

Strengthening Existing Systems for Prevention of Child Marriage

Investing in a Model with Potential to Affect Reduction in Child Marriage



About the Project

In 2009, HAQ: Centre for Child Rights, New Delhi was asked by the Ministry of Women and Child Development, Government of India to draft a protocol for the implementation of the Prohibition of Child Marriage Act, 2006. The Handbook on Prohibition of Child Marriage Act, 2006, available both in Hindi and English, lays down the roles and responsibilities of each stakeholder and standards of care and protection that need to be followed at every stage of implementation of the law. However, HAQ felt that merely drafting a protocol and preparing a handbook was not enough. The various gaps identified in the implementation of the law had to be addressed.

It is in this context that HAQ: Centre for Child Rights began implementing a project 'Strengthening Existing Systems for Prevention of Child Marriage' in 2 states in India, Andhra Pradesh (now Telengana) and West Bengal in partnership with local organisations MV Foundation in Andhra Pradesh (now Telengana) and Jabala in West Bengal since 2012.

The overall objective of the programme is to develop and demonstrate a model for addressing child marriage through the strengthening and collaboration between, the existing legal and governance mechanisms; strengthening of the existing state mechanisms and institutions through training, monitoring of their functions, and holding them accountable; establishing networks with organisations engaged in similar issues to strengthen initiatives and working towards developing a sustained mechanism to address child marriage; and advocacy for policy level changes with regards to flaw in the existing law on child marriage and towards a strengthened implementation mechanism.

The approach of the project was directed towards changing the attitudes of all stakeholders, getting them to recognise and address child rights violations in general and child marriage in particular. There was an inbuilt mechanism to ensure community ownership of the programme on a sustained basis. The idea was to identify and strengthen the existing systems and not set up parallel institutions or structures to the existing public institutions. Instead, there is a crucial element of building the capacities of the functionaries of the institutions, as well as strengthening institution-building processes enabling the local bodies to go beyond being brokers and contractors to becoming legitimate public representatives working towards the protection of human rights of one and all in their constituencies. Simultaneously, communities are empowered and mobilised to access governance mechanisms and hold them accountable.

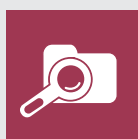
A range of activities were undertaken like forming or activating Adolescent Girls Groups (AGGs), interacting with male youth groups, sensitisation of other stakeholders like police, government officials, grass root functionaries, political leaders, caste leaders and religious leaders. Public awareness through development and distribution of IEC materials, enactment street plays and organising of community meetings etc has been integral to the project.

The project was implemented in three *gram panchayats* (GPs) in two selected blocks of two districts each in West Bengal and Telengana (when the project began these districts were part of Andhra Pradesh).

THE THEORY OF CHANGE

Goal: Prevention of child marriage through strengthening of systems

Child marriage can be prevented and children protected by activating the mandated government structures. A two-pronged approach – working with specific community groups, as well as with representatives of the mandated systems – will ensure institutionalisation and sustainability



CONTEXTUAL ANALYSIS

Local:

- Child marriages continue despite laws
- Child protection is set up on paper but is not functional and does not reach the community

National:

- National laws to prevent child marriage and a Draft Plan of Action exists. But there is not much by way of implementation and interest
- Many NGOs and INGOs work on the issue but with little visible change

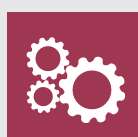
International:

- Global interest in addressing early, child and forced marriage needs to be stepped up



STRATEGIC FOCUS

- Convergence of govt departments and programmes
- Strengthening of child protection systems at different levels
- Empowering communities and making them active



ACTIVITIES

- Rapid Assessment/ Appraisal
- Setting up of Task force/Committee at the district and block levels
- Formation of Child Marriage Prevention Committee in *Panchayats*
- Formation of Adolescent Girls' Groups
- Formation of Mothers' Committee
- Interventions with Youth
- Formation of Child Rights Protection Forum
- Engaging with religious leaders
- IEC material
- Intervention in Child Marriages
- Networking
- Monitoring mechanisms



RESULT

MICRO

- Improved implementation of the law
- Greater awareness on ill-effects of child marriage and legal provisions amongst community members, families and other identified groups
- Greater participation of government officials in preventing child marriage and convergence of services
- More community action and intervention
- Greater involvement of girls in addressing child marriage
- More enrolment and retention of girls in schools and better drop out management
- Children and youth led campaigns against child marriage and their assertion of their right to protection and health

MACRO

- Identification of gaps in policy, programme and law that can be fed back into planning processes through advocacy with government
- A model for undertaking similar multi-pronged programmes in endemic districts identified by the state governments

Outcomes

- Greater awareness of law and impact of child marriage
- Reduction of child marriages

‘Strengthening existing systems for prevention of child marriage’: a potent and replicable model to curb child marriage

Feasible investments into the model *‘Strengthening Existing Systems for Prevention of Child Marriage’* can lend enormous impetus to both current and future efforts in this area. This is because this integrated model – developed by HAQ, MV Foundation and Jabala and rolled out in the years 2012-2015 in two districts of West Bengal and Andhra Pradesh – holds the potential to affect reductions in child marriages across the country.

At the centre of its success is its competence in both cohering and strengthening system-level redress mechanisms, community involvement, collaboration between networks, and policy level changes. Its skill in working with multiple levels, concerns and people and aligning processes into a harmonious whole is what makes it worthy of simulation at scale.

Replicability of this comprehensive and strategic intervention gains significance when viewed in light of the fact that 40% of child brides live in India and that 23 million girls are pushed into marriage before the age of 18. This ends their childhood with certainty, and seriously imperils their lives, health, education, sexual and reproductive rights, and socio-economic wellbeing. It also denies them their choices and basic human rights. And, the effects of child marriage are inter-generational; several future generations already stand adversely impacted.

The model: an adaptation guide for practioners seeking to address the persisting problem of child marriage

Evidence-based insights on approaches that have proven most successful, relevant and sustainable have emerged through a systematic review of this integrated three-year intervention model.

This review (May 2015) has surveyed the model’s accomplishments, impact, and areas of weakness against specifically established and measurable criteria.

Encouraged by review’s promising feedback, those seeking to implement effective programmes to address the persisting problem of child marriage can use it as a roadmap or as an adaptation guide.

The review also highlights the relevance of the wide lens approach (of being able to function within and across a comprehensive structure of multidimensional programmes and activities related child protection). Large-scale structural efforts aimed at education, health, and poverty reduction are needed to intensify outcomes in the prevention of child marriage and ensuring child protection.



The model's unique abilities: building systemic competencies and strategic direction within the administration and attitudinal change within communities

Core efforts: Spearheaded by HAQ and undertaken by MV Foundation in Telengana (in the districts of Mahabubnagar and Warangal) and Jabala in West Bengal (in the districts of Murshidabad and Birbhum), this model's multi-tiered efforts to favourably transform the lives of entire communities aimed to:

- enhance existing state mechanisms/structures/institutions to galvanise implementation of the existing laws on child marriage (by paying particular attention to the implementation of the Prohibition of Child Marriage Act (PCMA), 2006, and the Integrated Child Protection Scheme (ICPS); strengthening collaborations between the existing legal and governance mechanisms; training of personnel at the district level and monitoring of their functions; identifying critical constraints in policy, programme and law; and instilling accountability of the child protections systems)
- involve the community to develop improved knowledge, attitudes, and behaviour related to child marriage prevention, and also to mobilise them towards a collective, largescale and visible popular movement against child marriage by reducing its social acceptance
- bring together a range of networks to deepen synergy and impact, and develop sustained mechanisms to address the critical priorities to prevent child marriage
- evolve monitorable indicators to measure impact of the model, and
- build policy advocacy at the state, district, national and international levels

Prohibition of Child Marriage Act (2006): A brief overview

The PCMA was notified in January 2007. The provisions of the law can be categorised under three sections: Prevention, Protection and Prosecution of Offenders.

PREVENTION. Under the law child marriage is a cognisable and non-bailable offence. Those who permit, promote and know of a child marriage will be punished. Child Marriage Prohibition Officers (CMPO) are to be appointed in every state to prevent child marriages, ensure protection of potential child brides/bridesgrooms, as well as prosecution of offenders. The courts are empowered to issue injunctions for prohibiting child marriages. Child marriages will be declared null and void if the injunction prohibiting child marriage is violated or if the child is taken away forcibly, or is sold or trafficked for purpose of marriage.

PROTECTION. The law makes child marriages voidable by giving choice to the children in the marriage to seek annulment of marriage within a period of two years after the child has attained majority. It provides for maintenance and residence of the female contracting party. Children born from child marriages have a legal status and the law makes provisions for their custody and maintenance. The law provides for support – medical aid, legal aid, counselling and rehabilitation – to children once they are rescued. The CMPO is empowered to provide all necessary aid to victims of child marriage and can produce the children before the Child Welfare Committee (CWC) or a First Class Judicial Magistrate.

PROSECUTION. Offenders can be: guardians/parents of both parties, priests, relatives/friends of both parties, neighbours, community leaders who give patronage to such marriages, marriage bureaus, traffickers, bridesgrooms if over 18 years of age, caterers and other service providers. The authorities identified for prohibiting child marriage under the present law are: CMPO, District Magistrate, First Class Judicial Magistrate, Police, Family Courts, any person called upon by the state government to assist the CMPO. Any person can report a child marriage either before or after it has been solemnised. The report can be made to the police, the CMPO, Child Line, District Magistrate or member of the CWC or the First Class Judicial Magistrate. In case of mass marriages the District Magistrate has the powers to stop the solemnisation of child marriages.

Integrated Child Protection Scheme: Highlights

The purpose of the scheme is to provide for children in difficult circumstances, and reduce the risks and vulnerabilities of children. The specific objectives of the scheme are: to institutionalise essential services and strengthen structures, enhance capacities at all systems and persons involved in service delivery, create database and knowledge base for child protection services, strengthen child protection at family and community level, coordinate and network with government institutions and non-government institutions, ensure effective implementation of the scheme, and raise public awareness about child rights, child vulnerability and child protection services.

In order to ensure the objectives and approaches of ICPS are met, the scheme provides for the establishment of bodies within its service delivery structure. At the district level there are: District Child Protection Society (DCPS), District Child Protection Committee (DCPC), Sponsorship and Foster Care Approval Committee (SFCAC), Block Level Child Protection Committee, and Village Level Child Protection Committee. At the state level there are: State Child Protection Society (SCPS), State Adoption Resource Agency (SARA), State Child Protection Committee (SCPC), and State Adoption Advisory Committee. At the regional level there are: Child Protection Divisions in the four Regional Centres of National Institute of Public Cooperation and Child Development (NIPCCD), and four Regional Centres of CHILDLINE India Foundation (CIF). And at the national level there are: CHILDLINE India Foundation – Headquarters, Child Protection Division in the National Institute of Public Cooperation and Child Development (NIPCCD), and the Central Adoption Resource Agency (CARA).

The scheme outlines specific implementation plans and convergence of services through coordination of all departments, ministries and NGOs involved

(Source: Childline website)

Model's Areas of Intervention

Telangana

District	Mandal	Panchayats
Mahabubnagar	Achampet	Bommanapally, Inole, Rangapur
	Amrabad	Chitlamkunta, Kummaronipally, Maredugu
Warangal	Rayaparthi	Konduru, Ookal, Mylaram
	Thorrur	Cherlapalem Chityala, Haripirala

West Bengal

Murshidabad	Hariharpara	Choa, Rukunpur, Khidirpur
	Beldanga	Debkundu, Mirzapur – 1, Bagunbari
Birbhum	Mohammad Bazaar	Bhutura, Angarguria, Mohammad Bazar
	Rampurhat II	Bishnupur, Margram I, Margram II

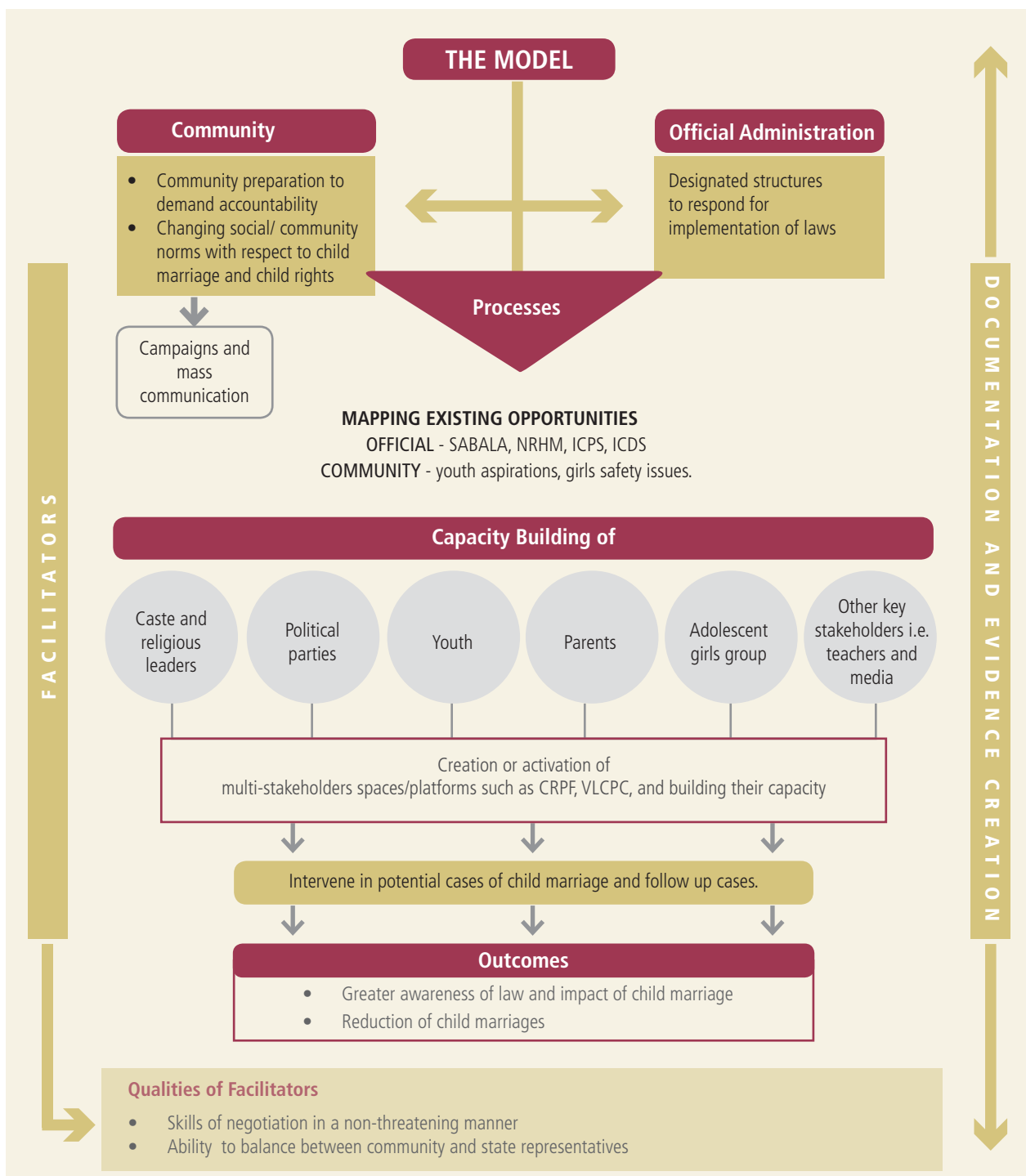
Approach: The model's targeted interventions were based on an approach that included critical appraisals of contextual challenges (within the specific district settings in two states) while at the same time remaining responsive to community needs.

Its integrated operational strategies tapped into the collective synergies of the community and the administration to counter the gaps, and synchronised efforts for enhanced impact. It also pulled together the efforts and energies of all organisations engaged on this and similar issues.

The overall intent was to coalesce and sustain a long-term commitment to a process involving a wide range of actors, in order to reach all sections of society, and to achieve a fundamental shift in the social attitudes and beliefs that support gender inequality and child marriage. The intent was also to lend priority to policy.

Selected districts: The districts of Murshadabad and Birbhum in West Bengal were chosen to address the worrying and increasing levels in child marriages – the figures stood at 61% and 58% respectively. Warangal and Mahbunagar in Telengana were chosen as they featured in the Planning Commission’s list of the most backward districts with child marriages levels at 50% and 58% respectively.

Processes: Its processes similarly harnessed all available opportunities at the community and official/ administrative levels. At the level of the community, youth aspirations and concern for girls’ safety issues were used as entry points. The project identified key stakeholders at the community level and brought them to the centre of its activities. It worked to shape them as change agents who could influence other members of the community. Exchanges with adolescent girls’ groups, parents, youth, religious leaders who



Note: CRPF- Child Rights Protection Forum; VLCPC- Village Level Child Protection Committee; CMPC- Child Marriage Prevention Committee; NRHM- National Rural Health Mission; ICPS- Integrated Child Protection Schemes; ICDS- Integrated Child Development Services

solemnise marriages, caste leaders who influence social norms, political leaders, teachers, media and other service providers were key activities. Representatives from these groups were organised into multi stakeholder platforms like the Child Rights Protection Forum, or the Village Child Protection Committee or the Child Marriage Prevention Committee. Capacity building activities were undertaken with these Committees so that they could respond appropriately to prevent child marriages, or intervene if a child marriage was eminent.

At the official/administrative level, programmes like SABALA, National Rural Health Mission (NRHM), ICPS and Integrated Child Development Schemes (ICDS) that are congruent with the goals of the project were leveraged for convergent action. Campaigns and mass communication were also used to disseminate awareness of the provisions of the PCMA.

Gains of the model: Catalysing change and encouraging replication

By refining capabilities and outcomes within the administration and communities, this model has sparked relevant, and sustainable transformations.

Improvements have been visible in four major domains, and they can be used for impactful outcomes by other interventions:

1. Increased identification, reporting and prevention of child marriages
2. Improved response from government
3. Increased awareness and information on the issue
4. Increased self confidence amongst girls

1. INCREASED IDENTIFICATION, REPORTING AND PREVENTION OF CHILD MARRIAGES

a) Increased prevention of child marriages

Data collated from several sources have shown a remarkable decline in child marriages over the three project years ranging between 61% and 81% in project and non-project areas in Telangana. Khidirpur that reported 92% child marriages in 2011-12 saw a significant fall with only 8.2% marriages being reported in 2013-14. There was also an increase in child marriages being identified and stopped both in project and non-project areas. There were clear corroborations of a decline in child marriages in West Bengal, varying between a decline of 50% and 70%.

b) Number of marriages registered with *Panchayat Secretaries/Village Revenue Officers (VROS)*

In both Telangana and West Bengal, it was discovered that marriage registers were maintained by the *Panchayat Secretaries* and the VROs, a practice unfortunately not visible in blocks and districts. The *Panchayat Pradhan* of Begunbadi *Gram Panchayat* said that the regular fourth Saturday meetings provided vital information on impending village marriages. This came from the Accredited Social Health Activists (ASHAs), *Aaganwadi* workers (AWWs) and *Panchayat* members. It went a long way in stopping child marriages. Another welcome trend was the insistence on age certificates by *imams* who refused to solemnise marriages without them. These faith-based leaders were also seen to be advocating for late marriages through their Friday *namaaz*, and through *jalsas*, home visits, and also by influencing their colleagues. In a gesture, 30 wedding photographers in Warangal District decided to boycott marriages of under age children even though it meant forsaking income.

c) Number of out-of-school children/dropouts enrolled/re-enrolled into schools

MV Foundation has been consistent in enrolling children within schools. Each year around 250 children have been enrolled. In 2012 and 2013 the number of girls enrolled were higher than boys.

d) Number of girls transitioning into higher education

In three year period, 930 girls were enabled to transition to higher education in Telengana. Keeping girls in school and helping them transition into higher education is internationally accepted as one of the best ways to reduce child marriages or delay the age of marriage.

2. IMPROVED RESPONSE FROM GOVERNMENT

a) Establishment of village, block and district level committees

West Bengal: Child Protection Committees (CPCs) were formed in the intervention area at the village, *Panchayat* and Block levels. Similarly, District Child Protection Units (DCPUs) were set up under the Department of Social Welfare. All these Committees were found to be regular with meetings and reviews and active in their efforts to curb child marriage. Social Welfare Officers at the block and district level, that is the Child Marriage Prohibition Officer (CMPO), were also found to be responsive. The review uncovered the fact that the Block Development Officers (BDOs) had been at the frontline of efforts to curb child marriages by holding meetings with *imams*, taking initiative to issue notices to all *masjids* and *imams* to not solemnise child marriages, supporting girls' education after their marriages have been stopped (by providing books, uniforms, bags etc), and by extending bravery awards to the girls whose child marriages were prevented.

Telangana: Child Marriage Prohibition Committees (CMPCs) were formed in the intervention area. Child Marriage Prohibition Officers (CMPOs) were appointed at each level including the divisional level. The contribution of the CMPOs (who are the *Mandal* Revenue Officers in Telangana) lay in uniting the efforts of the three main departments who work to curb child marriage – Revenue Department, Police and Women and Child Development – for convergent action. A record of the circulars and government orders issued by the administration (that serves as an indicator of administration interest, onus and the extent of institutionalisation) show that between May 2012 and September 2014, 57 circulars relating to child marriage had been issued in the two districts by Tehsildars, Revenue Division Officers (RDOs), *Panchayat* Secretaries, Teachers Forum for Child Rights (TFCR), Sub Inspectors (SI) and Circle Inspectors (CI).

b) Number of officials involved in direct/indirect interventions

West Bengal: Block Welfare Officers, the Officer in Charge in Beldanga, the Additional Block Development Officers (Hariharpara), the Joint Block Development Officer in Beldanga as well as several other officers have been hugely motivated and gone beyond the call of duty to make exceptional contributions. Aided by training and instructions in circulars, the police too has shouldered responsibility to stop child marriages. A representative of the police in Birbhum however admitted that while child marriages are noted in the general dairy, no further action is taken, and testimonies of promised undertakings by parents are neither compiled nor analysed.

Telangana: A similar commitment by officers was observed. The *Mandal* Education Officer (MEO) Amrabad, *Mandal* Development Officer (MDO) Amrabad, Assistant Project Manager *Indira Kranti Patham* (APM IKP) Amrabad, Joint Collector Mahbubnagar, Project Director IKP Mahbubnagar, Child Welfare Committee (CWC) Chairperson Mahabubnagar, MDO Rayaparthi, SI Rayaparthi, CDPO Wardhannapet, CDPO Achampet and team, and the Supervisor of ICDS were supportive.

c) IEC materials against child marriages

West Bengal: *Panchayats* took the initiative to design eye-catching wall paintings; DCPUs produced leaflets for awareness on child protection, and between February 21 and March 24, 2015, the DCPU in Murshidabad undertook an awareness programmes in 52 *Gram Panchayats* of 17 Blocks and five Sub Divisions. The BDO Mohammad Bazar had a drama performed by adolescent girls' drama against child marriage filmed. It was screened all over the Block.

Telangana: Several departments of the government were mobilised to contribute to IEC activities and to campaign materials around the issue of child marriage and protection of child rights.

d) Budgetary provisions by Panchayats

Panchayats in the West Bengal project areas are budgeting for work related to child marriage. Two Blocks in Murshidabad district are concurrently in the process of budgeting for the rehabilitation of 'child marriage survivors'. In Begunbari, *Gram Panchayat*, Rs. 2.5 lakhs has been budgeted for the financial year 2015-16 to support girls whose marriages are stopped. As the Block Development Officer of Beldanga is promoting this, it is anticipated that other *Gram Panchayats* will follow suit in budgeting for child marriage related activities.

e) Heightened awareness of issue

West Bengal: There is a perceptible increase in the awareness of PCMA and fear of the law. Police stations have gone an extra mile to initiate awareness programmes on the issue. Awareness amongst girls is high – girls in schools have begun to directly approach the appropriate authorities, especially in Birbhum. In all the *melas* at the Block level, there are stalls with posters on child marriage, public announcements, and cultural activities woven around the theme. This is especially done in the *Kanyashri Melas*, as the *Kanyashri* Scheme is hugely popular with government that extends incentives to girls whose marriages have been stopped.



Telangana: Awareness of the PCMA in the intervention areas ranged between 60% and 90%. There was a reduction in the social acceptance of child marriage, and also knowledge of the debilitating consequences of marrying girls early. Women in Self Help Groups (SHGs) in Kummaronipalli were articulate on this subject and explained that they brought *adhaar* cards and other documents as proof of age to check whether it is okay to marry their child. Awareness amongst girls was high as well – girls in schools had begun to directly approach the authorities. Male youth groups had taken pledges not to marry before 21 and marry girls over 18 years. Citizen's groups and CBOs contributed creatively to publicity campaigns and IEC material.

f) Increased confidence amongst girls

Adolescent girls are now playing an active role in reporting complaints against child marriages and seeking responses from the system. They have become charismatic leaders and game changers.

Roza Khatun, interviewed during field visit on March 28, 2015, is pursuing B.A. Honours in Physical Education and is in her first year. Her parents have attempted to get her married five times, as she is the eldest child. Roza has refused each time as she wants to study further. She sought help from the BDO and OC on two occasions. They counselled her parents. Her younger sister got married before turning 18. Roza says she was helpless and could not stop the marriage. Her parents are firm in their belief that Muslim girls must get married early and that sports have no meaning for girls like her (Roza is the captain of the Hariarpada Hockey Team). She says that she is still subjected to physical violence by her parents.

Jaba interviewed during field visit on March 28, 2015, has been a member of the football team for the last five years. She had to however drop out from school and stop football practice because of her family's precarious finances. To address this, she was taken to a shelter so that she could be fed and housed. She has now been re-enrolled in class 10th and works as a domestic help in seven households. Despite this punishing schedule, she now regularly attends football coaching every week.

g) Upscaling: integral to project design

There were only three direct intervention villages in each Mandal/Block under this project. Yet the model's use has spread. This is because each village in Telangana is under a different Village Revenue Officer who is in charge of three-four *Gram Panchayats*. The Officer often replicates whatever is happening in the villages where the model has been implemented within other *Gram Panchayats* which ensures the spread of the project model and its ideas. The MEO of Amrabad's efforts is an example. He has introduced the subject of the Prohibition of Child Marriage Act in all the hostels and the schools that come under his charge, including the Kasturba Gandhi *Ballika Vidyalayas*, schools under the Tribal Welfare Department, and Social Welfare Department. In another instance, the CDPO in Warangal arranged an orientation of 270 AWWs in her area, from villages not under this project.

3. NETWORKING AND ADVOCACY

Two state level consultations each were held in West Bengal and Telangana by the state partners, and a national consultation was held in New Delhi by HAQ. The consultations were attended by government representatives from different departments – Social Welfare, Police, State Commission for Women, State Commission for Protection of Child Rights – as well as by members of Child Welfare Committees, UNICEF, media persons, academics and activists. Adolescent girls made their own representations in the consultations. The national consultation '*Come Together*' brought together 62 participants from 13 states in 2014, to critically discuss laws, policies and programmes related to child marriage; international initiatives; government approaches; and strategies used by civil society organisations; and the way forward.

The model's game changing strategies

The model's success lies in its ability to work with several tiers of the administration and multi-stakeholders, and applying the understandings gleaned from working in the field to formulate better interventions to strengthen systems. All this, while keeping system level demands and limitations in sight.

Working to create individual change within communities has seen quiet everyday revolutions and simultaneously led up to a larger collective change that could soon catalyse a social movement ending child marriage.

While the model uses several operational strategies in a coordinated manner for the change process, here a few promising strategies that stand out.

- Foregrounding child marriage prevention issues within all existing government mechanisms and meetings has put the issue centre stage. Enactment, implementation, and enforcement of early marriage laws and policies can discourage child marriage. In West Bengal, child marriage prevention issues being on the agenda of all Saturday meetings of government department staff and *Panchayat* members has brought it to sharp attention. Meetings on the issue with the Child Protection Committees at the Village, *Panchayat* and Block levels, and attention to it at *Gram Sabhas*, Block *melas* and Block level meetings have mandated it priority attention. In Telangana, circulars from government offices, involvement of staff from all tiers of the government, and their prompt follow up actions based on direct reporting of impending child marriages at the District and *Mandal* levels have aided a buy-in into the concept. An awareness of the law and the gaining trend of cases being registered with the Child Welfare Committee (CWC) and the police are acting as deterrents.
- The supportive structures of the Childline and CWCs in Telangana have steadfastly protected girls' rights and withstood societal pressures. The CWC Chairperson of Warangal has in particular displayed exemplary courage and initiative by refusing to bow down to pressure, sensitising priests to the PMCA, and making parents aware of the *Kalyanlakshmi* Scheme (conditional cash transfers that benefits girls who marry after

the age of 18). The coming forward of such dynamic individuals has helped in inspiring leadership among officials (who have lent momentum to the movement) and the creation of role models.



- Working with adolescent girls and nurturing them as leaders has lent momentum to the movement to end child marriages. These girls have become a powerful allies who are at the forefront of the movement. Many even steer its course. They are active in stopping child marriages, helping girls re-enrol in schools, and taking the lead in organising awareness programmes. Working with young men has been as effective as they have infused the movement with energy.
- The creation of platforms like the Child Rights Protection Forum, Teachers Forum for Child Rights and Photographers' Association have worked wonders to bring and sustain change.
- Indirect help has come from the *Kanyashri* Scheme (West Bengal) and *Kalyanlakshmi* Scheme (Telengana) that offers benefits to girls who delay their marriage. They have prompted many parents to reconsider their decision to marry their young daughters. According to the Joint Block Development Officer, Hariharpara Block, Murshidabad district, 178 girls have already received Rs. 25,000 under the Kanyashri Scheme and 3,672 girls are benefitting from a monthly scholarship of Rs. 500.
- Priests and *qazis* have played decisive roles to prevent child marriages by pro-actively preaching on the issue. The secretary of the *Qazis'* Block Level Committee (Mohammed Bazaar) in West Bengal has been particularly vocal on the issue. He has argued with co-*qazis* on how the Quran allowing marriages as soon as girls attain menarche should be interpreted.

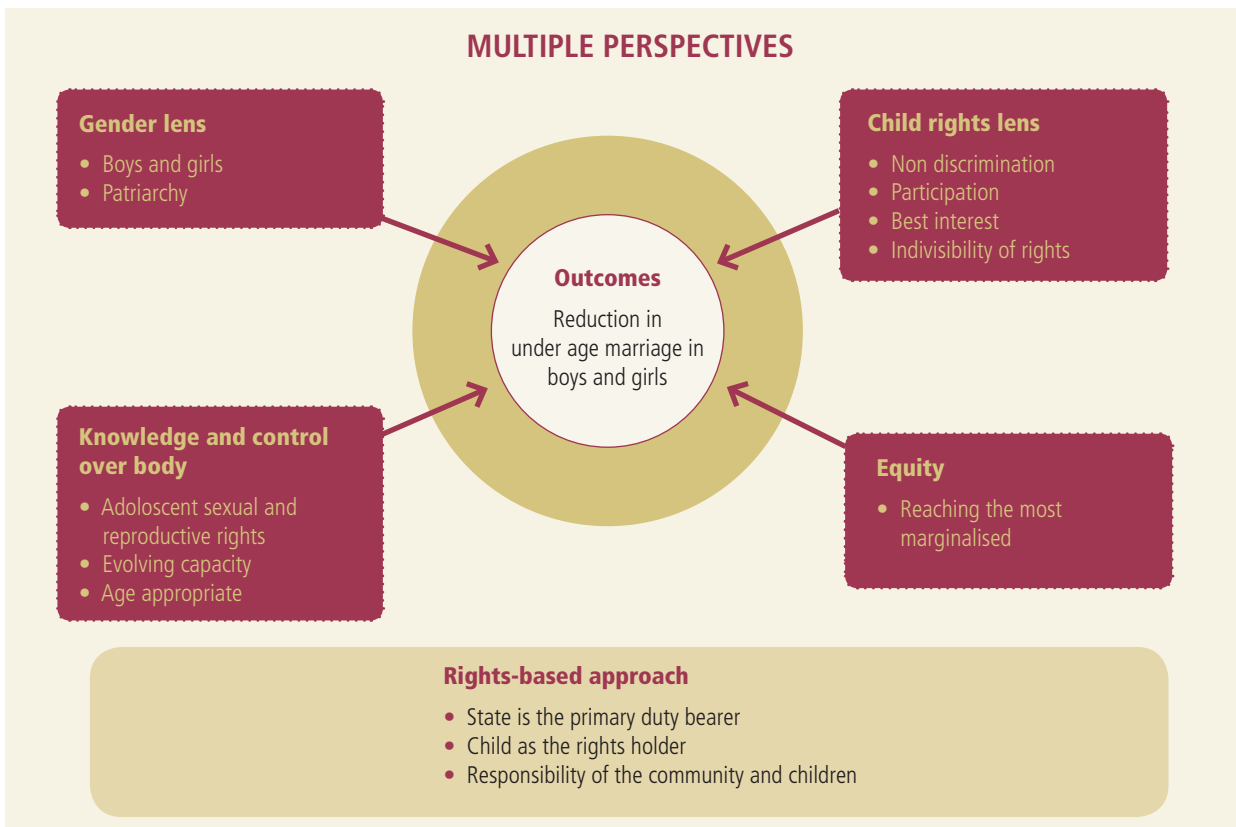
Setting up of an enabling environment by addressing current limitations

There are several restraining factors that the current model has struggled with. They need to be addressed in order to foster an enabling environment to prevent child marriages. The more glaring challenges are highlighted.

- **At the level of the administration**, issues in need of redress are: pervasive political problems; lawlessness; delineation of roles and responsibilities of officials at the district level; determining accountability (as responsibility and tasks have still not been formalised as yet); ensuring centralised information, management and leadership systems; streamlining all existing schemes; capacity building efforts; addressing issues of understaffing and frequent transfers, lending recognition for government officials' efforts, and paying attention to the lack of immediate police action.
- **While communities have been engaged to be part of the solution, social pressures are so overbearing that people find ways to circumvent the law and fudge birth records.** Interventions hence need to be designed keeping social determinants in mind. Systems and structures that the communities trust must be evolved. These must be inclusive, and leverage the skills and expertise of local

change agents. Awareness-raising initiatives among the communities must keep target groups in mind. Faith based leaders have been effective change agents and their roles must be expanded, while keeping in mind the conflicting role they play in embedding negative social attitudes and practices. And, there must be support for human rights defenders, especially those who face threats. There is discomfort with the idea of community members being 'informers' or 'whistleblowers' as it oftentimes results in tension and mistrust. Other constructive strategies to report child marriages must be sought. While the fear of law has proved effective, merely enactment of laws will not solve the problem. Until men's and women's belief that child marriage is challenged and changed, the problem will continue

- **While adolescent girls are at the nucleus of this initiative and have stopped many child marriages, there is still a strong need amongst them for nuanced sensitisation into the issues.** Engagement in reflective and analytical processes with them is critical. There is an acute need to pay attention to instilling systemic procedures for re-enrolment in schools and rehabilitation procedures and processes for girls whose marriages are stopped. High-priority attention is also needed for building hostels, rolling out vocational courses, and colleges for higher education. A larger role for these girls in initiatives meant for them must be ensured and open spaces for them to freely articulate their needs must be provided. They must be given definitive roles in the VLCPC. The *Kishori Balika Samoohas* and Girls Committees in schools must be used to expand the limits of their engagement.
- **Boys need to be targeted for attention.** Educational schemes, especially for boys belonging to migrant families, must be ensured. Equally important is reaching out to boys at a young age to encourage equitable gender attitudes and norms so that they can be allies in preventing child marriage and change agents within their communities.
- **Child marriage has largely been considered as a reproductive and sexual health and rights issue.** This project addressed it as a child protection issue as communities insist that they are marrying their girls to 'protect them'. There is need to however look at it through the prisms of gender, adolescent sexual and reproductive rights, feminist and human rights perspectives with shared vision and processes uniting them.



A critique of the PCMA

There is confusion and ambiguity within PCMA, leading to practical difficulties in implementation and enforcement of the law. How?

- According to the PCMA, the age of marriage is 18 for girls and 21 years for boys. In *The Indian Majority Act, 1875*, *The Juvenile Justice (Care and Protection) Act, 2000*, and the *Protection of Children from Sexual Offences Act, 2012*, children, both male and female, are defined as persons upto the age of 18 years. According to Dr. Jaya Sagade, different ages for girls and boys, 18 and 21 years respectively can be construed as gender discrimination (Report of the National Consultation, 'Come Together' August 2014).
- While the PCMA prohibits marriage of a girl under the age of 18 years and a boy under the age of 21 years, child marriages per se continue to be legally valid marriages unless either of the parties to the marriage wishes to nullify it. The PCMA does not declare a child marriage null and void but has a provision for making child marriage voidable if a petition of nullity is filed. How can 'prohibit' and 'legally valid' co-exist? The law does not appear to recognise child marriage as a violation of child rights or human rights. It does not give a clear unambiguous message that can make implementation in the field easier.
- The Act defines 'child' and 'minor' differently. While child marriage is legally valid and can be nullified only after either party files a petition for an annulment, the law declares marriage of a 'minor' null and void if such marriage is solemnised by use of force, kidnapping and trafficking or is a result of violation of an injunction order preventing the marriage.
- A girl can file a petition for decree of nullity with two years of attaining majority i.e. till she is 20 years old. A married girl will need either an agency, access to the court and/ or support from the family if she wants annulment. Does the law provide enabling conditions for such support? In case the marriage had been consummated, there is no way the girl will seek annulment and similar will be the case if the girl gets pregnant because of marriage.
- The custody of minor girls is a major area of concern. If the girl is above the age of 16, which can also be considered as the age of discretion/ maturity- she can refuse to stay with her parents. What kind of support is available for her if she chooses not to stay with the parents? The implementation framework for this clause is not satisfactory at this point in time.
- There are many contradictions between related laws. For example under the Protection of Children from Sexual Offences (POCSO) Act, 2012, sexual relations with a girl under 18 is considered rape. Boys under the age of 18 years, as well as older men, in consensual sexual relationships with girls aged below 18 can get booked for rape. If they were to elope, the boys and men would be charged with kidnapping. However, if the same acts occur under the shroud of marriage, they are considered legal?

Charting the future course: recommendations for the road ahead

Implementation: NGOs must broaden their roles and facilitate the institutionalisation of processes within the administration: More than ever before, there is a need to recognise the effort of government officials. The work of the Block Development Officers and the District Magistrates/Collectors from the project areas need to be systemically facilitated, and their work showcased, rewarded, and documented. This is of paramount urgency especially if other *Panchayats* are expected to replicate these efforts and meet state, national and global aspirations.

Improving official performance needs clear streamlined processes and procedures. Officials must be equipped with skills, and nuanced perspectives of social accountability and rights, as well as on gender and equity. They must be able to work with a strategic vision and develop multi-stakeholder action plans based on it. Working within a framework of measurable indicators, data driven management and documentation templates is also necessary. To enable this it is mandatory to develop their analytical, strategic networking and facilitation skills, as well as their presentation and advocacy skills.

Solutions to end child marriage need to pay heed to contextual challenges: the unique determinants in each area and community needs. They must tackle multiple perspectives (child rights, gender, adolescent rights, sexual and reproductive health and rights, human rights et al) and evolve context-specific, multi-tiered strategies and keep the multi-stakeholders interests in mind.

In the existence of a multiplicity of roles, protocols and guidelines, standardisation measures are of great consequence. The roles and responsibilities of each departmental representative in the Child Protection Committees/Child Marriage Prevention Committees should be delineated for purposes of accountability. Indicators that need to be documented must be stated clearly.

Actions are required to sustain and accelerate improvements in the work with adolescent girls. A redoubled focus on their aspirations, needs, and attention to issues like sexuality, power relations are urgent. Working with boys in their roles as husbands, brothers, fathers as well as citizens and possible leaders should be treated as indispensable. Transformative masculinities should be nurtured, so that boys and men begin to respect women and girls as equals. Boys should also be empowered to hold their own when pitted against elders and community leaders. Intergenerational dialogues on prevailing social norms, aspirations of the young people should be held.

Research: This project has generated a huge amount of data that needs to be analysed – What are the patterns emerging with ‘successful’ delaying of marriages? What does ‘success’ mean? What happens to girls – and boys – who delay their marriages? What are their needs and concerns? How can public policy be responsive to them? What are the long term effects of involving religious and caste leaders? Do transferred officers continue to push for reforms? What happens in families when one marriage is delayed – does the same happen to other siblings? Or do the controls on them increase? Collaborations with academic and research institutions should be fostered to answer these (and other) questions that can inform policy and practice.

Advocacy: Young girls and boys urgently need avenues for development, skill enhancement, and employment. A systematic advocacy agenda needs to be formulated for this. Advocacy is also required to upscale the lessons learnt from this project so that there is universal implementation and to find solutions to the dilemmas within PCMA.

Training: Partner NGOs have been involved in training personnel of various departments – Police, AWWs, and Panchayat Members, for instance. It is recommended that training manuals be created for each department on

prevention of child marriage from a gender and rights perspective. This manual must specify roles, responsibilities and indicators that these officials need to regularly report on. These training manuals could serve to institutionalise the child marriage prevention agenda in diverse departments.

With such investments in systems of change, community involvement and accountability, ending child marriage in India is possible. We hope many others use the perspectives we have elaborated upon to navigate their future course of action, create effective plans and programmes, and be better prepared to manage the forewarned risks.



Credits

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(A social media space where individuals and organisations having concerns and/or working towards ending child marriage come together for sharing and learning.)