMRA's protective force depends on more than its text. It depends on whether the legal system can prevent adult gatekeeping, secure the girl's participation, verify age, activate institutions in time and provide continuing protection after marriage.

This conclusion provides the bridge to Chapter 3. In the Rohingya refugee camps, these domestic protection gaps become more pronounced because formal law operates through an even more complex governance environment. The ordinary domestic pathway of courts, police, local government, registrars and Child Marriage Prevention Committees intersects with humanitarian administration, Camp-in-Charge offices, documentation practices, protection referral pathways and community-based decision-making. Chapter 3 therefore examines how these protection gaps are translated into the institutional and community pathways through which child-marriage protection is accessed, mediated and implemented in the Rohingya camps.

¹²⁵ Tanzina Sharmin, 'Condoning Child Marriage in Bangladesh: A Step Backwards' (Oxford Human Rights Hub, 20 April 2023) <https://ohrh.law.ox.ac.uk/condoning-child-marriage-in-bangladesh-a-step-backwards/> accessed 8 July 2026.

Chapter 3: Institutional and Community Pathways of Child Marriage Protection in the Rohingya Camps

3.1 Camp-Level Child Protection Structure and Mediated Access

Child-marriage protection in the Rohingya camps does not operate through one direct legal route. Although Bangladesh has a domestic legal framework prohibiting child marriage, Rohingya girls in the camps usually encounter protection through camp-based administrative and humanitarian systems. A child-marriage concern may therefore move through several actors before it reaches a person or institution capable of taking formal action. This makes the question of access important: the law may exist, but its protection depends on whether the concern is recognised, communicated and referred through the camp-level protection structure.

The child-protection system in Cox's Bazar treats early and forced marriage as protection concerns that may require assessment, case management and referral. The Case Management Standard Operating Procedures identify early and forced marriage among the forms of violence, abuse, exploitation and neglect affecting children in the camps.¹²⁶ The same SOP defines child-protection case management as a process through which a child's vulnerability and needs are identified, goals are set in a participatory manner with the child and, where appropriate, the family or caregiver, and multiple services are coordinated to respond to the child's situation.¹²⁷ This is important for the present thesis because it shows that child marriage is not only a matter of legal prohibition. It is also handled through a protection process that depends on identification, referral, assessment and response.

The formal authority over the camps remains with the Government of Bangladesh, while humanitarian actors provide protection services within that administrative setting. The Case Management SOP recognises that the Government of Bangladesh has the mandate for case management and states that the SOP should be read together with national guidelines and tools.¹²⁸ At the same time, it also recognises that child-protection responses in the Rohingya camps involve

¹²⁶ Case Management Technical Working Group, Case Management Standard Operating Procedures for Cox's Bazar, Bangladesh (revised July 2021) 2–3.

¹²⁷ *ibid* 2, 4.

¹²⁸ *ibid* 3.

different actors, including government bodies, child-protection agencies, caseworkers, service providers, community structures, children and their families or caregivers, and Child Protection Focal Points.¹²⁹ This indicates that the protection process is not held by one institution alone.

The Child Protection Focal Point system is relevant because it shows how protection is coordinated at camp level. The Child Protection Focal Point Terms of Reference states that focal points are expected to support coordination among child-protection actors, humanitarian actors, authorities and other stakeholders, update service mapping and referral pathways, and communicate with the Camp-in-Charge and the Armed Police Battalion where necessary to support services for vulnerable children.¹³⁰ Focal points are also expected to facilitate referrals, maintain service mapping and coordinate with protection, GBV and other sector focal points.¹³¹ Therefore, a child-marriage concern may pass through several stages: it may first be noticed within a family or community, then raised with a community actor, volunteer or caseworker, and only later reach a focal point, humanitarian organisation, Camp-in-Charge or other relevant authority.

This layered structure has both strengths and risks. On one hand, several entry points may make it easier for a girl or a concerned person to reach some form of assistance. On the other hand, every additional step creates a point where the concern may be delayed, filtered, misunderstood or treated as a private family matter. This is particularly important in child-marriage cases because the proposed marriage may not always be presented as harm. It may be described by families or community actors as protection, security or a better future for the girl.

Existing research on Rohingya marriage practices supports this concern. Melnikas and others found that marriage decisions among the Rohingya in Bangladesh are shaped by economic insecurity, displacement, group norms, concerns about girls' safety and reputational threats connected to female sexuality.¹³² They also note that marriage may reduce immediate economic pressure on families and may be understood as a way to keep girls safe from sexual abuse or reputational harm.¹³³ This helps explain why the first actor who receives information about a proposed marriage matters. If the proposed marriage is understood as protecting the girl, it may not immediately be treated as a protection concern requiring referral.

This is where camp-level mediation becomes directly relevant to the legal ambiguity discussed in Chapter 2. The issue is not that community actors formally apply section 19 of the Child Marriage Restraint Act or decide the legal meaning of the "best interests of the minor". Rather, the issue is that concepts such as protection, welfare and betterment may already be interpreted at the family or community level before the formal protection system is activated. If a proposed marriage is understood as protecting the girl, it may remain within family or community decision-making. If it is recognised as harmful, the possibility of referral and intervention becomes stronger.

¹²⁹ *ibid* 13–16.

¹³⁰ Child Protection Sub-Sector, Child Protection Focal Point: Terms of Reference, Cox's Bazar Rohingya Refugee Response (revised September 2023) 1.

¹³¹ *ibid* 1–2.

¹³² Andrea J Melnikas, Sigma Ainul, Iqbal Ehsan, Eashita Haque and Sajeda Amin, 'Child Marriage Practices among the Rohingya in Bangladesh' (2020) 14 *Conflict and Health* 28.

¹³³ *ibid*.

Access-to-justice research also supports the importance of mediated access. The International Rescue Committee's assessment described the Camp-in-Charge as the government representative responsible for administration and coordination of services within the camps.¹³⁴ The same report described the Majhi system as an important intermediary structure, with Majhis representing blocks of households and acting as communication links between refugees and camp authorities.¹³⁵ It also found that Rohingya refugees had very limited access to formal justice mechanisms and often relied on community or camp-based pathways.¹³⁶ Although this assessment reflects conditions documented in 2018–2019 and should not be treated as an exact description of every current camp, it remains useful for showing why community intermediaries may matter when refugees seek protection or remedies.

The role of community actors should still not be overstated. Majhis, family members or community representatives do not have formal statutory authority under the Child Marriage Restraint Act. Their relevance lies in their practical position between families and the camp administration. They may influence whether information about a planned marriage is shared, how the concern is first described and whether it reaches humanitarian or administrative actors. This makes them important for understanding application in practice without treating them as legal decision-makers.

The effectiveness of the protection pathway also depends on sensitivity. In child-marriage cases, sensitivity means more than knowing that child marriage is prohibited. It requires confidentiality, child-friendly communication, attention to family pressure, independent consideration of the girl's views and timely referral to appropriate services. The Case Management SOP requires caseworkers to follow "do no harm", confidentiality, informed consent or assent, best interests and child participation principles.¹³⁷ It also states that children should participate in decisions affecting them according to their evolving capacity, and that caseworkers should speak with children and caregivers both together and separately where needed.¹³⁸ These safeguards are important because a girl's interests may not always be the same as the interests presented by adults speaking on her behalf.

The involvement of multiple actors shows that child-marriage protection is not shaped only by formal legal rules. Its implementation is also influenced by the social and institutional relationships through which families, community representatives and camp-level actors communicate and respond to protection concerns. This reflects a plural governance environment in which formal law may be filtered through community practices and administrative structures before it becomes effective in practice.¹³⁹ The issue is also gendered, because decisions about girls' marriage are often shaped by family authority, social expectations and unequal power relations within the household and community.¹⁴⁰ Therefore, the problem is not simply that several actors are involved.

¹³⁴ International Rescue Committee, *Access to Justice for Rohingya and Host Community in Cox's Bazar* (IRC 2019) 16.

¹³⁵ *ibid* 16–17.

¹³⁶ *ibid* 5, 32–33.

¹³⁷ Case Management Technical Working Group (n 1) 6–10.

¹³⁸ *ibid* 7, 10.

¹³⁹ Sally Engle Merry, 'Legal Pluralism' (1988) 22 *Law & Society Review* 869; Kirsten McConnachie, 'Camps of Containment: A Genealogy of the Refugee Camp' (2016) 7(3) *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 397.

¹⁴⁰ Carol Smart, *Feminism and the Power of Law* (Routledge 1989); Sylvia Walby, *Theorizing Patriarchy* (Basil Blackwell 1990).

The deeper concern is whether those actors recognise child marriage as a rights and protection issue and whether the girl's own views, safety and long-term welfare remain central in the process.

Therefore, the main issue in this section is mediated access. Formal child-marriage protection exists, but the route to that protection may pass through several family, community, humanitarian and administrative actors. These actors can either help connect the girl to protection or unintentionally weaken protection by delaying, reframing or keeping the matter within the family or community sphere. This provides the basis for examining, in the following sections, how community decision-making and the role of the Majhi may shape the interpretation and application of child-marriage protection in practice.

3.2 Community-Based Marriage Decision-Making and the Meaning of “Betterment”

Before a child-marriage concern reaches the formal protection system, the decision may already have been discussed, justified or accepted within the family and community. This is important because child marriage is not always presented by those arranging it as an act of harm. In many cases, it may be explained as a response to insecurity, poverty, social pressure or concern for the girl's future. The language of “betterment” therefore needs to be understood as a social interpretation of protection: it reflects how adults may understand marriage as a way to secure a girl's safety, reputation or future stability, even where the law treats child marriage as a prohibited and harmful practice.

This does not mean that “betterment” is the same as the legal standard of the best interests of the child. Rather, it shows the gap between a rights-based legal understanding of protection and a community-based understanding of what may appear beneficial under conditions of displacement. For the purpose of this thesis, the issue is not whether families use the legal language of “best interests”. The issue is that ideas of welfare, protection and future security may be interpreted within the household and community before any formal child-protection response begins.

Existing research on Rohingya child marriage in Bangladesh supports this analysis. Melnikas and others found that child marriage among the Rohingya is shaped by a combination of cultural, religious, economic and displacement-related factors.¹⁴¹ Their study shows that conflict and displacement may increase vulnerability to child marriage by intensifying gender inequality, reducing livelihood opportunities, limiting education and creating insecurity.¹⁴² In this context, marriage may be treated not only as a cultural expectation but also as a strategy for dealing with social and economic uncertainty.

Economic pressure is one important part of this decision-making process. In the camps, families live with restricted livelihood opportunities, dependency on humanitarian assistance and limited

¹⁴¹ Andrea J Melnikas, Sigma Ainul, Iqbal Ehsan, Eashita Haque and Sajeda Amin, ‘Child Marriage Practices among the Rohingya in Bangladesh’ (2020) 14 Conflict and Health 28.

¹⁴² *ibid.*

future prospects. Melnikas and others found that family need and economic burden influence preferences for earlier marriage, especially where a daughter's marriage is understood as reducing pressure on the household.¹⁴³ In such a setting, marriage may be imagined as transferring responsibility for the girl's maintenance to a husband or in-law family. Although this may be presented as practical or protective, it can also reduce the girl's education, autonomy and long-term opportunities.

Concerns about safety and reputation also shape how marriage is justified. Research on Rohingya marriage practices found that puberty may be treated as a marker of readiness for marriage and as a moment when families become more concerned about sexual harassment, sexual abuse and reputational harm.¹⁴⁴ Marriage may therefore be viewed as a way to control perceived risks surrounding adolescent girls' sexuality. This is not unique to the Rohingya context. Studies on child marriage in humanitarian settings show that families may marry girls early where displacement, insecurity and fear of violence make marriage appear to offer protection.¹⁴⁵

This protective logic is central to the problem of implementation. If a family understands marriage as protecting the girl from insecurity or reputational harm, the proposed marriage may not be reported as a child-protection concern. It may instead remain within the private family sphere or be treated as a normal community matter. The same situation may therefore carry two different meanings: for child-protection law, it is a prohibited practice and a rights violation; for the family, it may be understood as securing safety or a better future in a context where other forms of protection seem weak or unavailable.

The concept of "betterment" must therefore be handled carefully. It should not be accepted at face value as proof that marriage benefits the girl. Rather, it should be analysed as an adult-centred explanation that may hide the girl's limited choices. A decision may be described as being for the girl's future while still being shaped by poverty, gendered expectations, fear of dishonour or the absence of meaningful alternatives. This is why the girl's own participation is important. Without hearing her views independently, it is difficult to know whether "betterment" reflects her interests or the interests and anxieties of adults around her.

Broader research on armed conflict and adolescent transitions also supports the need for this careful analysis. Neal, Stone and Ingham found that the effects of armed conflict on early marriage are not uniform; they may vary according to economic, psychosocial, gendered and conflict-related factors.¹⁴⁶ This means that child marriage in displacement should not be explained through one

¹⁴³ *ibid.*

¹⁴⁴ *ibid.*

¹⁴⁵ UNICEF, *Child Marriage in Humanitarian Settings: The Rohingya Community in Bangladesh* (Policy Brief, UNICEF Regional Office for South Asia 2021) <https://www.unicef.org/rosa/media/14851/file/Policy%20Brief%20-%20Bangladesh.pdf> accessed 9 July 2026; Elizabeth Presler-Marshall, Nicola Jones and Iyad Alhassan, *Through Their Eyes: Exploring the Complex Drivers of Child Marriage in Humanitarian Contexts* (Gender and Adolescence: Global Evidence/Overseas Development Institute 2020) <https://www.gage.odi.org/wp-content/uploads/2020/12/Child-marriage-report-final.pdf> accessed 7 July 2026.

¹⁴⁶ Sarah Neal, Nicole Stone and Roger Ingham, 'The Impact of Armed Conflict on Adolescent Transitions: A Systematic Review of Quantitative Research on Age of Sexual Debut, First Marriage and First Birth in Young Women under the Age of 20 Years' (2016) 16 *BMC Public Health* 225.

single cause. In the Rohingya camps, it is more useful to understand early marriage as a decision shaped by overlapping pressures: economic insecurity, lack of education, social norms, gendered control, concerns about safety and the uncertainty of camp life.

This community-based interpretation of marriage directly affects the application of formal protection. If child marriage is seen mainly as harm, intervention becomes easier to justify. If it is seen as betterment, protection or family responsibility, referral may be delayed or avoided. The practical implementation of the law therefore depends not only on the existence of legal prohibition, but also on whether families, community members and intermediaries recognise the marriage as a protection issue.

The relevance to Chapter 2 is clear. Bangladesh's child-marriage framework contains ambiguity around the best interests of the minor, guardian authority and the child's participation. In the camp context, these ambiguities become more significant because welfare is already being interpreted socially through ideas such as protection, safety and future security. Community-based decision-making may therefore shape whether a proposed marriage is treated as a harmful practice requiring intervention or as a family decision made for the girl's perceived benefit.

This section does not argue that Rohingya families or community actors formally apply section 19 of the Child Marriage Restraint Act. Rather, it argues that their understanding of welfare may affect whether formal protection mechanisms are ever activated. Where marriage is framed as betterment, the concern may remain within the family or community. Where it is recognised as harm, the possibility of referral and intervention becomes stronger. This is why community-based decision-making is not merely background context; it is part of the implementation problem itself.

3.3 The Majhi System, Community Mediation and the Visibility of Protection

The Majhi system is central to understanding how community governance affects child-marriage protection in the Rohingya camps. The Majhi should not be treated as a formal legal authority under Bangladesh's Child Marriage Restraint Act 2017. He does not have statutory power to approve, prevent or validate a marriage. However, the importance of the Majhi lies in his practical location within camp governance: between refugee households, community expectations, camp administration and humanitarian actors.

Camp-governance scholarship helps explain why this intermediary role matters. McConnachie argues that refugee camps are not neutral humanitarian spaces, but governed environments shaped

by state control, humanitarian administration, containment and restrictions on refugee autonomy.¹⁴⁷ Islam's analysis of Rohingya refugee agency in camp governance is particularly useful here. He shows that Rohingya refugees are not merely passive recipients of humanitarian assistance, but also participate in everyday governance through community roles, negotiation and mediation.¹⁴⁸ The Majhi system can be understood within this structure: it is not formal state law, but it is part of the practical organisation of camp life.

Read through a legal pluralist lens, the Majhi system illustrates how formal legal protection may be shaped by non-state and community-based authority before any official mechanism is activated. Legal pluralism does not require that every normative actor have formal legal power. Rather, it recognises that social fields can generate rules, expectations and practices that affect how people experience law in everyday life.¹⁴⁹ The Majhi may not compete with the CMRA as law, but he may influence whether the CMRA or the humanitarian protection system becomes practically relevant to a particular child-marriage concern.

Islam's work shows that Majhis may function as intermediaries between Rohingya families, government officials and humanitarian organisations.¹⁵⁰ They may be responsible for a cluster of households, distribute or facilitate access to rations, monitor community compliance with camp rules, communicate concerns to camp authorities and take unresolved issues to the Camp-in-Charge.¹⁵¹ This gives the Majhi practical authority even where his position is not grounded in democratic representation or statutory power. His authority is therefore administrative and social rather than legal, but it may still affect access to protection.

The selection and accountability of Majhis are especially important. Islam notes concerns that Majhis may represent the community without a proper election mechanism and that their authority may raise questions of partiality and credibility.¹⁵² This matters for child-marriage protection because a girl or family may need to pass through community structures before reaching a formal protection actor. Where an intermediary is not elected or accountable to the affected population, referral may depend on his judgement, priorities, relationship with the family, sensitivity to gender-based harm, or interest in maintaining community harmony. The concern is not that every Majhi is partial or obstructive. The concern is structural: a protection pathway that depends on unelected community intermediaries may expose girls to gatekeeping before they reach trained child-protection actors.

This issue becomes more serious in child-marriage cases because marriage decisions usually begin inside the family and community. A proposed marriage may be discussed by parents, guardians, elders or neighbours before any caseworker, NGO actor, CiC official or police authority becomes

¹⁴⁷ Kirsten McConnachie, 'Camps of Containment: A Genealogy of the Refugee Camp' (2016) 7(3) *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 397.

¹⁴⁸ Shahidul Islam, 'Agency of the Refugees in Camp Governance: Rohingya Refugees in Bangladesh' in Nasir Uddin (ed), *Reshaping Rohingya Futures* (Palgrave Macmillan 2025) 147–175.

¹⁴⁹ Sally Engle Merry, 'Legal Pluralism' (1988) 22(5) *Law & Society Review* 869; Sally Falk Moore, 'Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study' (1973) 7(4) *Law & Society Review* 719.

¹⁵⁰ Islam (n 17) 155–156.

¹⁵¹ *ibid* 156.

¹⁵² *ibid*.

aware of it. If the Majhi is informed, or if families treat him as a first point of communication, his interpretation may affect whether the matter is framed as a private family arrangement, a community dispute, a documentation issue or a child-protection concern.

Rohingya-specific empirical research supports this link between community structures and marriage practices, although it should not be overextended. Melnikas and others found that after displacement to Bangladesh, respondents described marriage practices as less restricted than they had been in Myanmar, where marriage permission and regulation were more stringent.¹⁵³ Their study describes Mahjees as unelected refugee leaders who may have administrative duties, including reporting marriages and preparing marriage contracts.¹⁵⁴ One respondent stated that Mahjees report to camp authorities and that the Head Mahjee prepares marriage contracts.¹⁵⁵ The study also records an account involving a 15- or 16-year-old girl where the marriage contract was prepared in the presence of community leaders.¹⁵⁶

These findings do not prove that Majhis uniformly facilitate child marriage or that they possess legal authority over marriage. They show something narrower but important: marriage-related information and documentation may pass through community structures before they reach formal actors. This is supported by the Population Council and UNFPA study, which found that informality in marriage practices, the absence of clearly applied rules on minimum age, and weak marriage-registration and legal-documentation systems contributed to the continuation of child marriage in the camps.¹⁵⁷ That study also records accounts of age restrictions being avoided through non-registration, monetary negotiation and falsification of age in marriage-related processes.¹⁵⁸ Together, these sources suggest that the problem is not only whether a law prohibits child marriage, but whether the marriage becomes visible to the actors able to enforce or activate protection.

It is therefore necessary to acknowledge the evidentiary limitation while still using the available research analytically. Melnikas and others remains one of the few empirical studies specifically examining Rohingya child-marriage practices in the Bangladesh camps. Its findings should be read as indicative rather than comprehensive. The argument of this thesis does not depend on treating that study as proof of uniform Majhi practice across all camps. Rather, when read alongside Islam's analysis of Majhi governance, access-to-justice research and humanitarian case-management standards, it shows a plausible implementation risk: community intermediaries may influence whether child-marriage concerns enter formal protection channels at all.¹⁵⁹

¹⁵³ Andrea J Melnikas, Sigma Ainul, Iqbal Ehsan, Eashita Haque and Sajeda Amin, 'Child Marriage Practices among the Rohingya in Bangladesh' (2020) 14 *Conflict and Health* 28.

¹⁵⁴ *ibid.*

¹⁵⁵ *ibid.*

¹⁵⁶ *ibid.*

¹⁵⁷ Sigma Ainul, Iqbal Ehsan, Eashita F Haque, Sajeda Amin, Ubaidur Rob, Andrea J Melnikas and Joseph Falcone, *Marriage and Sexual and Reproductive Health of Rohingya Adolescents and Youth in Bangladesh: A Qualitative Study* (Population Council 2018) 1.

¹⁵⁸ Ainul and others (n 26) 14.

¹⁵⁹ Melnikas and others (n 22); Islam (n 17) 155–156; International Rescue Committee, *Access to Justice for Rohingya and Host Community in Cox's Bazar* (IRC 2019).

The Majhi's role is therefore double-sided. He may operate as a bridge where families do not know how to access NGOs, child-protection focal points, CiC offices or other protection actors. In that situation, the Majhi can help move a concern from the community into the camp administration or humanitarian system. But the same position can also become a filter. If the Majhi treats a proposed child marriage as a normal family decision, a matter of community harmony, or a reasonable response to insecurity, the concern may remain outside formal protection. In this sense, the risk is not simply informality. The risk is that the first interpretation of the problem may determine whether the girl ever reaches a child-sensitive process.

This has direct implications for the legal ambiguity discussed in Chapter 2. Before a court, authorised official or caseworker can apply a rights-based best-interests assessment, a proposed child marriage may already have been interpreted within the family or community as being for the girl's welfare. The question of "best interests" may therefore be socially answered before it is legally assessed. If community actors accept the family's explanation that marriage is for the girl's protection, safety or future, the formal law may never be activated in time.

The same issue arises in relation to child participation. Where a Majhi or community leader receives information from parents or elders, the girl's own view may not be separately heard. From a feminist socio-legal perspective, the problem is not only that community mediation is informal; it is that community mediation may reproduce gendered and generational authority by allowing adults to speak for the girl. A child-sensitive protection system must therefore be able to use community entry points without allowing them to become the final site where a girl's welfare is defined.

Thus, the Majhi system helps explain why child-marriage protection in the camps depends on visibility and referral. Formal law may prohibit child marriage, humanitarian actors may provide protection pathways, and CiC offices may support administrative documentation. But those mechanisms can work only if the concern moves beyond the household and community in time. The Majhi's practical significance lies at this point of movement: he may help a case become visible to the protection system, or he may contribute to keeping it within community decision-making. This makes the Majhi system directly relevant to the thesis question, not as a substitute for law, but as a mediator of access to law and protection.

3.4 Documentation, Age Verification and Case Assessment in the Rohingya Camp Context

In the Rohingya camps, documentation is one of the practical points where child-marriage protection can become active. Age, marital status, family composition and protection needs are not only legal questions; they are recorded through the humanitarian-administrative systems that organise everyday life in the camps. However, the available evidence suggests that documentation does not automatically prevent child marriage. Its protective value depends on when the marriage becomes visible, whether age verification occurs before the marriage is socially completed, and whether the case is treated as a child-protection concern rather than only a family or registration matter.

Rohingya refugees in Cox's Bazar are documented through systems maintained by the Government of Bangladesh and UNHCR. Continuous registration allows refugees to update individual and family information, including births, deaths, marriage, divorce, changes in family composition, address, protection circumstances and biodata. It also allows replacement or renewal of Smart Cards and Family Attestations.¹⁶⁰ This means that many Rohingya girls are not invisible in a simple administrative sense. They may already be recorded within a humanitarian registration system. The difficulty is that such registration does not necessarily mean that a proposed child marriage will be identified before it happens.

The same difficulty appears in relation to marriage documentation. UNHCR reported in 2019 that marriage and divorce documentation through Camp-in-Charge offices was intended to issue certificates, keep official copies and clarify marital status during registration. It also noted that age verification before registration could help address child marriage.¹⁶¹ This is important because it shows that the camp system contains a possible protective checkpoint. If a marriage reaches that process before it is performed, age verification may prevent the marriage from being officially recognised. However, the protection depends on the marriage entering the documentation process at the right time.

Recent research on vital-event registration shows why this timing is fragile. Torrisi and others explain that marriage registration in the camps can involve verification of identity, consent and age before an application is submitted to the CiC, followed by further verification before the certificate is issued and UNHCR records are updated.¹⁶² At the same time, their study found that marriages involving persons below eighteen were less likely to be registered and were more likely to be registered late.¹⁶³ This suggests that the cases most relevant for child-marriage protection may also be the cases least likely to enter the registration system early. The problem, therefore, is not only whether documents exist, but whether the documentation process is reached before the social decision to marry has already been made.

The 2024 Child Protection Situation Analysis gives a more current picture of this issue. It identifies child marriage as a continuing protection concern in the camps. Between January and September 2024, CPIMS+ recorded child marriage as 4.53 per cent of reported child-protection cases, with 4.08 per cent affecting girls and 0.45 per cent affecting boys. CPSM key informant interviews also found that 33.95 per cent of adult respondents were aware of child-marriage incidents in their area. The reported reasons included cultural norms, poverty, romantic relationships, social insecurity, lack of accommodation, food scarcity, pursuit of better life security and forced marriages involving armed-group members.¹⁶⁴

¹⁶⁰ UNHCR Bangladesh, 'Frequently Asked Questions on the Continuous Registration Exercise' <https://help.unhcr.org/bangladesh/support-in-bangladesh/faq-registration/> accessed 8 July 2026.

¹⁶¹ UNHCR, *Bangladesh Operational Update: 1–31 October 2019* (UNHCR 2019) 3.

¹⁶² Orsola Torrisi and others, 'Registration of Family Vital Events in a Conflict-Induced Displacement Setting' (2026) 24 *Population Health Metrics* 40.

¹⁶³ *ibid.*

¹⁶⁴ Child Protection Sub-Sector Cox's Bazar, *Child Protection Situation Analysis: Cox's Bazar Rohingya Response* (October 2024) 12.

This evidence changes the way the documentation problem should be understood. Child marriage in the camps is not explained only by the absence of age records. It is also connected to social and protection pressures that may operate before registration. The Situation Analysis records children's own accounts of family pressure, limited awareness of child rights and national laws, absence of parents or primary caregivers, pressure in child-headed households, fear of gossip and dishonour, concerns about romantic relationships, dowry, overcrowded shelters, disability, security fears and migration opportunities.¹⁶⁵ These accounts show that child marriage may be arranged through family and community reasoning even where the girl's minority is not necessarily hidden.

This is where documentation connects to the legal ambiguities identified earlier. The difficulty is not that families or community actors are formally applying the special provision of the Child Marriage Restraint Act 2017. Rather, the camp evidence shows that marriage may be justified through social ideas of care, stability, honour, security or survival before any formal legal process is activated. The legal ambiguity around "best interests" therefore becomes relevant in practice because the protective language used by adults may resemble welfare reasoning, even though it is not a lawful determination of the child's best interests. The report-based point is narrower and stronger: documented child-protection evidence shows that adults and children describe marriage through pressures of safety, poverty, family honour, accommodation and survival; these pressures can override the preventive function of age documentation if the case is not brought into protection channels early.

Documentation also interacts with the practical role of parents and guardians. The Situation Analysis does not simply describe child marriage as a hidden act outside the family. It repeatedly links child marriage to parental decisions, caregiver awareness gaps, family honour, household pressure and family strategies for coping with poverty or insecurity.¹⁶⁶ This matters because parents or guardians are often the people who hold documents, speak to community intermediaries and represent the child's situation to registration or protection actors. If the protection process mainly receives the adult's account, the girl may become visible through her age or marital status while her own view remains less visible.

The case-management framework provides a different kind of documentation. The Cox's Bazar Case Management SOP treats early and forced marriage as child-protection concerns and defines case management as a process of identifying vulnerability, assessing needs and strengths, setting goals with the child and, where appropriate, the family or caregiver, coordinating services and following up.¹⁶⁷ This is different from marriage registration. Marriage documentation records status. Case-management documentation should record risk, pressure, consent or assent, safety concerns, referrals and follow-up. For child marriage, this distinction is crucial because a girl may be administratively visible as married without being fully assessed as a child facing a protection concern.

The SOP also shows why the girl's own participation matters at the documentation stage. It requires informed consent or assent, child-friendly communication and confidentiality, and

¹⁶⁵ *ibid* 12–13.

¹⁶⁶ *ibid*.

¹⁶⁷ Case Management Technical Working Group, *Case Management Standard Operating Procedures for Cox's Bazar, Bangladesh* (revised July 2021) 2–4.

provides that where the protection concern involves the caregiver, the child's informed assent may be sufficient to open a case.¹⁶⁸ This is significant in child-marriage cases because the caregiver may be part of the decision-making pressure. Therefore, the protection question is not only whether the girl's age is written somewhere, but whether the case file records her own situation: whether she was pressured, whether she could speak safely, whether she feared retaliation, and whether she needed support beyond the family's account.

The post-marriage stage creates another documentation problem. Once a child marriage has occurred, documentation may become necessary for family-composition updates, birth registration, divorce, assistance, relocation or access to services. UNHCR's October 2024 operational update shows ongoing registration activity in the camps, including recording births, deaths and changes in family composition due to marriage, divorce, family reunification, protection reasons and relocation.¹⁶⁹ Torrisi and others also found that marriage registration is linked to later birth registration.¹⁷⁰ This means that delayed or absent marriage registration may carry consequences beyond the marriage itself, affecting later recognition of births and family records.

At the same time, post-marriage documentation may narrow the way the girl is seen. She may become visible as a wife, mother or member of a new household, while the child-protection dimension of the marriage becomes less visible. This is why the Case Management SOP's clarification is important: in child-marriage cases, the husband is not the caregiver of the child but is recognised as the spouse.¹⁷¹ This distinction prevents the protection process from treating marriage as a transfer of responsibility from the child-protection system to the husband. A married girl under eighteen remains a child with protection needs.

Research on married Rohingya girls confirms why continuing protection matters. Guglielmi, Mitu and Seager found that married Rohingya girls face increased risks of gender-based violence, including intimate partner violence, greater mental distress and exclusion from social participation beyond the household.¹⁷² These findings show that documentation after marriage cannot be treated only as an administrative update. If a child marriage is documented only as a marital or household status, the process may miss the girl's continuing exposure to violence, isolation, psychosocial distress and loss of opportunities.

The current protection environment makes this concern more serious. The 2024 Child Protection Situation Analysis identifies gaps in psychosocial support, specialised child-protection services and children's access to justice. It also notes that deteriorating security, armed-group activity, abductions and movement restrictions limit children's access to services such as education, health

¹⁶⁸ *ibid* 9.

¹⁶⁹ UNHCR, *Bangladesh Operational Update: October 2024* (UNHCR 2024) 1.

¹⁷⁰ Torrisi and others (n 3).

¹⁷¹ Case Management Technical Working Group (n 8) 5.

¹⁷² Silvia Guglielmi, Khadija Mitu and Jennifer Seager, "'I Just Keep Quiet': Addressing the Challenges of Married Rohingya Girls and Creating Opportunities for Change' (2021) 33 *The European Journal of Development Research* 1232.

care and psychosocial support.¹⁷³ These conditions affect both prevention and response. They may contribute to the pressures under which families arrange child marriages, while also making it harder for girls to reach support after marriage.

The documentation problem in the camps is therefore not a simple absence of records. It is a problem of timing, classification and follow-up. Age may be recorded, but the marriage may be arranged before that record is used for prevention. Marriage may be documented, but only after the girl has already entered a marital household. Family composition may be updated, but without a full child-protection assessment. A case may be referred, but the girl's own view may still be filtered through adults unless confidentiality and child assent are properly protected.

These documentary moments show how legal ambiguity becomes visible in practice. The ambiguity around proof of age appears where humanitarian registration does not automatically trigger legal intervention. The ambiguity around best interests appears where reports show marriage being justified through protection, stability, honour or survival. The ambiguity around guardian authority appears where parents and caregivers are central to both the marriage decision and the route into registration or protection. The ambiguity around child participation appears where the girl's marital status is recorded more easily than her independent view. The ambiguity around continuing protection appears where a married girl is recognised administratively as part of a household but still needs protection as a child.

3.5 Chapter Conclusion

This chapter develops the theoretical argument introduced in Chapter 2 by showing how doctrinal ambiguity becomes operational within the Rohingya camp setting. Chapter 2 argued that the weaknesses in Bangladesh's child-marriage framework do not lie only in the text of the law, but in the way concepts such as best interests, guardian consent, child participation, proof of age and continuing protection depend on interpretation. This chapter has shown that, in the Rohingya camps, those interpretive questions are not confined to courts or formal legal actors. They are negotiated through camp administration, humanitarian case-management systems, community intermediaries, family decision-making and documentation practices.

From the perspective of legal pluralism, the Rohingya camps illustrate how formal law enters a space already governed by multiple forms of authority. The Child Marriage Restraint Act 2017 provides the formal legal standard, but the practical route to protection may pass through Majhis, family members, religious actors, caseworkers, Child Protection Focal Points, Camp-in-Charge offices and humanitarian referral pathways. This does not mean that these actors have equal legal authority. Rather, it means that they may influence whether the legal standard becomes visible and actionable in the first place. In this sense, legal pluralism helps explain why the gap is not simply

¹⁷³ Child Protection Sub-Sector Cox's Bazar (n 5) 3–5.

between law and non-compliance, but between formal legal protection and the mediated pathways through which a child-marriage concern is recognised, delayed, reframed or referred.¹⁷⁴

The feminist legal lens developed in Chapter 2 also becomes more concrete in this chapter. The ambiguity around “best interests” becomes especially problematic where marriage is presented through the language of protection, security, honour, family responsibility or betterment. In such cases, the language of welfare may hide the gendered control of the girl’s body, mobility, sexuality and future. The issue is not that families or community actors formally apply section 19 of the CMRA. Rather, the same danger identified in Chapter 2 appears socially: the girl’s interests may be defined by adults before she is independently heard. Feminist legal theory therefore helps reveal how protective language can reproduce patriarchal decision-making when the girl’s own voice is displaced by parents, guardians or community intermediaries.¹⁷⁵

The human rights-based approach further clarifies why the existence of referral pathways or documentation systems is not enough. A rights-based approach requires attention to the girl as a rights-holder and to the accountability of those who carry duties towards her. In the camp context, protection depends not only on whether a marriage is reported, but on whether the girl can speak safely, whether her age is verified in time, whether her views are recorded independently, whether confidentiality is protected, and whether a married girl continues to be treated as a child in need of support. The case-management framework reflects these principles through best-interests assessment, informed consent or assent, confidentiality, participation and follow-up, but the effectiveness of these safeguards depends on how they operate within the realities of camp governance.¹⁷⁶

The documentation discussion shows where these three theoretical lenses meet. Documentation may record age, marriage, divorce, family composition or protection needs, but it does not automatically create protection. Where age verification occurs after a marriage has already been socially or religiously completed, documentation may record the consequences of child marriage rather than prevent it. Where a girl is recorded as married or as part of a new household, her continuing status as a child may become less visible. This shows how the ambiguity around proof of age and continuing protection becomes practical in the camps: the question is not only whether

¹⁷⁴ Sally Engle Merry, ‘Legal Pluralism’ (1988) 22(5) *Law & Society Review* 869; Sally Falk Moore, ‘Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study’ (1973) 7(4) *Law & Society Review* 719; Kirsten McCannachie, *Governing Refugees: Justice, Order and Legal Pluralism* (Routledge 2014).

¹⁷⁵ Carol Smart, *Feminism and the Power of Law* (Routledge 1989); Sylvia Walby, *Theorizing Patriarchy* (Basil Blackwell 1990); Gwen Hunnicutt, ‘Varieties of Patriarchy and Violence Against Women: Resurrecting “Patriarchy” as a Theoretical Tool’ (2009) 15(5) *Violence Against Women* 553.

¹⁷⁶ Convention on the Rights of the Child 1989, arts 3 and 12; Office of the United Nations High Commissioner for Human Rights, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation* (United Nations 2006) 15–16 <https://www.ohchr.org/sites/default/files/Documents/Publications/FAQen.pdf> accessed 8 July 2026; Case Management Technical Working Group, *Case Management Standard Operating Procedures for Cox’s Bazar, Bangladesh* (revised July 2021) 6–10 <https://rohingyaresponse.org/wp-content/uploads/2023/04/CPSS-Case-Management-SOP-for-Coxs-Bazar-Bangladesh-2021-Final.pdf> accessed 8 July 2026.

information exists, but whether it is used in time and interpreted through a child-rights framework.¹⁷⁷

This chapter therefore shows that the implementation gap is produced through the interaction between legal ambiguity and camp governance. The ambiguity around best interests appears where adult-defined betterment shapes marriage decisions. The ambiguity around guardian authority appears where parents or caregivers control access to protection pathways. The ambiguity around child participation appears where the girl's view is filtered through family or community actors. The ambiguity around age verification appears where documentation does not automatically interrupt the marriage process. The ambiguity around continuing protection appears where a married girl is administratively recognised but still lacks meaningful child-sensitive support.

The Rohingya camp case study therefore deepens the argument of Chapter 2. It shows that legal ambiguity is not merely a doctrinal problem located in statutory language. It becomes an implementation problem when formal protection depends on actors and processes that may reproduce adult authority, community mediation and fragmented accountability. Legal pluralism explains the multiplicity of authorities; feminist legal theory exposes the gendered power hidden within protective reasoning; and a human rights-based approach clarifies why protection must be measured by the girl's participation, safety, access to services and continuing recognition as a child. This provides the analytical basis for Chapter 4, which examines how these dynamics appear in the interview findings.

¹⁷⁷ UNHCR, *Bangladesh Operational Update: 1–31 October 2019* (UNHCR 2019) 3 <https://data.unhcr.org/en/documents/details/72130> accessed 8 July 2026; Orsola Torrisi and others, 'Registration of Family Vital Events in a Conflict-Induced Displacement Setting' (2026) 24 *Population Health Metrics* 40; Case Management Technical Working Group (n 3) 5.

Chapter 4: Interview Findings, Discussion and Conclusion

4.1 Introduction: Use of Interview Evidence and Secondary Sources

This chapter brings together the interview findings, legal analysis, secondary literature and humanitarian reports to examine how child-marriage protection is understood and applied in practice. In the Chapter 2, the findings identified ambiguities within Bangladesh's child-marriage protection framework, particularly around the "best interests of the minor", guardian authority, exceptional circumstances and the participation of the child. Consequently, Chapter 3 examined how protection in the Rohingya camps may be mediated through family decision-making, community leadership, referral pathways, humanitarian actors in Rohingya camp administration. This chapter now looks at how those legal and institutional issues appear in the accounts of the three participants interviewed for this research.

The empirical material consists of three semi-structured interviews. Firstly, P1 is a Rohingya woman aged 29 who was 13+ old, married as a child and later divorced. Secondly, P2 is a Rohingya male activist aged 24 and unmarried. Thirdly, P3 is a Head Majhi, whose age was not specified. The interviews were conducted in Bengali, translated and analysed through manual thematic coding. All names, camp blocks and other identifying details have been removed to protect confidentiality. The interviews are not presented as representative of all Rohingya girls, families, Majhis or camp actors. Their value is more limited, but still important to understand the Rohingya camp context regarding child marriage. They provide three situated perspectives: the lived experience of a woman who went through child marriage, the view of a young Rohingya activist, and the perspective of a community leader involved in local mediation and referral. For this reason, the chapter does not rely on the interviews alone. It reads them alongside legal materials, academic literature and humanitarian reports.

The discussion is organized around four themes that emerged from the interview manual coding: child marriage as "betterment" and future security; adult authority and girls' limited participation;

mediated access to protection through Majhis, NGOs, the CiC, police and other actors; and the gap between legal awareness and implementation. These themes are used to examine how legal ambiguity and camp-level governance shape the application of child-marriage protections in practice.

The central argument of this chapter is that ambiguity within the formal legal framework becomes practically significant in a camp setting where girls' welfare may be defined by adults in the patriarchal society and where access to protection depends on family, community and administrative mediation. The interviews do not show that section 19 of the Child Marriage Restraint Act 2017 is formally invoked in the camps. However, they show why the issues raised by section 19 under "special circumstances" best interests, guardian authority and child participation that matter beyond the legal text. Similar questions are already being negotiated within families and communities before formal legal or humanitarian protection is activated.

4.2 Interview Findings

This section presents the main findings from the three interviews. The interviews are not used to establish prevalence or to generalise about all Rohingya families, girls, Majhis or camp actors. Their value is analytical. They show how child-marriage protection may be understood, delayed or weakened before it reaches formal legal or humanitarian mechanisms. The section is therefore interview-led, but the findings are read alongside Rohingya camp specific research, child-protection standards and UNHCR/UNICEF materials to assess what the interviews reveal about the implementation inside the camp.

Four connected findings emerge. First, participants described child marriage not only as harm, but also as protection, future security or "betterment". Secondly, that understanding of betterment was largely adult-defined, with limited evidence of girls being independently heard. Thirdly, access to protection appeared mediated through family, community and camp-level actors. Fourthly, legal awareness and documentation mechanisms existed, but protection remained uneven because it depended on recognition, reporting, age verification and timely institutional response.

4.2.1 Child Marriage as Protection, Security and "Betterment"

The first finding is that child marriage may be understood socially as protection or future security for minor girls, even when law and child-protection standards define it as harm. P1 described her own child marriage as a family decision shaped by financial hardship, stating that her family took the decision because of "money problems".¹⁷⁸ She also connected early marriage to social pressure

¹⁷⁸ Interview with P1, Rohingya woman aged 29, anonymised, conducted by author in Bengali, author's translation, 2026.

on families with unmarried daughters and to fear of harassment, including eve-teasing when girls go to school.¹⁷⁹ P2 similarly explained that some families believe, early marriage gives a girl a “better future”, especially where parents are ageing or worried about who will care for her after parent’s death.¹⁸⁰ Similarly, P3, speaking as a Head Majhi, stated that parents may marry daughters “for their good” so that the daughter can live without being worried about expenses.¹⁸¹

These interviewees do not suggest that child marriage is actually protective. Rather, they show how harm may be interpreted as care within conditions of poverty, insecurity and limited alternatives. This is supported by the Population Council and UNFPA study, which found that arranged marriage is the social norm among Rohingya communities and that girls are often considered eligible for marriage after puberty. The same study found that fears about sexual purity, rumours, elopement and reduced marriageability motivate early marriage decisions.¹⁸² UNICEF’s Rohingya policy brief similarly identifies child marriage as a humanitarian protection concern, with girls more affected than boys and rates increasing after the 2017 displacement.¹⁸³ Melnikas and others also found that child marriage among Rohingya is shaped by socio-cultural norms, insecurity, displacement and concerns about girls’ reputation and safety.¹⁸⁴

The significance of this finding is not simply that poverty, insecurity or honour are “drivers”. The more important point is that these pressures affect how a proposed marriage is classified. If a family understands marriage as protection, the case may not be recognised as a child-protection concern at the moment when prevention is still possible. This matters for implementation because formal law is activated only after a risk becomes visible to someone able to act. Where child marriage is socially understood as “betterment”, the first barrier is not only weak enforcement; it is the meaning attached to the marriage before enforcement begins.

This also clarifies the relationship between community “betterment” and the legal idea of “best interests”. They are not the same. The finding is not that Rohingya families are applying section 19 of the Child Marriage Restraint Act 2017. However, the finding is that both concepts raise the same underlying question: who defines what is good for the girl, and whether that definition is based on her rights and voice or on adult anxiety about safety, poverty and social reputation.

¹⁷⁹ Ibid.

¹⁸⁰ Interview with P2, Rohingya male activist aged 24, anonymised, conducted by author in Bengali, author’s translation, 2026.

¹⁸¹ Interview with P3, Head Majhi/community leader, age not specified, anonymised, conducted by author in Bengali, author’s translation, 2026.

¹⁸² Sigma Ainul, Iqbal Ehsan, Eashita F Haque, Sajeda Amin, Ubaidur Rob, Andrea J Melnikas and Joseph Falcone, *Marriage and Sexual and Reproductive Health of Rohingya Adolescents and Youth in Bangladesh: A Qualitative Study* (Population Council 2018) 13.

¹⁸³ UNICEF, *Child Marriage in Humanitarian Settings: The Rohingya Community in Bangladesh* (Policy Brief, UNICEF Regional Office for South Asia 2021) 2.

¹⁸⁴ Andrea J Melnikas, Sigma Ainul, Iqbal Ehsan, Eashita Haque and Sajeda Amin, ‘Child Marriage Practices among the Rohingya in Bangladesh’ (2020) 14 *Conflict and Health* 28.

4.2.2 Adult-Defined Welfare and Girls' Limited Participation

The second finding is that the girl's welfare is mainly narrated through adult decision-making, mostly by family members. Across the interviews, parents, fathers, elders along with community leaders appear as the primary actors deciding what is protective or necessary. The girl appears as the person being protected, married or worried about, but not always as a rights-holder whose own view is independently heard.

Particularly, P1's account is central here since She stated that, fathers usually play a strong role in marriage decisions and explained that she "had to accept" because she had limited education and limited options to survive within the camp.¹⁸⁵ It shows how acceptance may occur within a narrow field of choices. When a girl depends on her family for shelter, food, safety and social belonging, silence or acceptance cannot automatically be treated as meaningful participation.

Additionally, P2's account strengthens this finding by showing how difficult it may become for a minor girl to challenge family decision. He stated that "it is difficult for a girl to complain against her own parents".¹⁸⁶ This is crucial for the thesis because adult authority does not only shape the marriage decision; it also shapes access to protection after the decision has been made. If the same adults who arrange or support the marriage are also the people the girl depends on, then reporting becomes emotionally, socially and practically difficult for the victim.

P3's account shows how adult-defined welfare can also operate at community level. He described marriage decisions as matters usually handled by families and elders and explained that parents may marry daughters off "for their good".¹⁸⁷ however, His account does not necessarily show that girls' views are openly rejected. Rather, it shows that the decision-making process is described through adult judgement. Parents and elders appear as the interpreters of what is safe, respectable or necessary for the minor girl.

This is directly supported by Gausman and others finding, whose comparative study of Syrian and Rohingya refugees found that girls described limited ability to influence marriage decisions. The study records that fathers often have the final say and that girls may be pressured into accepting decisions made for them.¹⁸⁸ The Population Council and UNFPA report also shows how marriage decisions are shaped by community expectations around puberty, sexuality and marriageability, rather than by girls' independent long-term choices.¹⁸⁹

¹⁸⁵ Interview with P1 (n 1).

¹⁸⁶ Interview with P2 (n 3).

¹⁸⁷ Interview with P3 (n 4).

¹⁸⁸ Jewel Gausman and others, 'Girl Child Marriage and the Social Context of Displacement: A Qualitative Comparative Exploration of Syrian Refugees in Jordan and Rohingya Refugees in Bangladesh' (2022) 22 BMC Public Health 2417.

¹⁸⁹ Ainul and others (n 5) 13.

However, Article 3 of the Convention on the Rights of the Child requires the child's best interests to be a primary consideration, while Article 12 requires children to be heard in matters affecting them.¹⁹⁰ The Committee on the Rights of the Child has clarified that best interests and the right to be heard are linked: a child's interests cannot be properly assessed without considering the child's own views.¹⁹¹ The Cox's Bazar case-management standards similarly require child participation, confidentiality, child-friendly communication and assessment of the child's best interests.¹⁹² even though this finding should not be overstated as a claim that Rohingya girls have no agency. Rather, it shows that girls' agency is constrained by poverty, limited education, dependency, gendered expectations shaped by family pressure and difficulty complaining against parents. This is where the feminist socio-legal dimension of the thesis becomes visible: protection can become control when adults define a girl's safety without creating a process in which she can speak separately from them.

To connect this finding to Chapter 2, Section 19 of the Child Marriage Restraint Act 2017 refers to the "best interests of the minor" and requires parental or guardian consent, but the interviews show why guardian oriented protection is risky in practice.¹⁹³ The issue is not that section 19 is formally invoked in the camps. The issue is that the same unresolved question behind section 19 that who defines the child's welfare, is already being answered socially by adults before formal protection is activated.

4.2.3 Mediated Access to Protection and the Visibility of Harm

The third finding is that access to protection is mediated rather than direct. A girl at risk does not simply move from harm to law. Her situation may first pass through family members, neighbours, Majhis, NGO workers, women-friendly spaces, the CiC, police or other administrative actors. Protection therefore depends not only on legal rules, but on recognition, trust, referral and timing.

P2 explained this clearly. He stated that the law may work when someone complains, but many people do not know where to complain or how to activate protection.¹⁹⁴ He also referred to NGO actors and women-friendly spaces as possible entry points and described situations where a concern may move from an NGO actor to the CiC.¹⁹⁵ This shows that legal protection does not operate automatically. It must be reached through information, confidence and referral.

¹⁹⁰ Convention on the Rights of the Child 1989, arts 3 and 12.

¹⁹¹ 14UN Committee on the Rights of the Child, General Comment No 14 on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration UN Doc CRC/C/GC/14 (29 May 2013) paras 32, 43–45; UN Committee on the Rights of the Child, General Comment No 12: The Right of the Child to be Heard UN Doc CRC/C/GC/12 (20 July 2009) paras 19–21, 32.

¹⁹² Case Management Technical Working Group, Case Management Standard Operating Procedures for Cox's Bazar, Bangladesh (revised July 2021) 6–8.

¹⁹³ Child Marriage Restraint Act 2017, s 19.

¹⁹⁴ Interview with P2 (n 3).

¹⁹⁵ *ibid.*

P3's account gives the community-leadership side of the same problem. As a Head Majhi, he described himself as someone to whom community members bring problems. He stated that serious matters may be taken to the CiC or police.¹⁹⁶ This suggests that the Majhi may operate as a bridge between families and formal camp authorities. But the same role can also become a filter. P3 described different responses depending on the girl's age, suggesting that cases involving girls close to eighteen may not be escalated in the same way as cases involving much younger girls.¹⁹⁷ This matters because informal judgement may determine whether a case is treated as a child-protection concern or left as a family matter.

P1's account shows the lived effect of this mediated system. She described help as weak and ineffective.¹⁹⁸ Her account suggests that the existence of laws, NGOs or administrative actors does not necessarily create a felt sense of protection. For someone affected by child marriage, the question is not only whether a protection system exists, but whether it is reachable, trusted and able to intervene before the marriage becomes socially settled.

This finding is supported by the design of child-protection case management. The Cox's Bazar case-management framework requires identification, assessment, referral and coordinated services for children at risk.¹⁹⁹ These safeguards are important, but the interviews show that the difficulty often arises before case management begins. Someone must first recognise the proposed marriage as harm and pass the concern onward. If the first response treats the marriage as family protection, reputation management or a reasonable compromise, the girl may never reach a child-sensitive process.

UNHCR's reporting also shows that protection in Cox's Bazar operates through a hybrid administrative structure involving the Government of Bangladesh, RRRC, CiCs, law enforcement, UNHCR and humanitarian partners. In 2024, UNHCR described its engagement with camp civil administration, law enforcement and the judiciary to expand protection space, while also noting refugees' barriers to filing cases with police and broader access-to-justice concerns.²⁰⁰ Bangladesh is not party to the 1951 Refugee Convention and lacks specific national refugee and asylum legislation, which means the Rohingya response operates through administrative and humanitarian arrangements rather than a comprehensive refugee law framework.²⁰¹

The finding is not that mediation is always harmful. In a camp setting, community actors may be the first to know about a problem and may help connect families to protection actors. The problem is that mediation can also delay, dilute or reframe harm. The movement from "family decision" to "child-protection concern" is not automatic. It depends on who hears the concern first, whether the girl is able to speak, and whether the matter is referred before the marriage is completed.

¹⁹⁶ Interview with P3 (n 4).

¹⁹⁷ *ibid.*

¹⁹⁸ Interview with P1 (n 1).

¹⁹⁹ Case Management Technical Working Group (n 15) 6–8.

²⁰⁰ UNHCR, Bangladesh Annual Results Report 2024 (UNHCR 2025) 11–13.

²⁰¹ UNHCR, Bangladesh Strategy 2023–2025 (UNHCR 2025) 1–2.

4.2.4 Legal Awareness, Documentation and Uneven Implementation

The fourth finding is that legal awareness and documentation mechanisms exist, but implementation remains uneven. Participants did not describe a complete absence of rules. Rather, they described a gap between knowing child marriage is prohibited and being able to prevent or challenge it in practice.

P1 stated that awareness sessions on dowry and child marriage take place, but she did not see them as effective in preventing the practice.²⁰² P2 explained that people may know child marriage is not allowed, but many do not know the details of the law or where to go for help. He also suggested that the law works mainly when a complaint is made.²⁰³ P3 stated that he knows child marriage is prohibited and referred to awareness activities in the camps, but his account also suggested uneven responses depending on age and circumstances.²⁰⁴

This shows that awareness is not the same as implementation. Awareness may exist without confidential complaint pathways, timely referral, age verification, follow-up or meaningful alternatives for the girl. This is consistent with scholarship on child-marriage law. The World Bank has argued that legal reform alone is limited where enforcement is weak, social norms remain strong and girls lack realistic alternatives.²⁰⁵ Sclaro and others similarly note that child-marriage laws may be weakened by exceptions, poor enforcement and gaps between legal rules and social practice.²⁰⁶

Documentation is important within this finding because it determines when a marriage becomes visible to the protection system. Section 12 of the Child Marriage Restraint Act 2017 relies on recognised documents for age verification, including birth certificates, national identity documents, educational certificates and passports.²⁰⁷ For displaced Rohingya girls, this raises a practical problem. UNICEF's Rohingya policy brief states that civil registration is indispensable in humanitarian settings because it is needed for enforcing child-marriage laws, monitoring rates and obtaining birth registration. It also notes that birth registration is not carried out in the Rohingya camps, affecting access to education, health services and social protection.²⁰⁸

The Population Council and UNFPA study shows why this matters in practice. It found that the absence of well-defined rules on minimum age, marriage registration and legal documentation contributed to informality in marriage practices in the camps.²⁰⁹ UNHCR's 2019 operational update later reported that the Government of Bangladesh had agreed to document registered

²⁰² Interview with P1 (n 1).

²⁰³ Interview with P2 (n 3).

²⁰⁴ Interview with P3 (n 4).

²⁰⁵ World Bank Group, *Ending Child Marriage: Child Marriage Laws and Their Limitations* (World Bank Group 2017).

²⁰⁶ Elena Sclaro, Ana Blagojevic, Bethany Fillion, Venkatraman Chandra-Mouli, Lale Say, Johanna

²⁰⁷ Child Marriage Restraint Act 2017, s 12.

²⁰⁸ UNICEF (n 6) 4.

²⁰⁹ Ainul and others (n 5) 1.

marriages and divorces for Rohingya refugees through Camp-in-Charge offices, with copies kept at the CiC office, and stated that child marriage could be better addressed through age verification before registration.²¹⁰

This documentation mechanism is protective, but only partially. It can support age verification and preserve marital-status records once a marriage enters the administrative system. But it cannot guarantee prevention where a marriage is arranged, religiously conducted or socially accepted before registration. If the marriage reaches the CiC only after the decisive family or community decision has already been made, documentation may record the marriage rather than prevent it.

Recent UNHCR reporting confirms both the importance and the limits of documentation. In 2024, UNHCR supported continuous registration, issued asylum identity documents, provided marriage and divorce registration forms to Camps-in-Charge in all camps and processed 10,482 family-composition changes, including 10,192 new marriages and 290 divorces.²¹¹ At the same time, UNHCR reported concerns about arbitrary conditions imposed to access documentation, including cases where birth-control implants were required to access marriage certificates.²¹² This shows that documentation is not a neutral technical process. Its protective value depends on whether it is accessible, non-coercive, child-sensitive and connected to meaningful referral.

The overall finding is that implementation is layered. Child marriage may be framed as protection; that protection may be defined by adults; access to formal mechanisms may be mediated by family, community and camp actors; and documentation may make some marriages visible only after the decisive social decision has already occurred. These findings do not show that section 19 of the Child Marriage Restraint Act 2017 is formally applied in the camps. Instead, they show that the same unresolved questions raised by the law — who defines the child’s welfare, how the child is heard, how age is verified and how protection is activated — are reproduced in camp-level practice. This is the bridge between the interview findings and the wider thesis argument.

4.3 Discussion: From Interview Findings to the Implementation Gap

The interview findings show that the implementation gap is not simply a failure to enforce the law after child marriage occurs. It begins earlier, at the point where a proposed marriage is understood, classified and referred. The formal legal framework treats child marriage as prohibited and punishable, but the interviews suggest that, in practice, a proposed marriage may first be interpreted by families or community actors as protection, responsibility or future security. This means that the first barrier to protection is not always the absence of law. It may be the social meaning attached to the marriage before legal or humanitarian protection is activated.

²¹⁰ UNHCR, Bangladesh Operational Update: 1–31 October 2019 (UNHCR 2019) 3.

²¹¹ UNHCR, Bangladesh Annual Results Report 2024 (n 23) 10.

²¹² *ibid* 13.

This finding is important for understanding the ambiguity within Bangladesh's child-marriage framework. Section 19 of the Child Marriage Restraint Act 2017 refers to "special circumstances", the "best interests of the minor" and parental or guardian consent.²¹³ The interviews do not show that section 19 is formally applied in the Rohingya camps. However, they show that the same underlying question raised by section 19 is already present in community practice: who decides what is best for the girl? In the interviews, "betterment" was usually described through adult reasoning. Parents, guardians or community actors may present marriage as a way to secure the girl's future, protect her from harassment or reduce family anxiety. This does not mean that they are legally applying the best-interests principle. Rather, it shows how the language of welfare may become socially defined before the girl herself is heard.

This is where the feminist legal lens becomes central. Feminist legal theory helps reveal how protective language can reproduce patriarchal control when decisions about girls' futures are made by adults in the name of safety, honour or family responsibility. In P1's account, child marriage was connected to financial hardship, social pressure and limited educational possibilities. P2 described situations where parents may believe marriage offers a better future. P3 also described parents as acting for the girl's good. These accounts show that marriage may be framed as care even when it restricts the girl's education, autonomy, mobility and future choices. The problem is therefore not only that child marriage violates a legal minimum age. It is also that adult-defined protection can displace the girl's own voice.

The human rights-based approach makes this problem clearer. Under the CRC, the best interests of the child must be assessed together with the child's right to be heard.²¹⁴ A decision cannot be considered rights-based if the child's welfare is defined only through parents, guardians or community leaders. In the Rohingya camp context, this is especially important because girls may be dependent on family members for shelter, food, social acceptance and protection. Their apparent acceptance of marriage may therefore reflect constrained choice rather than meaningful participation. The issue is not whether a girl has agency in an abstract sense. The issue is whether the protection process creates a safe and confidential space where her views can be heard separately from the adults who may be arranging or supporting the marriage.

The findings also show the importance of legal pluralism. Child-marriage protection in the camps does not move directly from formal law to enforcement. A concern may pass through parents, neighbours, Majhis, NGO workers, women-friendly spaces, the Camp-in-Charge, police or other humanitarian and administrative actors before it becomes a formal protection matter. These actors do not have the same legal authority, but they may influence whether the concern is recognised, delayed, reframed or referred. This confirms that the implementation gap is produced through overlapping systems of authority rather than through state law alone.

²¹³ Child Marriage Restraint Act 2017, s 19.

²¹⁴ Convention on the Rights of the Child 1989, arts 3 and 12; UN Committee on the Rights of the Child, *General Comment No 14 on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration* UN Doc CRC/C/GC/14 (29 May 2013) paras 32, 43–45; UN Committee on the Rights of the Child, *General Comment No 12: The Right of the Child to Be Heard* UN Doc CRC/C/GC/12 (20 July 2009) paras 19–21, 32.

The role of the Majhi illustrates this point. P3 described the Head Majhi as someone who receives community concerns and may refer serious matters to the CiC or police. This suggests that community leadership can operate as a bridge between families and formal structures. However, the same position can also operate as a filter. If a proposed marriage is understood as a family matter, a protection concern may not move further. If the girl is close to eighteen, community actors may treat the case differently from a case involving a much younger child. This shows how informal judgement can affect whether formal protection is activated. The issue is not that Majhis have legal authority to decide child-marriage matters. The issue is that their position within the camp governance structure may influence whether a case becomes visible to actors who do have protection responsibilities

This mediated pathway is also linked to the legal status of Rohingya refugees in Bangladesh. The Rohingya response operates within an administrative and humanitarian framework rather than a comprehensive domestic refugee law system.²¹⁵ As a result, protection depends on the interaction between Bangladeshi authorities, camp administration, UNHCR, humanitarian organisations, community leaders and informal family structures. This does not mean that Rohingya girls are outside legal protection. Rather, it means that their access to protection is shaped by the route through which a concern travels. A legal right may exist formally, but the girl may still be unable to reach the actors or procedures needed to make that right meaningful.

The findings on legal awareness and documentation further support this point. Participants did not describe a total absence of awareness. Instead, they described a gap between knowing that child marriage is prohibited and being able to prevent or challenge it. Awareness sessions, legal rules and documentation systems may exist, but they do not automatically create protection. Protection depends on whether people know where to complain, whether they trust the pathway, whether confidentiality is preserved, whether age can be verified, and whether intervention happens before the marriage becomes socially settled.

Age verification is particularly important because the CMRA relies on documentary proof of age, while Rohingya girls do not have ordinary access to Bangladeshi civil registration. UNICEF's Rohingya policy brief notes that civil registration is necessary for enforcing child-marriage laws and monitoring child-marriage rates, while also noting that birth registration is not carried out in the camps.²¹⁶ UNHCR's documentation of marriage and divorce through CiC offices creates an administrative point where age may be checked.²¹⁷ However, this mechanism can only prevent child marriage if the case reaches the system before the marriage is socially or religiously completed. If documentation occurs after the family decision, then registration may record the consequences of child marriage rather than prevent it

²¹⁵ UNHCR, *Bangladesh Strategy 2023–2025* (UNHCR 2025) 1–2; Janmyr M, 'The 1951 Refugee Convention and Non-Signatory States' (2019) 31(2–3) *International Journal of Refugee Law* 188.

²¹⁶ UNFPA Asia and the Pacific Regional Office and UNICEF Regional Office for South Asia, *Child Marriage in Humanitarian Settings in South Asia: Policy Brief (Rohingya Community in Bangladesh)* (UNFPA/UNICEF 2021) 4 <https://www.unicef.org/rosa/media/14851/file/Policy%20Brief%20-%20Bangladesh.pdf> accessed 9 July 2026.

²¹⁷ UNHCR, *Bangladesh Operational Update: 1–31 October 2019* (UNHCR 2019) 3 <https://data.unhcr.org/fr/documents/download/72444> accessed 9 July 2026.

Recent UNHCR reporting also shows the scale and importance of documentation in the camps. UNHCR has supported continuous registration, identity documentation and family-composition updates, including marriage and divorce-related changes.²¹⁸ These mechanisms are important, but they do not remove the need for child-sensitive safeguards. Documentation is not neutral if girls cannot safely challenge a proposed marriage, if age is disputed, or if community actors influence whether the case is reported. For this reason, documentation should be understood as part of the protection pathway, not as protection by itself.

Taken together, the findings show that legal ambiguity becomes harmful when it travels through adult-defined welfare, mediated access and partial documentation. The ambiguity around best interests appears in practice when marriage is described as betterment. The ambiguity around guardian authority appears when adults speak for the girl. The ambiguity around child participation appears when the girl's own view is not independently heard. The ambiguity around age verification appears when documentation does not reach the case in time. The ambiguity around continuing protection appears when married girls remain children in need of support, but the system sees them mainly through marital status.

The implementation gap is therefore not only a gap between law and enforcement. It is a gap between harm and recognition. Child marriage may be harmful in law, but it may first be recognised socially as protection. A girl may have rights in principle, but her ability to use those rights may depend on adults, community intermediaries and administrative processes. A marriage may be prohibited, but the system may see it only after the family or community has already settled the matter.

The central answer of the thesis is therefore that child-marriage protection for Rohingya girls is fragile at the point of activation. Legal protection exists formally, but its practical effect depends on whether the girl's situation becomes visible, whether her age can be verified, whether she can speak safely and separately, and whether protection actors intervene before the marriage is completed or socially accepted. This is where legal ambiguity, adult-defined welfare and camp-level governance intersect.

4.4 Answer to the Research Questions, Recommendations and Conclusion

This thesis began from a concern that formal legal protection does not automatically become real protection for Rohingya girls in the refugee camps of Cox's Bazar. The findings confirm that concern, but they also make the problem more specific. The implementation gap is not only found after a child marriage has already taken place, when punishment, documentation or support may be considered. It appears earlier, at the point where a proposed marriage is first interpreted. At that

²¹⁸ UNHCR, *Bangladesh Annual Results Report 2024* (UNHCR 2025) 10–13
<https://www.unhcr.org/media/bangladesh-annual-results-report-2024> accessed 9 July 2026.

moment, the situation may either be recognised as a child-protection concern or absorbed into family and community decision-making. This is the point where the protection pathway either begins or is quietly lost.

The main research question asked how ambiguities within Bangladesh's child-marriage protection framework affect the implementation of child-marriage protections for Rohingya girls in the camps. The answer is that legal ambiguity becomes practical through the way adults interpret welfare, consent and protection. Section 19 of the Child Marriage Restraint Act 2017 refers to "special circumstances", the "best interests of the minor" and parental or guardian consent.²¹⁹ The interviews do not show that section 19 is formally applied inside the camps. However, the unresolved logic behind the provision appears in practice: adults may decide that marriage is in the girl's interest before the girl is independently heard. In this sense, the ambiguity of "best interests" does not remain only in the legal text. It reappears socially when parents, guardians or community actors describe marriage as safety, future security or betterment.

This is the main socio-legal finding of the thesis. The law formally prohibits child marriage, but the meaning of protection may be shaped before legal actors or trained child-protection actors become involved. A family may see marriage as a way to reduce economic pressure, avoid harassment, protect reputation or secure the girl's future. A Majhi or community leader may then become involved not necessarily as a formal decision-maker, but as someone trusted to mediate family and community concerns. Where this process treats the proposed marriage as a family matter rather than a rights violation, the case may never reach the referral pathway. The failure is therefore not only a failure of enforcement. It is a failure of conversion: a risk to a child is not converted into a formal child-protection case in time.

The sub-question asked how camp-level governance structures and community-based decision-making processes shape the interpretation and application of these protections in practice. The answer is that they shape protection by controlling visibility and movement. A child-marriage concern may pass through parents, relatives, neighbours, religious actors, Majhis, NGO workers, women-friendly spaces, CiC offices, police or humanitarian case-management systems. These actors are not equal in legal authority, but each may affect whether the concern moves forward. This is why camp governance matters. It does not simply sit beside the law. It becomes the route through which the law may or may not reach the girl.

The role of the Majhi shows this most clearly. The Majhi system can help connect families to camp authorities or humanitarian actors. It may therefore work as a bridge. However, it can also work as a filter. If parents and the Majhi discuss the marriage as a private family decision, as a solution to insecurity, or as something acceptable because the girl is close to eighteen, formal protection may not be activated. The girl may then lose access to protection before any official refusal, complaint or case assessment occurs. This is why the thesis does not treat community mediation as merely cultural background. It is part of the implementation structure, because it can decide whether a case enters the child-protection system at all.

The interviews support this conclusion in different ways. P1's account shows how child marriage may be shaped by poverty, harassment, family pressure and limited alternatives. Her experience

²¹⁹ Child Marriage Restraint Act 2017, s 19.

makes it difficult to treat acceptance of marriage as meaningful consent where the social and economic conditions around the girl are already constrained. P2's account shows that complaint pathways do exist. He identified UN Women and friendly women spaces as places where girls may complain, and he described a situation where UN Women took a complaint to the CiC and action was taken. At the same time, he also stated that some people do not know where to complain, that law often works only if someone complains, and that it may be difficult for a girl to complain against her parents. P3's account further shows the double role of community leadership: the Majhi may refer serious matters to the CiC or police, but community judgement may also affect whether the matter is treated as serious enough to escalate.²²⁰

These findings show that the problem is not the complete absence of protection pathways. Rather, the problem is that the pathways are uneven, complaint-dependent and mediated. Protection may work when the case reaches UN Women, a women-friendly space, a CiC office, police or a trained caseworker. But the girl's situation may never reach that point if the marriage is already settled within the family or community. Therefore, the practical question is not only "does a referral system exist?" The more important question is: who decides whether the girl's situation enters that system?

The legal ambiguity around child participation is central here. Under the CRC, the best interests of the child must be connected to the child's right to be heard.²²¹ In the camp context, this connection is particularly important because the girl may depend on the same adults who support the marriage. If the discussion takes place mainly between parents, elders and a Majhi, the girl may be spoken about rather than spoken to. Her silence may be read as agreement, although it may actually reflect fear, dependency or lack of alternatives. A feminist legal reading helps explain why this is not a neutral family process. It is a gendered and generational process in which adults may define the girl's welfare on her behalf.

Documentation and age verification create another layer of the same problem. The Child Marriage Restraint Act depends on proof of age, but Rohingya girls do not have ordinary access to Bangladeshi civil registration. UNICEF notes that birth registration is not carried out in the camps, even though civil registration is important for enforcing child-marriage laws.²²² UNHCR-supported marriage and divorce documentation through CiC offices may help record marital status and support age verification.²²³ However, documentation can only prevent child marriage if it is reached before the marriage is socially or religiously completed. If documentation happens

²²⁰ Interview with P1, Rohingya woman aged 29, anonymised, conducted by author in Bengali, author's translation, 2026; Interview with P2, Rohingya male activist aged 24, anonymised, conducted by author in Bengali, author's translation, 2026; Interview with P3, Head Majhi/community leader, age not specified, anonymised, conducted by author in Bengali, author's translation, 2026.

²²¹ Convention on the Rights of the Child 1989, arts 3 and 12; UN Committee on the Rights of the Child, *General Comment No 14 on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration* UN Doc CRC/C/GC/14 (29 May 2013) paras 43–45; UN Committee on the Rights of the Child, *General Comment No 12: The Right of the Child to Be Heard* UN Doc CRC/C/GC/12 (20 July 2009) paras 19–21.

²²² UNICEF, *Child Marriage in Humanitarian Settings: The Rohingya Community in Bangladesh* (Policy Brief, UNICEF Regional Office for South Asia 2021) 4 <https://www.unicef.org/rosa/media/14851/file/Policy%20Brief%20-%20Bangladesh.pdf> accessed 9 July 2026.

²²³ UNHCR, *Bangladesh Operational Update: 1–31 October 2019* (UNHCR 2019) 3 <https://data.unhcr.org/fr/documents/download/72444> accessed 9 July 2026.

afterwards, it may make the marriage visible administratively, but it cannot restore the girl's missed opportunity to be heard before the decision was made.

The thesis therefore concludes that legal ambiguity affects implementation most sharply at the point of activation. Bangladesh's child-marriage law may prohibit marriage under eighteen, but the protection of Rohingya girls depends on whether risk is recognised early, whether the girl can speak separately, whether age can be checked in time, and whether the matter is referred before family or community mediation closes it. The problem is not simply that the law is weak, or that camp actors are unaware. The deeper problem is that adult-defined welfare can prevent the law from being activated at the moment when protection is most needed.

The recommendations should therefore focus on this activation point. First, suspected child marriage should not be left to family or community mediation alone. Where a proposed marriage involves a girl under eighteen, the matter should be referred to trained child-protection actors, even if parents or community members describe the marriage as protection, betterment or family necessity. Community discussion may help identify the concern, but it should not be the final place where the girl's welfare is decided.

Secondly, the girl's independent participation must be treated as a minimum safeguard. A best-interests assessment should require that the girl is heard safely, separately and confidentially, preferably by trained female or child-protection staff where possible. This is not only a procedural improvement. It is necessary to prevent "best interests" from becoming an adult claim made on behalf of the child.

Thirdly, Majhis should be treated as referral actors rather than decision-makers in child-marriage concerns. Their practical role in the camps should be recognised, but also limited. Training should therefore focus on what they must do when child marriage is suspected: identify risk, avoid informal settlement, maintain confidentiality, prevent retaliation and refer the concern to the appropriate child-protection pathway. There should also be monitoring of whether cases are delayed or settled informally before referral.

Fourthly, complaint and referral routes must be clearer and safer. The existence of UN Women, women-friendly spaces, CiC offices, NGOs or police is important, but it is not enough if girls and families do not know how to reach them, or if girls fear complaining against parents. Awareness work should therefore move beyond saying that child marriage is illegal. It should explain where a girl, mother, neighbour or community member can go, what will happen after a complaint, and how confidentiality will be protected.

Fifthly, documentation and age verification should be used as preventive checkpoints rather than only administrative records. If a marriage or family-status change involving a girl under eighteen comes before a CiC office or documentation process, it should trigger child-protection review. At the same time, documentation should not be used in a way that punishes or stigmatises the girl. The aim should be protection, not blame.

Finally, child-marriage prevention must be connected to realistic alternatives. Families may describe marriage as protection because they see few other ways to respond to poverty, harassment,

insecurity, lack of education or uncertainty about the future. Legal prohibition is necessary, but it will remain fragile unless girls have access to education, safe mobility, adolescent programming, psychosocial support, livelihood support for vulnerable households and continuing services for girls who are already married. Married girls should not disappear from child-protection concern simply because the marriage has taken place.

This thesis therefore ends with a narrow but important conclusion. The implementation gap is not only between law and practice. It is between risk and referral. A Rohingya girl may have formal protection under law, but that protection may never reach her if her proposed marriage is interpreted as family welfare, mediated as a community matter and documented only after the decision is already settled. Effective protection must interrupt this process earlier. It must keep the route open from household concern to formal child protection, ensure that the girl is heard as a rights-holder, and make community governance a doorway to protection rather than a place where the case disappears.

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Interviews

Interview with P1, Rohingya woman aged 29, anonymised, conducted by author in Bengali, author's translation, 2026.

Interview with P2, Rohingya male activist aged 24, anonymised, conducted by author in Bengali, author's translation, 2026.

Interview with P3, Head Majhi/community leader, age not specified, anonymised, conducted by author in Bengali, author's translation, 2026.

Appendix:

Declaration on the Use of Language and AI-Assisted Tools

During the preparation of this thesis, I used Grammarly and AI-assisted tools occasionally for grammar checking, language refinement and translation support. These tools were used only to improve clarity of expression and to assist with the translation of interview-related material from Bengali into English.

Appendix 1: Interview Questions

The interviews were semi-structured. The following questions guided the interviews, although not every question was asked in exactly the same order. Follow-up questions were asked depending on the participant's role and responses.

A. Questions for Rohingya Woman

1. Can you tell me about your life in the camp?

2. How do decisions about marriage usually happen in your family or community?
3. Who is usually involved in deciding a girl's marriage?
4. What are the main reasons families decide on early marriage?
5. Are you aware of any rules or laws about child marriage in the camp?
6. How are these rules explained or understood in the community?
7. If a girl is at risk of early marriage, who can she go to for help?
8. Have you ever seen or experienced any attempt to stop a child marriage? What happened?
9. If someone wants to complain about child marriage, what challenges would they face?
10. In your experience, what does "best for a girl" mean in your community when it comes to marriage?

B. Questions for Rohingya Men Activist / Community Participant

1. What is your role in child protection, GBV prevention or community work in the camps?
2. How are child marriage cases usually identified?
3. Who is usually involved in deciding a girl's marriage?
4. What are the main reasons families decide on early marriage?
5. Are people in the camp aware of any rules or laws about child marriage?
6. How are these rules explained or understood in the community?
7. If a girl is at risk of early marriage, who can she go to for help?
8. Have you ever seen or experienced any attempt to stop a child marriage? What happened?
9. How effective are existing laws and policies in preventing child marriage in the camps?
10. Do you think there are gaps between law and implementation? Can you explain?
11. How do camp authorities and NGOs coordinate on child protection cases?

12. What happens after a child marriage case is reported?
13. In your experience, are there situations where legal interpretation becomes unclear?
14. What barriers prevent girls or families from accessing protection or justice mechanisms?
15. How is the “best interest of the child” or “best for the girl” understood in the camp context?

C. Questions for Head Majhi / Community Leader

1. Can you briefly explain your role as a Majhi or community leader in the camp?
2. How long have you been working or serving in this role?
3. What kinds of issues do families usually bring to you?
4. Do people come to you for family matters, marriage issues or disputes?
5. When there is a serious problem in the community, what is your usual role?
6. How are marriage decisions usually made in the community?
7. Who is usually involved in deciding a girl’s marriage?
8. What role do parents or guardians usually play?
9. Are girls usually asked about their views before marriage?
10. Can a girl refuse a marriage if she does not want it?
11. What are the main reasons families arrange marriage for girls at a young age?
12. Do families think early marriage can protect girls?
13. What do families usually mean when they say marriage is for a girl’s “better future” or “betterment”?
14. Are poverty, safety, harassment, reputation or lack of education connected to early marriage?
15. Do families worry about what will happen to daughters if parents become old, sick or die?

16. Are Majhis usually informed when a marriage is arranged?
17. Do families need to tell the Majhi before marriage?
18. Does the Majhi have any role in marriage documents, permission, reporting or communication with camp authorities?
19. If you hear that a girl below 18 may be married, what do you usually do?
20. Do you see child marriage as a family matter, a community matter or a protection/legal matter?
21. Are people in the camp aware that child marriage is prohibited?
22. How do people learn about child marriage rules?
23. Do NGOs, UN agencies or camp authorities provide awareness sessions?
24. Do you think these awareness sessions are effective?
25. If a girl is at risk of child marriage, where can she go for help?
26. Who can report a child marriage concern?
27. Can the girl report directly, or does she usually need help from family or community actors?
28. What happens after a child marriage case is reported?
29. What prevents girls or families from reporting child marriage?
30. Is it difficult for a girl to complain against her parents or guardians?
31. Are families afraid of shame, punishment or community pressure?
32. Do people trust the complaint system?
33. Are there cases where complaints are settled informally before reaching the proper authority?
34. In your view, what does “best for a girl” mean when families discuss marriage?
35. Do families usually think about the girl’s education, safety and future before deciding marriage?

36. Is marriage sometimes seen as the best option for a girl?
37. Who usually decides what is “best” for the girl?
38. Do you think the girl’s own opinion is given enough importance?
39. Do you think the rules against child marriage work properly in the camp?
40. What is the biggest gap between the rule and the real situation?
41. Do you think child marriage continues because of legal weakness, poverty, community pressure, lack of complaint, weak enforcement or other reasons?
42. What should be improved to better protect girls from child marriage?

Ethical issues

Ethical considerations are at the heart of this research, given the sensitive nature of the issues of child marriage, displacement, and gender-based vulnerabilities. The study adheres to the principle of “do no harm” and guarantees informed consent, confidentiality, anonymity, and voluntary participation of all participants.

All participants provided written informed consent prior to being interviewed. As the study topic is sensitive, and there may be literacy barriers, the purpose of the study, the interview process, confidentiality and the rights of the participants were clearly explained before consent was obtained.

Participants were informed that participation was completely voluntary and they could withdraw from the research at any time without any negative consequences. Efforts were made to be sensitive to the emotional well-being of the participants, and to interview them in a respectful and safe way.

Interview Consent Form and leading questions

Interview Consent Form and leading questions

Research project title (working title/core question): Masters Thesis for EMA and supervised by Ruhr-Universität Bochum (RUB), Institute for International Law of Peace and Armed Conflict (IFHV).

Title: *Legal Ambiguities, Camp-Level Administrative Practices, and Child Marriage Protection among Rohingya Refugees in Bangladesh*

Research investigator: Mst Jesmin Ara

Research Participant's name: XX

The interview will take (about 1 hour) and you have the right to stop the interview or withdraw from the research at any time.

Thank you for agreeing to be interviewed as part of the above research project. Informal consent is asked before interview verbally and noted in notes. This consent form is sent after to ensure that you understand the purpose of your involvement and that you agree to the conditions of your participation.

-the interview is anonymous. Interviews are coded and names and notes separated as possible. Research investigator (Mst Jesmin Ara) has only knowledge of the coding,

-the interview will be recorded only by note taking, pen and paper, and a transcript will be produced to electronic form. No names are indicated in electronic form but are coded. Paper notes will be destroyed, when academically not needed

-data will be sent through official University emails between student and Master's thesis related Universities, which have specific security keyword and secondary authentication verification system

-you will be sent the transcript and given the opportunity to correct any factual errors, if wanted. Latest comments 1.6.2025 due Masters Thesis deadlines.

-the transcript of the interview will be analysed by (Mst Jesmin Ara) as research investigator

-access to the interview transcript will be limited to (Mst Jesmin Ara) and academic colleagues and researchers with whom she might collaborate as part of the research process

-any summary interview content, or direct quotations from the interview, that are made available through academic publication or other academic outlets will be anonymized so that you cannot be identified, and care will be taken to ensure that other information in the interview that could identify yourself is not revealed

-the actual recording will be (kept or destroyed state what will happen) by (Mst Jesmin Ara) research investigator and Master's thesis related universities (EMA and Ruhr-Universität Bochum, RUB and EMA). Data will be stored minimum time possible in paper version and held in secured

possible location by the interviewer. The electronic transferred notes will be held in interviewer's laptop, access only by interviewer, that has secret code access.

-any variation of the conditions above will only occur with your further explicit approval

-I also understand that my words may be quoted directly, but anonymously. Direct quotes used in final master's thesis will be sent first to be cleared.

-All or part of the content of your interview may be used, anonymously, In academic papers, policy papers or news articles; On the website and in other media that we may produce such as spoken presentations; On other feedback events; In an archive of the project as noted above

-By verbally agreeing and then replying to the email where this form is sent, interviewed agree that;

- Interview may be conducted in Bengali or English, based on the requirement of better understanding for both sides.

- The information sheet and consent form were explained orally in Bengali (or a language understood by the participant) before consent was obtained also at the starting of the interview. The participant had the opportunity to ask questions and gave voluntary consent to participate.

1. I am voluntarily taking part in this project. I understand that I don't have to take part, and I can stop the interview at any time;

2. The transcribed interview or extracts from it may be used as described above;

3. I have read the Information sheet;

4. I don't expect to receive any benefit or payment for my participation;

5. I can request a copy of the transcript of my interview and may make edits I feel necessary to ensure the effectiveness of any agreement made about confidentiality;

6. I have been able to ask any questions I might have, and I understand that I am free to contact the researcher with any questions I may have in the future

Consent signature:

Participant Name: _XX _

Signature : _____

Date: _____

Researcher Name: Mst Jesmin Ara

Signature: _____

Date: _____

Appendix 2: Manual Thematic Coding Summary

1. Participant Codes

For confidentiality, all participants are anonymised. Their names, camp number, block number and other identifying details are not included in the thesis.

P1 refers to a Rohingya woman aged 29 who was married as a child and later divorced. Her interview provides a lived-experience perspective on child marriage, family decision-making and barriers to protection.

P2 refers to a Rohingya male activist aged 24. His interview provides a community and activist perspective on legal awareness, complaint pathways, NGO involvement, Majhi mediation and implementation gaps.

P3 refers to a Head Majhi/community leader of one of the Block of the camp. His interview provides a community leadership perspective on marriage-related disputes, informal mediation, referral to the CiC or police and the role of community authority in child marriage concerns.

The interviews were conducted in Bengali. The coding below is based on translated and paraphrased interview notes. The purpose of coding was not to produce representative findings, but to organise recurring meanings across the three interviews and relate them to the research questions.

2. Initial Codes

The following initial codes were used during manual thematic coding:

- C1. Economic hardship: poverty, lack of livelihood, family burden and financial insecurity.
- C2. Adult or family decision-making: parents, guardians, elders or family members deciding or influencing marriage.
- C3. Betterment or better future: marriage described as protection, welfare, peace, security or future stability for the girl.
- C4. Safety, harassment and reputation: fear of harassment, eve-teasing, shame, honour, insecurity or sexual safety.
- C5. Limited girl participation or constrained agency: the girl is not meaningfully heard, cannot refuse, or appears to accept marriage because of limited alternatives.
- C6. Legal awareness: awareness that child marriage is prohibited or that rules and laws exist.
- C7. Weak implementation: law exists but does not work effectively in practice.
- C8. Awareness-session gap: NGO, UN or community awareness sessions exist but do not reach people effectively or change practice.
- C9. Complaint pathway and referral: where people go for help, including NGOs, CiC, police, friendly women spaces or community actors.
- C10. Majhi or community mediation: Majhi or community leaders acting as mediators, first contacts, advisers or bridges to authority.
- C11. Barriers to complaint and access to justice: fear, confusion, family pressure, difficulty complaining, lack of trust or lack of knowledge.
- C12. Informal payments or perceived corruption: participant perceptions that money affects access, complaint or response.
- C13. Informal discretion: community or Majhi response varies depending on age, circumstances or perceived seriousness.
- C14. Reactive protection: action happens only after complaint, elopement, marriage or police knowledge.
- C15. Gap between law and social practice: formal law says one thing, but community practice follows another logic.

3. Coding Summary by Participant

Participant 1: Rohingya woman, married as a child

P1 described her child marriage as a decision taken by her family because of financial difficulty. She stated that marriage decisions are generally made by the family, with the father usually playing the strongest role. This was coded as economic hardship, adult or family decision-making and guardian authority.

P1 also described social pressure on families with unmarried daughters. She explained that community members may criticise or disturb families when daughters remain unmarried. This was coded as safety, reputation, community pressure and the gap between law and social practice.

P1 stated that because she had limited education, she had to accept the marriage. This was coded as limited girl participation and constrained agency. The statement suggests that apparent acceptance of marriage should not automatically be treated as free or meaningful consent.

P1 was aware that rules against child marriage exist, but stated that child marriage still happens and that the rules do not work effectively. This was coded as legal awareness and weak implementation.

P1 mentioned that awareness sessions take place on dowry and child marriage, but she felt that these sessions do not stop the practice. She also stated that dowry remains socially important because marriage may not happen without it. This was coded as awareness-session gap, economic hardship and the gap between formal rules and social practice.

P1 perceived that complaints may be settled through money and that girls at risk of child marriage have little effective help. This was coded as informal payments or perceived corruption, barriers to complaint and weak access to protection.

When asked what is considered best for a girl, P1 explained that families worry about what will happen to daughters if parents become old or die. She also connected marriage to protection from harassment, eve-teasing and boys in the community. This was coded as betterment, safety and adult-defined welfare.

Overall, P1's interview shows child marriage as a practice shaped by poverty, family authority, social pressure, harassment and weak protection. Her account supports the theme that "betterment" is often defined by adults and may hide the girl's limited agency.

Participant 2: Rohingya male activist

P2 described marriage as a matter strongly influenced by family and social pressure. He stated that marriage decisions usually depend on the family and are made by parents. This was coded as adult or family decision-making.

P2 explained that families may arrange early marriage because parents become old and worry about who will take care of the girl. He also stated that some families believe marrying young creates a better future. This was coded as betterment, future security and adult-defined welfare.

P2 stated that many people know that law exists but do not know details about rights, including equal rights. This was coded as legal awareness but limited legal understanding.

P2 mentioned that UN agencies and NGOs provide awareness sessions, but he felt these workshops do not work effectively because of language barriers and because older people are not always reached. This was coded as awareness-session gap and weak implementation.

P2 identified UN Women and friendly women spaces as possible places where girls may complain. However, he also stated that some people do not know where to complain. This was coded as complaint pathway, referral and access barrier.

P2 described one example where UN Women complained to the CiC and action was taken. This was coded as referral and formal protection activated through complaint.

At the same time, P2 stated that law works if someone complains, but mostly it does not help. This was coded as complaint-dependent implementation and weak protection.

P2 also described authority as important in determining whether law works. He felt that NGOs provide support but do not take enough legal action. This was coded as governance discretion and implementation gap.

P2 alleged that money may affect complaints and that where a Majhi has already taken money, a girl may not get justice. This was coded as Majhi/community mediation, informal payments or perceived corruption and barriers to justice. This claim is treated as the participant's perception and not as an independently verified fact.

P2 also stated that it is difficult for a girl to complain against her parents. This was coded as family authority, constrained agency and barrier to complaint.

Overall, P2's interview supports the themes of adult-defined betterment, limited legal awareness, complaint-dependent protection, difficulty accessing formal mechanisms and the possible filtering role of community intermediaries.

Participant 3: Head Majhi/community leader

P3 identified himself as a Head Majhi/community leader. He stated that families bring many kinds of problems to him, including polygamy, elopement, marriage disputes, crime, drug-related issues and other community problems. This was coded as community authority and Majhi/community mediation.

P3 stated that people come to the Majhi because they trust and respect the Majhi system. This was coded as community trust in informal leadership.

P3 explained that parents arrange marriage because of limited education, harassment by boys, girls becoming older and financial problems. This was coded as economic hardship, safety and reputation, betterment and adult-defined welfare.

P3 stated that marriage decisions usually come from the family. He also said that parents marry daughters for their good so that they can live peacefully. This was coded as family decision-making and adult-defined welfare.

P3 said that if a complaint comes to the Majhi, they take steps. He also stated that if people feel something bad is happening, they come to him and he may take the matter to the CiC and police. This was coded as Majhi/community mediation, complaint pathway and referral to formal authority.

P3 stated that if a girl is around 17 or close to 18, they usually do not take action, but if the girl is much younger and the marriage has already happened, they inform the police. This was coded as informal discretion, reactive protection and gap between law and social practice.

P3 stated that he knows the law and that child marriage is not allowed. This was coded as legal awareness.

P3 said that awareness activities and sessions take place. This was coded as awareness activity.

P3 stated that elders may make decisions together and that many marriages happen when girls run away with boys. He explained that when girls run away with boys and are found, they may be married off, especially if the girl is around 17. This was coded as elder/community decision-making, informal discretion, social regulation, limited girl participation and gap between law and social practice.

P3 connected marriage decisions to safety concerns inside the camp, crime and parents' fear about daughters remaining unmarried as they grow older. He said that parents may want daughters married while they are alive because unmarried women in their 20s may be considered too old and may not find husbands. This was coded as betterment, safety, social age norms and future insecurity.

Overall, P3's interview shows that community leadership may function as a bridge between families and formal authorities, but also that community-level discretion may affect whether child marriage concerns are escalated. His account supports the argument that formal legal protection may be mediated through community judgement before reaching camp-level authorities.

4. Final Themes

Theme 1: Child marriage as betterment and future security

Across the interviews, child marriage was often explained through the language of betterment, protection and future security. P1 described marriage as a way families try to protect girls from harassment and uncertainty. P2 stated that families may believe early marriage creates a better future, especially where parents worry about who will take care of daughters. P3 similarly explained that parents marry girls for their good, peace and future security.

This theme shows that "betterment" is largely adult-defined. It does not necessarily reflect the girl's own independent view or long-term welfare.

Theme 2: Adult authority and constrained agency

All three interviews suggest that marriage decisions are strongly influenced by parents, guardians, elders or community actors. P1 stated that fathers mostly decide. P2 stated that parents usually decide. P3 stated that families and elders are involved in decision-making.

The girl's own participation appears limited or unclear. P1 said she had to accept the marriage because she lacked education and options. P2 stated that it is difficult for a girl to complain against her parents. P3 did not describe a clear process for hearing the girl independently. This theme supports the argument that child marriage decisions may be made through adult authority rather than meaningful child participation.

Theme 3: Mediated access to protection

The interviews show that access to protection is not direct. P2 identified UN Women, friendly women spaces and the CiC as possible actors, but also said many people do not know where to complain. P3 described the Majhi as a first point of contact who may take matters to the CiC or police. P1 described complaint mechanisms as ineffective from her perspective.

This theme supports the argument that formal protection is mediated through family, community, NGO and administrative actors. Whether protection is activated depends on whether the concern is recognised, reported and referred.

Theme 4: Legal awareness but weak implementation

All three participants recognised, directly or indirectly, that rules against child marriage exist. However, they also described gaps in implementation. P1 stated that people know the law but child marriage still happens. P2 stated that law works if someone complains, but mostly it does not help. P3 stated that he knows child marriage is prohibited, but also described situations where cases involving girls close to 18 may not be escalated.

This theme shows that awareness of law does not automatically lead to effective protection.

Theme 5: Barriers, discretion and trust

The interviews identify several barriers to protection, including confusion about where to complain, difficulty complaining against parents, social pressure, perceived informal payments and community-level discretion. P1 and P2 raised concerns about money affecting complaints or outcomes. P3 presented the Majhi system as trusted and helpful, but also described informal discretion in deciding when to refer child marriage concerns.

This theme shows that protection may be shaped by trust, authority and informal decision-making before a case reaches formal actors.

Declaration of Originality

All written coursework and exams in the NOHA Master's Programme at RUB must be handed in together with a dated and signed declaration of originality of the following wording:

I herewith declare that:

- I completed the submitted work independently and used only those materials and sources that are listed. All materials used, from published as well as unpublished sources, whether directly quoted or paraphrased, are duly reported.
- the submitted work, or any abridgment of it, was not used for any other degree-seeking purpose at any university, department and examination authority.
- I have fully labelled all sections generated, edited or revised with the support of software based on artificial intelligence (e.g., large language models, natural language processing like ChatGPT, DeepL etc.), including draft versions and outlines.
- a table of documentation is included that provides full reference of the applied AI tool, the area of application / operation, the applied prompt, the applicable chapter or section and reflective performance.
- I did not make use of any professional proofreading or editing services for revising the submitted work.
- I am fully aware that in case of any attempt of deception or plagiarism (including full or partly plagiarized texts) the submitted work is considered to be graded as "fail" (5.0). This attempt would be reported to the applicable board of examiners.

Mst Jesmin Ara

Name: Mst Jesmin Ara

09.07.2026