

MWCD

National Strategy Document on Prevention of Child Marriage

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NATIONAL STRATEGY ON PREVENTION OF CHILD MARRIAGE

Background:

In India child marriage is defined as the marriage of males below the age of 21 years, and females below **18** years (The Prohibition of Child Marriage Act, 2006). The practice of child marriage is an obstacle to nearly every developmental goal: eradicating poverty and hunger (MDG 1); achieving universal primary education (MDG 2); promoting gender equality (MDG 3); protecting children's lives (MDG 4); and improving women's health (MDG 5, MDG6).

Child Marriage denies a child the basic right to good health, nutrition and education. Evidence shows that early marriage makes girls more vulnerable to violence, abuse and exploitation. For both girls and boys, marriage has a strong physical, intellectual, psychological and emotional impact, cutting off educational opportunities and chances of personal growth. While boys are affected by child marriage, this is an issue that impacts upon girls in far larger numbers and with more intensity¹. It is hard to know the exact number of child marriages as many are unregistered and unofficial. According to the most recent data available (DLHS 3), 43% of women aged 20-24 were married before 18. Over the last fifteen years the incidence of child marriage has declined by 11 percentage points, less than a percent a year, underscoring an extremely slow pace of change. It is estimated that there are 23 million child brides in the country, approximately 40% of the child brides globally². The main drivers of early marriage are cultural factors, social practices and economic pressures interacting with poverty and inequality drive children into marriage. Thus, the issue of child marriage is steeped in several multi-dimensional social, economic, cultural and community related aspects, while several legislative and programmatic frameworks have been designed to prevent child marriage, their implementation needs further strengthening and a fresh understanding.

Early marriage deprives children of access to education and therefore to better opportunities in the future. It also limits the child's freedom of decision and contributes to intergenerational cycle of poverty. Child marriage is often associated with multiple health risks. This is because young brides have limited access to, and use of, contraception and reproductive health services and

¹Child Marriage-UNICEF Information fact sheet

²[http://www.unicef.org/protection/files/Progress_for_Children-No.8_EN_081309\(1\).pdf](http://www.unicef.org/protection/files/Progress_for_Children-No.8_EN_081309(1).pdf)

information. The majority are exposed to early and frequent sexual relations and to repeated pregnancies and childbirth before they are physically mature and psychologically ready. Obstetric fistula is one of the most devastating consequences, with over two million girls³ and young women affected by this treatable and indeed preventable reproductive health complication. Domestic violence thrives in an environment where women feel powerless and lack access to vital resources and decision making powers. Evidence suggests that young brides are more likely to be exposed to violence due to the limited power of negotiations.

Despite legislation forbidding child marriage in existence in India since 1929 (Child Marriage Restraint Act), the adoption of the much more progressive Prohibition of Child Marriage Act in 2006 and the presence of many initiatives, by both government and non-government organizations to prevent child marriage, there is wide acceptance amongst sections of society for early marriage of girls and boys. Acceptance of the practice itself is a norm that seems to be resistant to the existence of the law or some of the other initiatives that are not directly working to change attitudes and norms.

As child marriage violates the rights of boys and girls and undermines efforts to achieve sustainable development. It is necessary to put in place progressive efforts to prevent child marriages in India, by adopting an integrated approach—where the process of changing social norms is supported by the availability of alternative opportunities for children, the creation of an enabling environment, and structural improvements including effective implementation of the legislation. An effective approach would target individuals at the family and community level; NGOs, groups operating at various levels and government officials at the institutional level. Integrating efforts will help enforce and sustain momentum for shifting the deeply entrenched norms and practices contributing to the high incidence of child marriages in India.

There has been a range of responses by the law and legal framework, both at the National as well as international level, through which attempts have been made to exterminate the harmful practice of child marriage. International human rights law, particularly, Universal Declaration of Human Rights (UDHR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Convention on the Rights of the Child (CRC), discourage the practice of Child Marriage on the basis of the principles of human rights.

³IPPF and UNICEF - 'Ending Child Marriage - A Guide for Global Policy Action' p.11

At the domestic level, the country has been making efforts to place the child in a better position. In this regard, reference can be made to 86th Constitutional Amendment that made education a fundamental right for children in the age Group of 6 to 14 years. Policies, legislations, schemes and programmes are also in place so that the rights of the children are respected. Besides, policies and programmes in India have increasingly recognised that adolescents—particularly girls—are a vulnerable group with special needs, including in the area of sexual and reproductive health. Among others, these programmes focus on empowerment to express their opinion and to participate in decision affecting their lives including when and whom they will marry.

Several National level policies formulated since 2000, including the National Population Policy 2000, the National Youth Policy 2003 and the National Adolescent Reproductive and Sexual Health Strategy have advocated delaying the age at marriage and age of conceiving the first child. The Eleventh Five Year Plan focused on legislative change and awareness raising on the issue the Child Marriage Restraint Act (CMRA) 1929, was repealed and a much more progressive Act Prohibition of Child Marriage Act, 2006 focussing on came into existence. Platforms such as National Girl Child Day celebrated on 24th January and SABLA were used to raise awareness on the issue at various levels. During the Twelfth Five Year Plan a Girl Child Specific District Plan of Action has been proposed with a focus on Districts/ Blocks with low CSR and high Child Marriage and plan of action in about 100 non-SABALA Districts on a pilot basis. The action plan from the perspective of advancing rights of the Girl Child with measurable outcomes on increased CSR and age at marriage is proposed to be developed through partnership between civil society organizations and the local administrative machinery.

The proposed National Strategy document on child marriage reflects the commitment of the Government of India to curb child marriage. It aims to provide an overall strategic vision of the Government of India to eliminate the practice of child marriage. With this purpose, it provides broad guidance to State and District Governments to help them shape their interventions to end child marriage. To shape this strategy document, the Ministry of Women and Child Development held a National Consultation on Child Marriage on May 25, 2012. Governments from twelve States, NGOs, International organizations and experts took part in the Consultation. Recommendations from participants have contributed to developing this strategic document. A small working group has collaborated with the Ministry of Women and Child Development to further elaborate the strategy.

THE STRATEGY IN OUTLINE

The Strategy seeks to provide unified vision and a clear direction to Government at all levels, NGOs, media, private sector, children and other stakeholders concerned with prevention of child marriage. It starts from a holistic concept of childhood and an ecological model of development, i.e. the child interacts with different contexts and settings and this interaction influences his/her development. It is also based on the principle of co-responsibility of the UN Convention on the Rights of the Child, thus transferring responsibilities to all stakeholders at different levels. Further, it relies on the idea that all settings in which the child thrives and the different stakeholders interact to create a protective environment for children. Based on this assumption, the strategy document envisions a comprehensive approach to child marriage. To lead existing and future efforts in a harmonised approach, the strategy sets National Goals as the means of focusing on what needs to be done and provide a set of operational principles to guide action in pursuit of the National Goals. The structures through which action will be taken at National, State and local level are then identified. These involve partnerships within and between the Centre, State, voluntary organizations and families and children/adolescents themselves.

Vision:

Boys and girls in India enjoy their rights to their full potential, are protected from child marriage and related violence and abuse, thrive in school and participate in decisions affecting their lives.

Principles of the strategy document

This strategic document is framed within the ambit of some of the key principles of the UN Convention on the Rights of the Child. The UN Convention on the Rights of the Child (CRC) defines a child as “*every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier*”. For the purpose of this document, a child means a boy is below 21 years and a girl below 18 years, as per Prohibition of Child Marriage Act 2006. The key principles on which the strategy is based are as follows:

- ***Non-discrimination:*** every child shall have the same rights independent of sex, religion, gender, age, ethnicity and culture. In line with this principle, the strategy document aims to create equal opportunities for girls and children from disadvantaged groups. Children

who have been married shall not be discriminated in accessing services and programmes.

- **Best interests of the child:** in all matters concerning children, the best interests of the child shall be the paramount consideration. All stakeholders should ensure actions keep the best interests of the child in mind in all actions and that their rights to protection, survival and development and participation are considered through a balanced approach.

- **Survival and development:** *every child shall be entitled to the highest standards of living and shall be able to thrive in an enabling environment. Child marriage threatens the young brides' health as well as those of their children given the premature physical conditions for birth delivery. Access to education for married girls is limited and isolation and confinement are common. These conditions hamper the girls' development.*

- **Protection:** Children should protect from all forms of abuse, violence and exploitation, including harmful practices. Child marriage is often associated with violence, abuse and confinement.

- **Participation:** *children shall be given the opportunity to express their voices and opinions in all matters that concern them depending on their age and maturity. Empowering adolescents and especially girls contributes to raising a positive image of girls in society and to creating an environment open to consulting with children and adolescents.*

Goal and Objectives

The overall goal of the Child Marriage Strategy is to accelerate the decline in the incidence of child marriage in the next decade.

More broadly, the strategy has the following objectives:

1. To promote a sustainable and long-term shift in mind-set and social norms that perpetrate child marriage

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2. To promote an enabling environment and strengthen protection mechanisms, including the enforcement of the CMPA

Scope and coverage:

This strategy document offers a broad vision of how child marriage should be addressed and gradually eliminated. It provides strategic directions to Centre, State and District level governments, as well as other stakeholders, to take action to prevent and address the practice of child marriage. Although the strategy identifies the importance of actions and the role of relevant stakeholders at the Central and State level, it places special emphasis on the District and Block/Village levels. It is at the District level that convergence takes place at its best; it is at the Block and Village level where communities can be mobilized to embrace changes in practices rooted in social norms.

At the National/Central level the primary responsibility for the effective implementation of Prohibition of Child Marriage Act (PCMA) 2006 rests with Ministry of Women and Child Development (MWCD) mainly through ensuring that the Rules for the Act are framed and relevant systems are in place at the State level. The Ministry is also responsible for ensuring inter-sectoral co-ordination and convergence of all Departments, Ministries and programmes related to child marriage. The Ministry is also responsible for advocacy and raising awareness on the issue and providing guidance to the State.

At the State level, the relevant Ministry/Department is responsible for implementation of every aspect of the PCMA, 2006 and formation of State Rules. The Department is also entrusted with the overall responsibility of co-ordination with relevant Departments and effective implementation of legislation. The State Government's commitment needs to inspire District authorities to take concrete action against child marriage. Such commitment should be translated into a plan or policy which identifies key lines of action and priority areas of intervention. It should be reflected in the adoption of State Rules of the Child Marriage Prohibition Act and other relevant legislation and into the appointment of relevant officers (e.g. Child Marriage Prohibition Officers). It should also emerge from the outspoken messages of State authorities, into media coverage and public awareness efforts. At the state level, efforts should be made to identify high-incidence Districts through district profiling.

At the District level, evidence suggests that convergence works particularly effectively through the development and implementation of convergent district action plans, under the leadership of the District Magistrate or Collector. Identification of high incidence blocks through a process of mapping should be conducted and intensive and coordinated efforts promoted to provide education and health services, safety nets to families, ensure changes in mind-sets and enforce laws, through forging partnerships with community based organizations. The role of Panchayat is important in educating people about law, creating awareness about implications of early marriage and taking an action in case of child marriage.

The involvement of Non-Government Organization (NGOs), Community Based Organizations (CBOs), Media, Women's Organizations and Childrens crucial in both ways learning from their good practices in implementation of project on child marriage prevention as well as their partnership in working with community.

Strategic Areas of Action

Suggested strategic directions per thematic area are provided below. This document outlines suggested strategic areas of intervention to prevent child marriage. The details of roles and responsibilities of the relevant stakeholders would be elaborated in the plan of action emerging out of the strategic focus areas mentioned in the document.

1. Law enforcement

The Central Act Prohibition of Child Marriage Act (2006) is the main piece of legislation to prevent child marriage. This is a Central Act, administered by Ministry of Women and Child Development, Government of India, but the implementation rests with the States. It establishes mechanisms for voiding and annulling marriages; for protecting children and criminalizing offenders. Evidence suggests that although individuals are aware of the illegality of child marriage, the details regarding the law and the consequences for violating it are either not known or disregarded.

Strategic directions

- Ensure implementation of the State Rules, where these exist and encourage/motivate the States to develop where they are not already available. State Authorities should

ensure that the Rules define the roles and responsibilities of CMPOs and local institutions such as Panchayats are also invested with responsibility vis-à-vis law enforcement.

- Appoint Child Marriage Prohibition Officers (CMPOs) and promote their training. Ensure that CMPOs dedicate adequate time and resources at their disposal to perform their duties. Through training, ensure they undertake a preventive and educative role.
- Ensure the contents of the law are understood by communities and individuals. Awareness on the law and its exact modalities should be part of wider sensitization efforts so to strengthen social accountability and ownership of the Law. This will be elaborated further in the National Action Plan which will spell out responsibilities for all implementing agents.
- Ensure awareness raising and capacity building at all levels include information about other relevant legislation, such as the Juvenile Justice Act and Dowry Prohibition Act⁴.
- Ensure linkages with ICPS structures and statutory bodies to ensure detection and prompt referral of cases that require care and protection.
- Ensure that in cases of children being married, solutions which promote the institutionalization of children in Homes are avoided, unless this is in the best interests of the child and for a temporary time. The support of social workers, community mobilisers and PRIs may be sought to find creative solutions for children to be safe and continue their education.
- Facilitate and strengthen existing Child Help-lines in the District. Mechanisms for promotion of awareness on child marriage and for referral should be envisioned within the structure.
- Engage the police and promote capacity building to ensure their preventive and responsive role.
- Enlighten lower judiciary on the relevance of this Act and its social implications.

2. Access to quality education and other opportunities

Although available data does not provide evidence of a direct correlation between child marriage and education drop-out or low attendance, it is to be noted that the incidence of child

⁴Dowry perpetuates child marriage as it encourages parents to marry off their girls early to avoid an increase in the dowry amount (more educated girls usually require a higher dowry). Although giving or receiving dowry is a crime under the Dowry Prohibition Act, 1961, it is still a common practice.

marriage increases in the age group when school drop-out or low attendance are at their highest. Education can be an important refraining factor from early marriage. Further, education contributes to empowering girls and boys and to improving access to and skills for professional opportunities.

Strategic directions

- All children should have access to education and health opportunities including children who are married before the prescribed age in the law. In cases in which children have already been married, they should not be discriminated when accessing services, such as health, nutrition, education and employment programmes.
- Facilitate access to primary and especially secondary education, with a special focus on girls, including through awareness campaigns, refurbishment of adequate facilities (e.g. separate toilets for boys and girls), scholarships and remedial programs, capacity building of teachers and school staff and creation of protective and safe environments.
- Establish safe transport facilities for girls to travel to school and promote community safe environments for free movement of girls and boys.
- Integrate gender and rights education in the school curriculum, including at the primary level that includes a focus on child marriage. Where it has already been incorporated, it may be revised and expanded. Teachers should be trained to cover the topic thoroughly.
- Formation and strengthening of Village Education Committees (VECs) and Parent-Teacher Associations (PTAs). VECs may play an important role against child marriage for e.g. providing awards for VECs that make villages' child marriage free, training VECs on girls' vulnerability to child marriage and importance of them being in schools. Include VECs in school monitoring, such as following attendance of pupils and teachers, visit homes and tracking of school drop-outs, advocating to education authorities for quality education, etc.
- Map the vocational and training opportunities in the area and encourage the establishment of new opportunities, as per a market-needs based assessment, in partnership with training institutes and the private sector.

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- Support efforts, with the collaboration of NGOs wherever possible, to map high incidence Districts, Blocks and socially vulnerable households and ensure an effective linkage with existing schemes and programmes.
 - Create linkages between vulnerable families and existing social protection schemes, including through the support of NGOs.
 - Avoid promoting schemes that contribute to dowry or commodification of girls through lump sum disbursement at the age of marriage. Prioritize comprehensive interventions to empower girls, provide safety nets to vulnerable families, and offer scholarship to adolescent boys and girls.

3.Changing mindsets and social norms

Promoting change in mind set and social norms is central to triggering a sustainable reduction in the incidence of child marriage. Perceptions about gender and the role of women in the family and society, practices around marriage and puberty, and wide acceptance that marriage should be performed after puberty all contribute to child marriage. The theory of social norms explains how decisions of individuals (e.g. parents, girls) are influenced by the collectivity's opinion. Changing collective norms and perspective will influence parental and girls' decisions to marry their children at an early age.

This strategic component is more effectively implemented at the block and village level but need a push and coordination from the District and State authorities. The majority of these efforts may require a strong partnership with local NGOs present on the ground.

Strategic directions:

- Develop, launch and roll-out of State and District wide campaigns through media, use of role models, and dissemination of communication materials through different means. At the block and village level, link the dissemination of the campaign to other types of folk media and community mobilization efforts, such as street theatre, radio shows and rallies.

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- Promote partnership with elected representatives at State level, influential leaders (PRI, caste leaders and religious leaders) at the district, block and village levels and employ them as strong advocates against child marriage in community discussions. Through them, encourage the mainstreaming of preventing child marriage in the local agenda.
 - Combine campaigns with interpersonal communication efforts to target individuals (families and children), through frontline workers and other community leaders and/or mobilisers.
 - Encourage the establishment of child protection groups and structures that can prevent child marriage through awareness raising, counseling and by contributing to a protective and safe environment in the community. They can also collaborate with CMPO and police to identify and follow-up on individual cases.
 - Highlight positive deviance (parents, girls, boys, enforcement officers, leaders through media and other channels).
 - In all efforts, ensure boys and men are engaged and awareness raising efforts are geared to deconstructing “masculinity”.
 - Promote public oaths and mechanisms, such as awards and certification of child marriage free villages.

4. Empowerment of adolescents

Data shows that young brides (age 15-19) have significantly less freedom of movement, reduced access to finance and limited decision making⁵. Girls are often seen as a ‘property’ to be destined only to working in the household and not worth investing in. There is a need to work with both boys and girls on empowering through education, life skills and vocational training. Providing spaces for life skills development, enhancing self-esteem and empowerment will contribute in making girls and boys agents of their own change. Inclusiveness is critical – as the most marginalised population often do not participate in Adolescent empowerment effort.

⁵NFHS 3.

Strategic directions

- At the local level, encourage the establishment of adolescents' groups – safe spaces where girls and boys can talk about sensitive issues. Create links between girls' and boys' groups and local leaders to ensure effective prevention of child marriage.
- Promote life skills training, including through the implementation of SABLA.
- Encourage linkages with youth groups to provide peer-to-peer support to fight against child marriage.
- At the district and state levels, promote the voices of girls who have resisted to child marriage and boys who have either resisted or supported girls in their initiatives for them to act as role models and to be consulted for strategic guidance.
- Connect adolescents at risk of child marriage, and especially girls, to training and vocational opportunities. The vocational training programs should be designed keeping in mind the changing scenario and move beyond the traditional henna, tailoring and weaving. The vocational programs should connect them to opportunities that will help them to question gender stereotypes and enhance their self-esteem and confidence.

5. Knowledge and data

Knowledge and data are at the base of shaping evidence-based interventions. Data on the incidence of child marriage is available at the State and District levels but often lacking at a more disaggregated level.

Strategic directions

- Identify and compile existing data, including the mapping of the district to target the high-incidence areas.
- Collect data at the block and village level data on vulnerable groups through social mapping with the support of NGOs, grass-root organizations and frontline workers.

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- Conduct formative research to better understand norms, behaviors and practices around child marriage.
 - Undertake researches to better understand positive deviants and the processes through which changes occur at the individual, family and community levels.
 - In a multi-level and multiple interventions, undertake research to better understand which component or the combination of the interventions have been more effective and the reasons for the same.
 - Evaluate policy and programmatic efforts to provide evidence lacking on what works

6. Developing Monitorable Indicators

In order to understand the impact of interventions on prevention of child marriage, indicators need to be developed. The indicators should focus on the resource allocation both financial as well as human and its impact on reduction of child marriage

Strategic Direction:

- Development of monitorable indicators for the implementation of plans of action at various levels- State, district, block, panchayat and village level.
- Build mechanism to monitors incidences at various levels to monitor impact of interventions.
- States can be encouraged to develop their own monitoring systems keeping in mind the local context and situation.
- Key stakeholders targeted for the program strategy are important for monitoring framework.
- Processes developed/followed to reach each stakeholder would need clarity for putting in place output related indicators.
- Management Information System needs to be developed based on above framework, preferably on time to be filled by CMPO from every district (Every 3 months).
- Regular feedback to districts needs to be built in from the state nodal persons for strengthening the intervention (every 6 months).
- An annual or a regular program evaluation of projects/programmes supported on child marriage prevention, for outcomes and impact needs to be put in place for seeing the progress. Hence, it is important that the strategy has outcome and impact indicators clearly defined.