Draft National Plan of Action to Prevent Child Marriages in India

Introduction:

Child Marriage in India is a serious matter of concern. Legislation forbidding child marriage in pre-independentIndia was put in place in 1929. The Child Marriage Restraint Act, 1929 primarily focussed on restraining the solemnization of child marriages. As per the National Family Health Survey III (2005-06), it is estimated that around 46 percentage of women in the age group of 18-29 were married before reaching the legal age of 18. Even though the Country has made progress on indicators related to education, health, employment opportunities the percentage of women married before the legal age of 18 still remains very high. In order to prevent child marriage, the Government brought into force a more progressive legislationnamely the Prohibition of Child Marriage Act, 2006 (PCMA) repealing the Child Marriage Restraint Act (CMRA) of 1929, which prohibits child marriages rather than only restraining them. In order to address the issue of child marriage in a comprehensive manner a National Plan of Action defining, objectives, goalsand strategies besides delineating roles of different stakeholder is required.

Background

Child Marriage is a violation of the children's right to protection, development and participation in addition to violation of their rights. The scale of such marriages is massive, under-recognized and underreported. Children, especially girls trapped in such marriages are subjected to violence, exploitation, abuse and neglect. Despite national laws and international agreements, child marriage remains a real and present threat to the human rights, lives and health of children, especially girls. It is very difficult to get accurate data on the extent of child marriages. This is because most marriages are not registered, and many parents resort to falsifying girls' ages. Such acts are made easier in rural areas where allbirthare not registered. It is a well-recognized fact that child marriage denies children the opportunity to fully develop their potential as healthy, productive and empowered citizens. It robs children of their child hood, entrenching them and their future families in poverty, limiting their life choices, and generating high development costs for communities. The consequences of child marriage are severe - National and

international indicators on maternal health, education, food security, poverty eradication, HIV/AIDS, and gender equality are all negatively correlated with high child marriage rates.

Human Rights Standards and Legislations to Protect Children:

Several provisions in the Constitution of India impose on the State the primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected. Children enjoy equal rights as adults as per Article 14 of the Constitution. Article 15(3) empowers the State to make special provisions for children. India is also a signatory to International human rights instruments which are in accordance with the constitutional framework of the Country.

Key international human rights instruments relating to child marriage

- Universal Declaration of Human Rights.
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.
- International Covenant on Economic, Social and Cultural Rights.
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- Convention on the Rights of the Child (CRC).

CEDAW – which is widely recognized as the women's bill of rights – provides explicit clauses on key areas. This includes the issue of consent, and a minimum marriage age of 18 years. Articles 2 and 16 are recognized as core provisions in CEDAW, addressing discrimination, marriage and family relations. Although the Convention on the Rights of the Child does not specifically address early marriage, it provides a number of norms and protective measures for children which provide an enabling framework for tackling child marriage. They include the following: non-

discrimination (article 2), best interest of the child (article 3), right to life (article 6), right to be registered after birth (article 7), right of the child not to be separated from parents against his/her own will (article 9), right to express his/her views (article 12), right to health and to be protected from harmful practices (article 24), right to education, (articles 28 and 29), right to freedom from abuse and exploitation (articles 19, 34, 35,36 and 39).

1.1. Child Marriage in India

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). As per the National Crime Record Bureau (NCRB) data which is available for the period ending 2011 the numbers of cases registered under Prohibition of Child Marriage Act (PCMA) 2006 in the year 2009, 2010 and 2011 are 3, 60 and 113 in respectively. It is believed that all the cases of child marriages which are solemnized are not reported because according to the most recent data available (NFHS 3, 2005-06), it is estimated that around 46 percentage of women in the age group of 18-29 are married before reaching the legal age 18. It is estimated that there are 23 million child brides in the country, approximately 40% of the child brides globally¹. While the rate of child marriage reportedly dropped to 46 percent in 2006, in some states child marriage prevalence still exceeds 50 percent, with the highest rates found in Bihar (64%), Rajasthan (58%), Jharkhand (60%), Madhya Pradesh (53%), Uttar Pradesh (52%), Chhattisgarh (51%), Andhra Pradesh (56%) and West Bengal (53%). The problem is worse in rural India as compared to urban areas, with 56 and 29 percent prevalence, respectively.

The Union government has endeavoured to curb the practice in recent years through repealing Child Marriage Restraint Act of 1929 and bringing in a more progressive Prohibition of Child Marriage Act, 2006 that includes punitive measures against those who perform, permit and promote child marriage. It also provides for annulment of a child marriage and gives a separated female the right to maintenance and residence from her husband if he is above 18 or in-laws if he is a minor until she is remarried. This Act came into effect in January 2007. The States are

¹http://www.unicef.org/protection/files/Progress for Children-No.8 EN 081309(1).pdf

vested with powers to formulate rules for implementation of this legislation and carrying out the provisions. The National Plan of Action for children 2005 also includes goals on eradicating child marriage. One of the notable initiatives taken by India towards protection of children including the girl child has been the establishment of a National Commission for Protection of Child Rights in 2006 for proper enforcement of children's rights and effective implementation of laws and programs relating to children. Policies, legislations, schemes and programmes are also in place so that the rights of the children are respected. Besides, policies and programmes in the Country 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. Platforms such as National Girl Child Day (celebrated on 24th January) and the schemes like **Rajiv Gandhi Scheme for Empowerment of Adolescent Girls** (SABLA) are being used to raise awareness on the issue at various levels. During the Twelfth Five Year Plan a Girl Child Specific District Plan of Action is been proposed to be put in place with a focus on Districts/ Blocks with low CSR and high Child Marriage in about 100 non-SABLA 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 betw

1.3 National Plan of Action

A National Consultation on prevention of child marriage was held on 25th May 2012, which recommended the need to formulate a National Strategy on Prevention of Child Marriage to act as a guiding force in formulation of National Plan of Action. The core group on child marriage prevention set up by the Ministry developed National Strategy on Child Marriage Prevention which has been circulated for wider dissemination. The draft action plan has benefitted from consultations and meeting with the core group on child marriage prevention as well as inputs of the drafting committee formed with the core group. The operationalization of the plan of action on child marriage prevention will necessitate commitment and investment by Central Government, State Government, local government and leaders, and other donors, civil society, and NGOs.

The National Plan of Action on Prevention of Child Marriage adopts strategic interventions which willbe implemented using convergent and multi-dimensional approaches. Its long-term goal is: Girls and boys in India are free from child marriage and can realise their full potential and live a life of dignity. The plan covers seven objectives and specific strategies, each of which is important in its own right but which also complement and reinforce one another and address Prevention of child marriage.

Goals:

- To enforce PCMA 2006 and related laws and policies that can discourage child marriage.
- To improve access to quality education and other vocational opportunities.
- To initiate programs that enable community mobilization and outreach to change social norms and attitudes.
- To build skills and capacities of adolescent girls and boys.
- To collect data, initiate research to inform programming and interventions.
- To develop monitoring and evaluation systems for measuring outcomes.
- To improve co-ordination, communication and monitoring among those involved in the implementation

Goal 1: To promote effec	Goal 1: To promote effective implementation of PCMA 2006 and relevant legislation			
Objectives	Strategies	Stakeholders/agencies	Indicators	
1. To adopt and enforce State rules on PCMA 2006	 Monitor status of State Rules across the country through advisories and regular updating of status. Promote coordination for issuing of guidance and enforcement strategies with relevant Ministries (Law and Justice). 	 Ministry of Women and Child Development. Ministry of Law and Justice 	34 States which adopted rules.	
	 Notification of State rules. Monitor implementation of the PCMA. Appointment of Prohibition of Child Marriage Officers (PCMOs) 	Department of Women and Child Welfare/ Social Welfare.	 State rules formed. PCMOs appointed. Increase in number of cases registered. 	
	District Raise awareness on PCMA 2006 and all other related laws using district level systems, including para-legal committees and community based groups. Disseminate information on complaint mechanisms.	District Authorities (DWCD, DM, Police).	 Number of trainings held. Number of cases filed at district level. 	
2. To ensure comprehensive and participatory review of PCMA	 Organizing series of consultation on PCMA 2006. Formation of a committee to draft recommendations. 	 MWCD Ministry of Law and Justice Ministry of Home 	Inputs for new legislation sought.PCMA 2006 amended	

3. To promote capacity building of Law enforcement officers (police, judiciary, and CMPOs) to enact legislation.	 Advocacy for approval from the Cabinet on the proposed recommendations. National: Develop information and training tools for capacity building on PCMA. 	Affairs Ministry of Health and Family Welfare State Governments. Civil Society MWCD Ministry of Law and Justice National Legal Service Authority.	Training tools developed and disseminated.
	 State: Adapt and/or develop training modules for training of police, Judiciary, CMPOs Capacity building of Law Enforcement Agencies i.e. Police, Prosecution, Judiciary. Build Public awareness on PCMA and relevant legislations. District: Training and capacity building of CMPOs, BDOs, Teachers 	 Department of WCD/Social Welfare. Department of Law and Justice. State. Legal Service Authority District Authorities 	 Regular training programs organized. Capacity of enforcement officer built. Increased awareness on PCMA 2006. Training programs held.

4. To raise public awareness on PCMA and related legislation	National: • Production of advocacy and IEC materials on PCMA 2006	• MWCD	IEC and advocacy material produced and disseminated.
	Disseminate information on PCMA, legislation and complaint mechanisms through media and other means in local languages.	 DWCD/DSW District Authorities 	 Awareness on PCMA 2006 increased. Increase in number of cases reported.
5. To Enhance capacity of ICPS structures on PCMA and how to respond to child marriage cases	National: • Preparing guidelines to strengthen the linkages between ICPS, JJ Act and PCMA • Monitor implementation of the guidelines.	• MWCD	Guidelines prepared and shared with the States
	Establish structures with capacities, resources and functionaries as per ICPS and JJ Act Raise awareness of the ICPS structures and functionaries on PCMA and how to prevent and respond to child marriage cases	• DWCD • DSW	Linkages between ICPS, JJ Act and PCMA strengthened

	 Establish structures with capacities, resources and functionaries as per ICPS and JJ Act Raise awareness of the ICPS structures and functionaries on PCMA and how to prevent and respond to child marriage. Organize regular interaction session between ICPS, JJ Act and PCMA functionaries for sharing and update/ 	 District Authorities Child Welfare Committee ICPS functionaries 	Improved convergence ICPS, JJACT and PCMA functionaries
	ss to quality education and other vocation		Indicator
Objectives 1. Mainstream	Strategies	Stakeholders/agencies	Indicator
gender related issues and prevention of harmful practices, such as child marriage, violence and exploitation in	National: • Convergence with MHRD to incorporate gender sensitization and child marriage in course curriculum and teacher training modules.	 MWCD. Ministry of Human Resource Development (MHRD). National Council on Education Research and Training (NCERT). 	 Inclusion of gender and child marriage in NCERT course curriculum. Teachers training module updated.

school curriculum and teacher training	 State: Convergence with DoE to ensure incorporation of gender and particularly child marriage in teachers training module and school curriculum. Organizing teachers training program. 	 DWCD/DSW Department of Education State Council on Education Research and Training (SCERT) 	 Teacher's training conducted. Teachers sensitized on gender and child marriage.
	 District: Issues related to child marriage and gender are discussed in parent teachers meeting. Convergence with schools and teachers association to ensure that gender and child marriage concerns are incorporated. 	 Schools Parent Teacher Association 	 Regular parent teacher meetings held. Child marriage and gender is discussed.
2. Promote schools as safe learning environments for girls	 National level Develop and enact policies/codes of conduct that prevent violence and exploitation of children, in particular girls, in the educational institutions. Disseminate codes of conduct to all levels and encourage the establishment of monitoring mechanisms 	MWCD MHRD	 Toilets for girls in every school Safe spaces within schools Availability of female teachers Safe transportation facilities for girls.

	 Disseminate codes of conduct to schools and establish mechanisms for monitoring of implementation. Establish adequate and safe facilities in schools, including separate toilets for girls. Empower schools and girls through provision of safe spaces. Recruit, train and retain female teachers. 	 DWCD Department of Education 	 Code of conduct disseminated Physical facilities in place. Safe spaced are created. Availability of female teachers.
	 District Establish adequate and safe facilities in schools, including separate toilets for girls. Enhance safe transportation facilities for girls. Enable school management to monitor implementation of RTE and codes of conduct 	 District Authorities School Management Committees. 	 Safety of girls ensured. School management committee takes up the matter.
3. Enhance educational opportunities (scholarships, bridge courses) and vocational opportunities	National level Develop and disseminate guidelines and strategies for integration of married girls in the school. Develop policy guidelines to encourage enrolment and retention of girls in secondary education.	MWCDMHRDNCERT	 Guidelines for integration of married girls developed and shared. Policy guidelines for secondary education developed.

 Promote linkages with existing schemes (e.g. SABLA), vocational training and other sport or recreational initiatives Promote the integration of the vocational curriculum with the academic curriculum within secondary education. 		
 Monitoring of enrolment and retention of girls in secondary education Disseminate information on bridge courses and promote outreach for girls Revised criteria for scholarship include vulnerability to child marriage Map and disseminate information on vocational training offers Expand scope of vocational trainings to meet job market needs. 	 DWCD/DSW Department of Education SCERT 	 Increase in girl's enrolment in secondary education and bridge courses. Scholarships available. Job linked vocational training given.

Cool 2: To promo	 District Enrolment and retention of girls in secondary education Enrolment of girls in bridge courses and dissemination of information. Disseminate information on scholarship opportunities Married girl are integrated and retained in schools. Enable school management committees to monitor the enhanced inclusion and retention of girls in secondary education Disseminate information on vocational training offers Market linked vocational training programs are available. 	 District Authorities Schools Teachers association School Management Committees 	 Increase in retention and enrolment of girls. Married girls are attending schools. Regular meeting of school management committee Availability of vocational training programs 	
_	Goal 3: To promote changes in existing social norms and attitudes which are contributing to child marriage			
Objectives	Strategies	Stakeholders/agencies	Indicator	

1. To Generate wide public awareness on the risks of child marriage.	National level Development of a national communication and media strategy and tools.	 Ministry of women and child development Ministry of health and family welfare Ministry of Information and Broadcasting Ministry of Panchayati Raj 	Media and communication strategy developed and disseminated.
	 State level Roll-out of State wide campaigns through media, use of role models, and dissemination of communication materials. 	 DWCD/DSW Department of Panchayati Raj Dept. of Health and Family Welfare. 	 Media and communication strategy rolled out. Increase in awareness levels. Media reporting on the issue of child marriage increased.

	 District level Roll-out of District wide campaigns through media, use of role models, and dissemination of communication materials. Use street theatre, folk media, radio shows and rallies at block, panchayat and village level. Enhance coverage of the issue in the local media. 	 District Authorities Panchayati Raj Institutions. ASHA/ANMs. NGOs/CBOs 	 Communication and information available from district to village level. Increased awareness on the issue. Media reports
2. Enhance capacities of PRIs, leaders, front line workers, CBOs, and communities	National and State level Development of training and awareness raising tools.	 MWCD MoPR MoHFW DWCD/DSW DoPR DoHFW 	 Training module developed and shared with States. States have adopted the training and awareness raising tools.

to prevent child marriage	 Build capacities of civil society partners, community based and grass root organisations to raise awareness and mobilise communities against child marriage. Build capacities of PRIs, community leaders and frontline workers to influence families and communities and change collective acceptance of child marriage. Work with men and opinion leaders to raise public awareness to prevent child marriages. 	 District Authorities PRIs Frontline workers NGOs/CBOs 	Increased awareness amongst PRIs, community leaders and frontline workers on child marriage.
3. Promote community mobilization for the prevention of child marriage.	 District Promote collective commitment through public oaths and pledges. Actively engage men and boys as partners and agents for change with tailored messages and interventions. Identify and build capacity of role models (leaders, parents, frontline workers) to influence opinions and practices in the community. Engage intermediaries and individuals involved in the marriage market/matrimonial services. 	 District Authorities PRIs Frontline Workers NGOs/CBOs 	 Public oaths and pledges taken. Increased awareness amongst various stakeholders at community level. Reduction in incidences of child marriage.

Goal 4: To empor	wer adolescents girls and boys to seek alter	natives to child marriage	
Objectives	Strategies	Stakeholders/agencies	Indicator
1. To develop training module on life skills, and promote child agency	 National and State Level Develop training packages on life skills, gender, child protection issues, and child agency. 	 MWCD MoPR Ministry of Youth Affairs 	 Training module developed and shared. Training module adapted by States
	 Establish and run safe spaces and groups for adolescentgirls and boys to discuss about sensitive issues, child marriage and other protection risks. Establish spaces for boys' and girls' groups to engage together in inter-gender dialogue and learn about mutual respect. Implement life skills and vocational training within spaces/groups to adolescent girls, including through the implementation of SABLA. Provide life skills and vocational training to adolescent boys within spaces/groups, including the implementation of Saksham. Promote girls/boys who have 	 District Authorities PRIs NGOs 	 Safe spaces established Vocational training imparted. Life skills module implemented.

2. Enhance coverage and effectiveness of social protection schemes and initiatives for vulnerable families	resisted child marriage as role models at various levels. National level Review existing incentive based schemes to integrate a multifaceted and gender-equity oriented approach.	MWCD Planning Commission	Existing schemes reviewed from gender equity lens.
and children	 Identify vulnerable families and disseminate information on existing social protection schemes, through the support of NGOs. Monitor access to social protection schemes, through the NGOs. 	 DWCD/DSW DoPR District Authorities PRIs NGOs 	 Vulnerable families identified and supported. Regular monitoring of schemes and programs.
Goal 5: To enhance know and interventions	ledge on data, trends, determinants, attitu	ides and practices on child m	arriage to inform programming
Objectives	Strategies	Stakeholders/agencies	Indicator
1. To promote systematic data collection, compilation and analysis at all levels	National Promote standardised and coherent data collection and analysis on child marriage.	 Ministry of Women and child development Ministry of Statistic and Programme Implementation. MoHFW 	Data collection and analysis system developed

	Disseminate analysed information widely for public awareness Analyse and disseminate for advocacy purposes and informed decision making.	■ DWCD/DSW	Information disseminated.Advocacy efforts initiated
	 Establish MIS on child marriage in all districtsincluding disaggregated data. Collection of data at the block and village level data on vulnerable groups through social mapping with the support of NGOs, grassroot organizations and frontline workers. 	 District Authorities. NGOs 	 MIS system developed and functional. Data on child marriage cases available
2. Conduct research, evaluations and documentation on a regular base	 Conduct formative research to better understand norms, behaviors and practices around child marriage. Undertake research 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 	 MWCD MoHFW MoPR Research Institutions 	 Research on child marriage available to inform advocacy and policy decisions. Research available to guide what works in changing social norms and behaviour.

Goal 6: To es	interventions, undertake research to better understand which component or the combination of the interventions has been more effective and the reasons for the same. tablish Monitoring and evaluation mechan	nisms at all level	
Objectives	Strategies	Stakeholders/agencies	Indicator
	 National Level Provide guidance on intervention and impact indicators Request regular submission of data from States and Districts Evaluate policy and programmatic efforts to provide evidence lacking on what works. 	MWCDMoSPIMoHFW	 Impact indicators developed and shared Data from states available.
	Development of monitorable indicators for the implementation of plans of action and interventions at various levels-State, district, block, panchayat and village level.	 DWCD/DSW District Authorities PRIs 	 Data available Monitoring formats prepared and shared.

Objectives	Strategies	Stakeholders/agencies	Indicator
To ensure interdisciplinary coordination or cross section responsibility shared amongst Government agencies per se and between the Government agencies IOs and NGOs.	 National Level Convergent meeting with relevant stakeholders held. Regular meeting with concerned Ministries to assess the progress. Regular reports and progress shared and guidelines developed. 	 MWCD MoHFW MoPR MHRD MoSPI Planning Commission 	 Regular convergent meetings convened. Progress report shared. Convergent action plan developed.
	State Level: Regular convergent meeting and communication with relevant Ministries. Sharing of experience, inputs and proposing recommendations. Joint advocacy initiatives on common issues.	 DWCD/DSW Department of Education State Planning Commission DoPR DoHFW NGOs 	 Planning meetings convened. Sharing reports, progress.
	 District Level: Meetings of District level committess. Sharing of information, knowledge. Organizing joint training. 	District Authorities.	 Regular meeting convened. Training programs conducted. Progress reports shared.