



South Asia Initiative To End Violence Against Children [SAIEVAC]  
SAARC Apex Body  
"In Solidarity with the Children of SAARC"

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**Report  
of  
The Regional Consultation on Accelerating Efforts  
To End Child Marriage in South Asia  
Through  
Joint Action with Regional and National Human Rights Institutions  
In Partnership with Key Regional Partners  
2-3 June, 2016**



Hosted by the Ministry of Women, Children, and Social Welfare (MoWCSW)  
Government of Nepal  
Organized by the SAIEVAC Regional Secretariat,  
Centre for Reproductive Rights (supported by Ford Foundation) and  
The Regional Initiative for South Asia Human Rights Mechanism: RI-SAHRM (supported by Forum Asia)



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## **Executive Summary: Accelerating Efforts to End Child Marriage in South Asia**

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The 2 days Consultation - Accelerating Efforts to End Child Marriage in South Asia through Joint Action with Regional and National Human Rights Institutions and in Partnership with Key Regional Partners, was convened in Kathmandu Nepal from 2-3 June 2016.

The Consultation was hosted by the Ministry of Women, Children, and Social Welfare (MoWCSW), Government of Nepal, organized by the SAIEVAC Regional Secretariat (SRS), Centre for Reproductive Rights-Center (supported by Ford Foundation) and the Regional Initiative for South Asia Human Rights Mechanism- RI-SAHRM (supported by Forum Asia).

The Consultation was attended by the Chairpersons/Members of NHRIs from SAARC, selected Representatives of National/State level Commissions from SAARC, Task Force Members of the RI-SAHRM, selected SAIEVAC Governing Board Members/Coordinators, representatives of SAARC LAW, Commonwealth Human Rights Division, Representatives of Parliamentarians Forums, UNFPA-APRO, UNFPA Nepal, and UNICEF.

H.E Chandra Prakash Mainali, Hon'ble Deputy Prime Minister and Minister for Women, Children and Social Welfare, Government of Nepal presided over as the Chief Guest. The other dignitaries included Ex-Justice Anup Raj Sharma, Chairperson of the National Human Rights Commission of Nepal, Mr. Madhu Prasad Regmi, Secretary, MoWCSW and Mr. Mehmood Mandviwalla, President of SAARCLAW.

The 2 days meeting consisted of technical presentations on key issues and strategies for promoting legal accountability for ending child marriage by resource persons, national level perspectives from selected Member States and 3 Group Exercises to frame the core issues of interest for the way forward.

Taking a note of the intense discussions following the technical presentations and the group exercises and keeping in focus the larger mission to create a renewed advocacy targeting SAARC Mechanisms and the political entities of the region i.e. to promote legal accountability for ending the practice of child marriage, the meeting endorsed that the follow up actions will be clubbed into short term and long term activities as follows:

### **A. Short Term**

1. The NHRIs to organize national level consultations on the status of child marriage (in line with government commitments including National Action Plans/strategies to end child marriage) to generate relevant evidence for advocacy targeting the 19<sup>th</sup> SAARC Summit. The consultations should involve the participation of the civil society organizations, NACGs, People's SAARC National Committees, NHRIs and other relevant stakeholders, including media.
  - a. In preparation, each NHRI to conduct national level mapping of pre-existing oversight mechanisms, which will serve as an entry point to leverage specific oversight on the issue of child marriage (under international HR obligations and SDGS).

2. The SRS will collaborate in creating convergent efforts of all the key partners including RI-SAHRM and the Center, in particular the NHRIs, to mount effective advocacy targeting the 19<sup>th</sup> SAARC Summit, with child marriage as an entry point. This will consist of organizing a three days follow up Consultation of the NHRIs on Child Marriage with concomitant task Force Meeting of the RI-SAHRM. The three days meeting will consist of: one day Task Force Meeting of RI-SAHRM; one day follow-up consultation of the NHRIs; and one day that consists of Advocacy Meetings with key stakeholders.
  - a) The Consultation is to be held in Pakistan and the Ministry of Human Rights and the NHRC Pakistan will be requested to host the Consultation;
  - b) The proposed time frame is last week of September or the first week of October; and
  - c) The key output should be to finalize recommendations (including the establishment of a regional oversight mechanism on child marriage.) on promoting legal accountability for child marriage to be submitted to the Government of Pakistan-host government-through key partners in Pakistan to lobby for their inclusion in the upcoming SAARC Summit Agenda.
3. Organize side meetings during the SAARC Summit and/or at the Pre-SAARC Summit Meeting/Peoples SAARC Forums to draw attention on the issues of Violence against Children including, promoting legal accountability to end child marriage as well as the establishment of a regional oversight mechanism on child marriage.

## **B. Long Term**

1. In light of target 5.3 of SDGs, work to establish common understanding of SDGs, and related principles and process among all stakeholders, including human rights professionals and development practitioners (ensure HRBA to address SDGs) the NHRIs, SRS and other partner organizations to make efforts to:
  - Encourage and conduct where possible national inquiries on child marriage (data collection, consultation with all stakeholders, including young women and children) vis-à-vis SDGs i.e. development of national indicators and their implementation by governments led by NHRIs with support from CSOs; and present recommendations to governments to take concrete actions for ending child marriage.
  - Work closely with media.
2. Respective NHRIs to be engaged in forthcoming National review by UN TMBs and UPR process for raising the issue legal accountability to end child marriage.
3. The SRS and NHRIs explore opportunities for expanding partnerships to mount effective advocacy targeting Regional and Global/International entities to promote legal accountability to end Child Marriage through or in collaboration with established partners such as the SACG, CRR etc.
  - Interfaith dialogue on child marriage:
  - ESCAP in connection with the SDGs

- Advocacy with a parliamentary group Asian Forum of Parliamentarians on Population and Development (AFPPD)
- SAARCLAW
- ADB
- UN TMBs, Special procedures, HR Council and UNGA
- Bill and Melinda Gates Foundation
- Warren Buffet Foundation
- Open Society Foundation
- Explore Public-Private Partnerships
- Global law firms
- UN agencies

## Accelerating Efforts to End Child Marriage in South Asia

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### Day 1: Thursday June 2, 2016

#### **A. Introduction:**

The 2 days Consultation of the NHRI - *Accelerating Efforts to End Child Marriage in South Asia through Joint Action with Regional and National Human Rights Institutions and in Partnership with Key Regional Partners*, was convened in Kathmandu Nepal from the 2-3 June 2016.

The Consultation was hosted by the Ministry of Women, Children, and Social Welfare (MoWCSW), Government of Nepal, organized by the SAIEVAC Regional Secretariat, Centre for Reproductive Rights (supported by Ford Foundation) and the Regional Initiative for South Asia Human Rights Mechanism: RI-SAHRM (supported by Forum Asia).

The Consultation was attended by the Chairpersons/Members of NHRIs from SAARC, selected Representatives of National/State level Commissions from SAARC, Task Force Members of the RI-SAHRM, selected SAIEVAC Governing Board Members/Coordinators, representatives of SAARC LAW, UNFPA, Common Wealth Human Rights Division and Representatives of Parliamentarians Forums

#### **B. Inaugural Session**

H.E Chandra Prakash Mainali, Hon'ble Deputy Prime Minister and Minister for Women, Children and Social Welfare, Government of Nepal presided over as the Chief Guest. The other dignitaries included Justice Anup Raj Sharma, Chairperson of the National Human Rights Commission of Nepal, Mr. Madhu Prasad Regmi, Secretary, MoWCSW and Mr. Mehmood Mandviwalla, President of SAARCLAW.

*Dr. Rinchen Chopel, Director General, SAIEVAC* initiated the proceedings of the Inaugural Session by providing a brief overview of the Consultation. Expressing his deepest appreciation for the presence of the Hon'ble Chief Guest, he said that this was the first ever consultation with the NHRIs that the SRS and partners, in particular the CRR and the RI-SAHRM has embarked on. This was also a legitimate effort to implement the provisions of the Regional Action Plan on Child Marriage, which is now fully operational. He also informed the Chief Guest and the Members on the dais that the participants included members of the National Human Rights Institutions (NHRIs), Human Rights Defenders, RI-SAHRM Task Force Members, Parliamentarians, UN and INGO Representatives, National Action and Coordinating Group against Violence against Children (NACG), SAARCLAW, Commonwealth Secretariat and the Media

#### **1. Welcome Remarks**

*Ms. Radhika Aryal, Joint Secretary, MoWCSW and SAIEVAC Governing Board Member, Nepal* welcomed the participants and the guests to the Inaugural Session. She expressed her gratitude to the Hon'ble Deputy Prime Minister for his gracious presence as the Chief Guest despite his very busy schedule. She also welcomed the other dignitaries for their gracious presence.

She stated that Child marriage prohibition is place in almost all Member States of South Asia and the region also has the number of programs under implementation to prevent child marriage. Highlighting the progress made by Nepal in promoting gender equality and addressing child marriage, she touched on the promulgation of the New Constitution which ensured meaningful participation of women and prohibition of child marriage; amendment of laws such as the New Civil Code which increased the minimum marriageable age for both men and women to 20 years and the adoption and implementation of the National Strategy to End Child Marriage.

She however said that while gender discrimination is addressed in the Constitution and laws, the reality is that discrimination still exists giving the example of the 2015 earthquake, which left many women and girls in a vulnerable situation that could lead to a possible increase in child marriage in the next year.

She also informed the forum that the Government of Nepal (GoN) hosted the first Girls' Summit in March 2016 which brought together different stakeholders to accelerate efforts to end child, early, and forced marriages. She ended by expressing her hope that this two-day event will help accelerate efforts to end child marriage in South Asia.

## **2. Lighting of Lamp led by Chief Guest**

## **3. Joint Efforts to End Child Marriage in South Asia**

*Ms. Melissa Upreti, Regional Director for Asia, Center for Reproductive Rights* introduced the Center for Reproductive Rights which has worked in Nepal for nearly 16 years on a range of reproductive rights issues. She pointed out that child marriage is an important issue because it tackles a range of reproductive rights issues and has led to the institutionalization of violence against children. She expressed that the Center is concerned on the impunity for child marriage. and the gaps in the laws including their enforcement which result in the denial of rights to women and girls.

Citing statistics on child marriage, Ms. Upreti said that each individual case of child marriage matters. She then shared that the progress made in the region e.g. Nepal on the constitutional ban on child marriage, Pakistan on raising the minimum age for marriage to 18, Indian courts on recognizing the negative implications of child marriage and how NHRIs have conducted interventions. She proceeded to commend SAIEVAC for leading the development of the Regional Action Plan to End Child Marriage in South Asia and the Kathmandu Call to Action, which emphasizes the need for legal accountability to end child marriage.

She emphasized that addressing the issue of child marriage will require legal interventions in addition to other forms of interventions to be able to grant women and girls equal rights to dignity, employment, education, and to decide the number and spacing of their children. She also emphasized the role of NHRIs which can do more to end child marriage and how they are in a position to do far more towards ending child marriage. She shared that the purpose of this gathering is to initiate a conversation about what NHRIs have been doing in the region to tackle child marriage and what further steps they may potentially take to contribute to national and regional efforts to end the practice in South Asia.



She ended by expressing hope that the participants will be able to identify new opportunities for action by NHRIs in South Asia and how other including the Center may support them in their efforts.

#### **4. SAARCLAW and VaC with a special focus on Child Marriage**

*Mr. Mehmood Mandviwalla, President SAARCLAW* shared that it takes its partnership with SAIEVAC seriously. He expressed sadness on the recent event involving a girl who was burned in Islamabad because she refused to enter into a forced marriage.

Asking the question of where SAARCLAW can add value, he shared that SAARCLAW is an association of legal communities in eight SAARC countries and it hopes to work with SAIEVAC in ensuring legal reforms that is needed in each country. He said that SAARCLAW can influence legal reform, engage with the government in both federal and provincial levels because these laws go down to the grassroots. He expressed that it would be easier for SAARCLAW to engage with the legal community for them to have the awareness needed to address child marriage.

Giving the example of Pakistan where it is a challenge to provide reliefs in child marriage cases because judges ignore conventional laws and decide based on customary laws to allow these marriages to take place, he said that SAARCLAW can provide education to the judicial academy and ensure that these types of decisions can be transformed. He proposed engaging with the members of the legal community to promote legal understanding of what SAIEVAC is trying to achieve and ensure that there will be consistency of laws.

He shared that while SAARCLAW is working at different levels—NGOs, judiciary, national, regional levels, it found that these levels are not converging together for effective implementation of laws and policies on child marriage so this is where work is needed with SAIEVAC.

He ended by expressing optimism in effecting change i.e. if the participants can get one province/sector by their side, it will have a snowball effect.

#### **5. Opening Remarks**

*Mr. Anup Raj Sharma, Honorable Chairperson, NHRC, Nepal* Mr. Sharma expressed support for the program and its objectives. He shared a personal story about his mother who married when she was 10 and while his father was 17. While his mother was keen to pursue education but her family wanted her to get married. Using as an example his mother's experience, he asked what could have been the opportunities available for his mother had she studied and not gotten married.

He said that while religion may be different in the sub-region but countries have similar cultures and influenced by each other. Before ending his speech and wishing for the program's success, he posed the possibility of creating a regional forum to address child marriage or a type or regional human rights mechanism.

## 6. Inaugural Address by the Hon'ble Chief Guest

*HE Chandra Prakash Mainali, Honorable Deputy Prime Minister and Minister for Women, Children and Social Welfare, Government of Nepal* expressed his gratitude to the organizers and said that the Government of Nepal (GoN) is honored to host the event. He noted that millions of children in SA face multitude forms of violence at different levels and for a number of factors i.e. poverty, caste, ethnicity, religion, and disability with child marriage as the most pressing and sensitive issue.

Noting the objectives of the event, the Chief Guest said that this event builds on the momentum on the implementation of the Regional Action Plan to End Child Marriage (RAP-ECM) and facilitates a dialogue to ensure regional commitment to take a collective action to end child marriage. He highlighted the importance of this event noting that child marriage is a gross human rights violation and a recognized global problem that has negative consequences to the child. He pointed out that the Sustainable Development Goals (SDGs) which has a specific target on eliminating child marriage and highlighted the need to address gender equality.

The Chief Guest also noted the region's efforts to express solidarity in ending child marriage including the adoption of the RAP-ECM prepared by SAIEVAC and the issuance of the Kathmandu Call for Action (KCA) in 2015. Notwithstanding these efforts, he expressed that child marriage is still prevalent globally including Nepal where 29% of the female population got married between 15 and 19 years of age. This is despite a marked reduction in the percentage of girl child who got married between 15 and 19 years of age based on the 2001, 2006, and 2011 National Demographic Surveys. He then took note of the factors contributing to the social crime of child marriage e.g. patriarchal mindsets, discrimination against daughters, belief by parents that they will go to heaven if they arrange the marriage of their daughters before puberty, desire to shift the burden of daughters to other families, desire of parents to safeguard the virginity of their daughters, poverty and the dowry system.

Moving on to Nepal's efforts to end child marriage, he shared that the GoN has made interventions in the areas of prevention, protection and prosecution with awareness raising and capacity development programs carried out by different ministries at both the central and district levels. He also noted that the GoN has been implementing the Child Friendly Local Governance System to institutionalize child protection system down to the grassroots level. He continued to note the international human rights commitments made by the GoN which included the ratification of the Convention on the Rights of the Child (CRC), Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, Optional Protocol on the Use of Children in Armed Conflict, International Labor Organization's Convention on Elimination of the Worst Forms of Child Labor. He further noted the promulgation of the Constitution of Nepal, the Children Act of 1992, National Plan of Action (2004/05-2014-15) on Children, Thirteenth Periodic Plan (2013-2016) and Child Policy 2012, and the Approach Paper of the Fourteenth Periodic Plan. He also highlighted the adoption of the National Strategy to End Child Marriage which aims to make Nepal free from child marriage by 2030 in accordance with the goals under the SDGs.

He ended by reiterating GoN's commitment to implement Target 5.3 of SDGs and fulfill commitments made during the London Girl Summit in 2014 to end child marriage

by 2030. He said that the GoN is ready to extend necessary cooperation and collaboration at international regional and national levels and wished for the successful completion of the two-day event.

## **7. Vote of Thanks**

*Dr. Kiran Rupakhete, SAIEVAC National Coordinator, Nepal* After greeting all guests and participants, Dr. Rupakhete quoted Nelson Mandela to highlight the value of children and considered them as the “greatest treasure” and the “rock on which our future will be built”. Again quoting Mandela, he called on all participants to “reach out to the children and do whatever we can to support their fight to rise above their pain and suffering”. He ended by sharing his optimism in the efforts to address and end child marriage and expressing gratitude to Chief Guest for his presence, and all the distinguished guests.

## **C. BUSINESS SESSION**

### **1. SESSION I : Child Marriage - An Urgent Human Rights Priority**

*Mr. Satya Narayan Mohanty, Secretary General, NHRC as the Moderator* provided a brief introduction and expressed how SA countries are dealing with child marriage on different levels and with different laws. He emphasized the need for cohesion on all these efforts.

#### **a) Child Marriage in South Asia: Role of Law and Legal Strategies in Ending Impunity for Child Marriage**

*Ms. Sheeza Ahmed, Chairperson, SAARCLAW Women’s Wing* started by pointing that, unlike in India, Pakistan is undoing what has been done positively. She emphasized on the potential impact of the law i.e. change the mindset of lawmakers and judges which need to first understand the issue and its impact. She pointed out that one big issue in addressing child marriage is the conflict in laws giving the examples of Pakistan’s laws on the definition of a child. She said that judges and lawmakers need to understand the need for a uniform law and suggested a workshop as an avenue to do this.

She also said that in addition to laws prohibiting child marriage, other countries must follow Nepal’s lead and include a similar provision in their Constitution prohibiting the practice. Emphasizing that customary and personal laws should not prevail, she said that in Pakistan, there is always a problem in interpreting the law.

Another issue that she raised is the existence of the Council of Islamic Ideology and its work. Since all laws must go through the Council, it can decide to call a proposed law as un-Islamic and have it sent back to the Parliament which is what happened when the Restraint of Child Marriage Act was being amended. Reiterating that it is not just about the laws, she said that it is about changing the mindset of those who are making these changes and changing the laws.

She also brought up the issue on Muslims and the fact that a wedding is considered a contract between the parties. She expressed disappointment that although both parties

must be an adult or at least 18 years of age to enter into a contract, an exception is provided under the law for marriage, among others. She said that this is not taken up because religion comes in and everyone is hesitant to take it up.

She also raised the question that if, under the Guardian and Wards Act, a girl is under guardianship then what is the reason for marrying her off.

She ended by encouraging everyone to openly discuss the issue of child marriage, come up with a uniform policy, and ensure that religion should not be used as an excuse because lives are involved.

## **b) Nepal's experience of Developing and Adopting the National Strategy to End Child Marriage in Nepal**

*Dr. Kiran Rupakhetee, MOWCSW* provided a brief background on child marriage in Nepal. He noted that child marriage, one of the worst forms of violence against children is perceived in different ways. He said that one of the key challenges is that child marriage is considered/presumed to be a practice of protecting young girls and ensuring their security while in reality girls are generally seen either as an economic burden or valued as capital for their exchange value in terms of goods, money or livestock.

While society continues to ignore the laws governing child marriage and the high prevalence of child marriage in Terai districts, he shared that the steady decline in child marriage in all other parts of Nepal is encouraging which based on the previous NDHS (2001, 2006, 2011) decreased from 40% to 28.8% of women aged between 15 and 19 years of age. The improving situation of child marriage in Nepal is also supported by the UNICEF's The State of the World's Children's Report 2011.

He also highlighted the negative implications of child marriage including its effects on the health of adolescent girls and the relevant targets under the SDGs to achieve gender equality, eliminate discrimination, and end child marriage.

He outlined the process to produce the National Strategy to End Child Marriage in Nepal spearheaded by the Ministry of Women, Children and Social Welfare (MoWCSW) and guided by an inter-ministerial Steering Committee comprising of more than 10 line Ministries, representatives from civil societies including NACG and with support from UNICEF Nepal and the Girls Not Brides Nepal. The process involved three phases i.e 1) hotspot mapping and formative research; 2) community level and district level consultation and 3) national level consultative workshops which led to the drafting and finalization of the strategy document. He also presented the principles, vision and mission, objectives, and the strategic directions of the National Strategy to End Child Marriage. For the implementation, coordination, monitoring and evaluation mechanism, he shared the creation of an 18-member committee at the centre under the chairpersonship of Secretary, MoWCSW and of an 11-member committee at the district under the chairpersonship of District Women and Children Officer.

He concluded by outlining the lessons learned during the development of the National Strategy to End Child Marriage which included; 1) the bottom up approach

used for rigorous involvement of multi-sectoral stakeholders in the strategy development process helped to define and articulate the *theory of change* which encompasses the vision, mission, goals, objectives and the six strategic directions; 2) throughout the strategy development process, the government reiterated the complex nature of child marriage to stakeholders and the need to tackle it from beyond a legal perspective to address the deeply entrenched social norms and traditions that perpetrate the practice, and 3) collaboration among all stakeholders including government is must right from strategy development to its implementation.

**Discussion :** The discussions following the presentation covered the following:

- Child marriage in Bangladesh and the ongoing issues related to the minimum age for girls (16 or 18 years old). It was shared CSOs are advocating for amendments in the laws but are struggling at the policy level.
- The need to develop an action plan for the National Strategy to End Child Marriage that includes regional development initiatives or plans particularly for those most affected by the issue i.e. those in the Terai districts.
- Conflict of laws in Pakistan in relation to its obligation under CRC to harmonize laws and the role of NHRIs to raise this issue; that federal law is a criminal law and if the provincial law is in conflict, the federal law should prevail; address child marriage as a national issue instead of a provincial issue; biggest challenge/problem in Pakistan is that these laws are religious in nature
- In India under the PCMA, district magistrates who have a vision and social commitment lead the action to address child marriage. The magistrates work with Child Welfare Committees, law enforcement, NGOs, media and other stakeholders to pounce on them when a child marriage takes place thereby creating a culture that this should stop. It was emphasized that action must be immediate and prior to marriage and since NHRC at best can only act after the marriage has happened, there is a need to strengthen NHRIs.
- Tabled that in India the State HRIs have played an important role in addressing the issue on child marriage and that there is role for everyone to play either by intervening, being a litigant and going to the Supreme Court to ensure that a decision would apply to the entire country, or some other forms of interventions.

## **2. SESSION II : Role of National Human Rights Institutions (NHRIs) in Promoting Legal Accountability for Child Marriage**

*Ms. Karen Mckenzie, Head of Human Rights, Commonwealth Secretariat* moderating the Session stated that SAARC countries are members of the Commonwealth and child marriage is a common issue with the members. She briefly introduced the Kigali declaration which was signed by NHRIs except for Pakistan and shared that, nearing the anniversary of its signing, the Secretariat is putting together impactful data on what NHRIs have done since the signing of the declaration.

She noted that NHRIs have farther reach now because of state HRIs and identified a few roles that NHRIs can take on to address the issue of child marriage such as working with the Parliamentarians to mainstream human rights and thematic issues such as child marriage; allowing parliament to take stock of the fact that they are churning out laws that are not enforced and therefore urge it to tackle the issue on enforcement; providing human rights education to parliament, judges, communities, and police; taking up

accepted UPR recommendations and putting them forward; and monitoring how traditional leaders are dealing with the issue and providing space for these leaders to take action.

She then called for the selected Country presentations on the activities undertaken by NHRIs in addressing Child Marriage

**a) Afghanistan**

*Dr. Sima Samar, Chairperson, NHRC/Convener RI-SAHRM* noted that she is speaking from the perspective of a country in conflict where children are one of the most vulnerable groups prone to exploitation. She said that child marriage should be a war crime because they exploit boys and girls.

She shared three main actions being taken on by the NHRC to address the issue are: human rights education, ensuring human rights friendly legislation, and advocacy.

She said that the NHRC has its own monthly publication about HR issues not just CM. With a law on EAW and despite a very conservative mullah in Parliament, the NHRC is pushing the law's implementation in courts and before prosecutor's offices. She said that the NHRC has established an EAW special department within the Attorney General or Special Prosecutor but encounters issue such as insufficient number of women special prosecutors and therefore having men who have conservative personalities handle cases. She also raised the issue on the quality of education of prosecutors and judges i.e. they are not familiar with HR obligations and standards. She also pointed out the fight against the informal justice system which is not based on HR principles and male dominated.

In terms of advocacy, she said that the NHRC provide protection to children from exploitations particularly those who work in borders and usually unaccompanied and eventually deported. She also noted their partnership with UNICEF and Save the Children among others to try to advocate for law reform. She also shared how they work with the government on different levels such as through the Ministry of Social Affairs or Ministry of Justice.

**b) India**

*Mr. Satya Narayan Mohanty, Secretary General, NHRC* started by provided the current scenario on child marriage in India. He said that the NHRC has contributed/facilitated the PCMA 2006 to replace the Child Marriage Restraint Act of 1929 in line with the Indian Constitution; requesting the Chhattisgarh State Human Rights Commission to examine the status of child marriage cases in villages of State during 2003-04; establishment of a Rapid Action Cell in Investigation Division to prevent early and forced marriage; Order for action/compensation against police for delay in registration of FIR in a reported case of child marriage – 2010; current review of the recommendations of the UPR II pertaining to implementation of the Prohibition of Child Marriage Act with the State Governments and efforts made to carry out sensitization of people on demerits of child marriage.

He also shared that the Beti Bachao - Beti Padao scheme to save and empower the girl child has created a positive environment in addressing child marriage. He noted that other efforts to address child marriage include conditional cash transfer in various States; stand that all religions are covered despite personal law and framing of Rules towards effective prevention of child marriages by the States.

He ended by stating that the efforts of the NHRC is still a work in progress and there is still a lot of ground to cover.

### **c) Maldives**

*Ms. Eenas Aminath, President, Human Rights Commission of Maldives* started her presentation with the legal framework on child marriage in Maldives e.g. Family Act 2000 and the Special Provision Acts to Deal with Child Sex Abuse Offenders 2000. She noted that there were reports of unregistered marriages by religious scholars claiming that registering marriages with the courts is un-Islamic and unnecessary. She shared that State institutions acknowledge this information and raised concerns that children born to such marriages could face serious legal issues and difficulties in accessing their fundamental rights and freedoms.

She cited statistics from the 2014 Census where a total of 62 girls and 44 boys between 15-17 years of age are married and proceeded to identify the achievements of the HRCM which included the establishment of a child rights' unit although only one case of child marriage was reported; establishment of HR clinics, HR clubs in schools, and HR study camps for club students; awareness sessions for schools including weekly TV and radio program on child rights; and research and monitoring such as the CRC shadow report.

She shared that upcoming activities for the HRCM include gathering information and conducting a research on the level of child and forced marriage in Maldives, clinic trips, study camps, and club establishment.

She concluded her presentation by outlining the challenges for the HRCM which included difficulty in data gathering particularly on unregistered marriages, lack of budget for its activities, need to review and strengthen legislation, religious views of scholars, creating awareness among the stakeholders including the public in general, and the need to have access to justice and legal remedies

### **d) Nepal**

*Ms. Mohna Ansari, Member, NHRC* shared that Nepal's National Human Rights Action Plan is in its implementation level. One of the objectives under the plan is to eliminate violence against children and mistreatment. The programs include awareness raising on violence against children, mistreatment and abuse; legal action against those people who are involved in violence against children, mistreatment and abuse; conduct special programs to end child marriage and forced marriage, enact and effectively implement laws against child sexual exploitation and abuse and trafficking. The lead agency is the Ministry of Women, Children and Social Welfare supported by the Ministry of Home Affairs.

With regard to the international commitments of GoN, she noted the work needed on the domestication of these international commitments and getting them to the

local level. She expressed that child marriage is a priority issue for the NHRC. Specifically, the protection of the rights of women and children is a priority issue under the NHRC's Strategic Plan 2015-2020. To emphasize the issue, she shared the slogan that the basic foundation of sustainable peace and development should start from the home.

Acknowledging that NHRIs have a special role in the promotion and protection of child, she shared that the NHRC has its own child rights focal officer and is soon to launch its special inquiry guidelines which is focused on violence against women and girls. She said that the NHRC is building and strengthening its relationship with law enforcement authorities to ensure that they report within 24 hours any incidence of violence against women and girls. Ending her presentation, she noted that it is important to ensure that no one is above the law to address impunity on child marriage.

#### e) Pakistan

*Mr. Chaudhry Muhammad Shafique, Member, NHRC* shared how the NHRC envisions to work with partners. He said that in line with the obligations under the CRC, the Government of Pakistan (GoP) is working to address child marriage and that the real issue is on how to activate the mechanism i.e. how victims can access existing mechanisms. He also took note that NHRIs have a special role to play and that if they put child marriage in the agenda then they can address the issue in an effective manner.

Identifying the NHRC's current efforts as well as plans for future action, he outlined the following: giving advice to parliament on legislation; conducting national inquiries; working and building stronger linkages with partners such as CSOs, members of parliament and media; holding consultations; having a child rights commissioner which solely deals with complaints involving children; fact-finding missions; reporting to Parliament to highlight the issue; issuing reports on thematic issues which would include children's rights; and engaging with religious leaders.

He ended by noting that the NHRC is currently looking at highlighting to Parliament the need to increase the minimum age for marriage from 16 to 18 years of age.

**Discussion:** The discussions following the presentation covered the following:

- The possibility of having a national inquiry on child marriage was raised.
- The role of the Standing Law Commission in India that is working on ensuring consistency in laws.
- Even though jurisprudence is clear in some countries, the interpretation of the law has been an issue.
- Nepal's NHRC is focused on girls rather than boys because of the special impact of child marriage on the former.
- Regarding the Rapid Action Unit in India, it was shared that it consists of an investigation team led by police and it make an intervention in any complaint or news. The objective is to make sure the cases of child marriage are not lumped with other cases and instead prioritized.
- On the recommendations received by India from different Treaty Monitoring Bodies (TMBs) and the UPR process and the specific activities undertaken to carry out these



recommendations and make the government accountable, it was expressed that pro-active work is being done such as the adoption of the PCMA which was led by the NHRC and the submission of separate report to the Human Rights Council.

- Concern on the legal provisions that declare a child marriage as void and a call was made to understand the implications of a declaration of nullity.
- That the work is not done even when there are laws that prohibit marriage for those under 16 years of age because the minimum age should be 18.
- That a pro-active approach must be adopted and a Task Force meeting in Pakistan must be held the last week of September 2016 before the SAARC Summit to raise the establishment of a regional human rights mechanism.

### **3. SESSION III : Expanding the Role of NHRIs in Promoting Legal Accountability for Child Marriage**

*Dr. Sima Samar, Chairperson, NHRC Afghanistan/Convener, RI-SAHRM* started the session by providing a brief background on RI-SAHRM and its members.

#### **a) Opportunities for National and Global Advocacy by NHRIs to end child marriage**

*Ms. Sonali Regmi, Regional Manager Asia, Center for Reproductive Rights* shared that national level actions that can be initiated by NHRIs include responding to and investigating individual complaints of child marriage as well as initiating suo moto inquiry, liaising with law enforcement officials to ensure provision of effective legal remedies for the victims of child marriage, conducting national public inquiry to identify the scope of child marriage and gaps/barriers in enforcement of laws prohibiting child marriage, undertaking review of laws prohibiting child marriage to identify gaps in legal provisions in line with national and international obligation of the State, advocating for legal reform to bring the legal provisions prohibiting child marriage in line with international standards as well as harmonization with other legal provisions that protect against all forms of violence against women and children, ensuring the implementation of judicial decisions prohibiting child marriage, establishing a complaints mechanism, appointing special rapporteurs on theme of child marriage, and organizing briefings for ministries on related topics and making recommendations.

She also shared the August 2015 report of the Secretary-General to the General Assembly which noted the unique position of NHRIs to provide the UN with evidence-based information on human rights situations and to promote the implementation of human rights norms and standards in their respective countries. She also underlined the December 2015 General Assembly Resolution on National Institutions for the Protection and Promotion of Human Rights which called on all relevant UN processes and mechanisms to enhance the participation and contributions of NHRIs to their work.

Highlighting the potential engagement of NHRIs with UN treaty monitoring bodies (TMBs), she identified the following opportunities: 1) monitor the implementation of core human rights treaties adopted by states parties; 2) follow up on Concluding Observations/TMB recommendations and 3) participation in periodic reviews of the State party by contributing to state party reports, making separate NHRI written

submissions for the Committee's review, or making oral statements during State party review by the Committee.

She also shared a schedule of the upcoming reviews by TMBs of SA countries.

On the NHRIs' participation in the UPR review, she noted that NHRIs may encourage states to incorporate information from NHRIs and civil society organizations in the national report, submit separate short reports to OHCHR to be included in the background information, respond to formal calls for submission, and make oral interventions at Human Rights Council sessions during country reviews. She then shared a schedule of the upcoming UPR by the Human Rights Council of SA countries.

Ms. Regmi also touched on the UN General Assembly Resolution 69/156 on Child, Early and Forced Marriage and the opportunity of NHRIs to make written submissions to the OHCHR writing the report by February 2016, work with governments to participate in panel discussions, and to work with relevant UN agencies—such as OHCHR, UNICEF, and UN Women to organize side events surrounding activities on child marriage at the General Assembly during the 71<sup>st</sup> session.

In addition Ms. Regmi also shared that NHRIs may also engage in UN Special Procedures by providing special procedures mandate holders with information during their country visits and providing input to the thematic reports of special procedures.

## **b) Implementing the Kigali Declaration**

*Ms. Karen Mckenzie, Commonwealth Secretariat* presented a brief history of the Kigali Declaration. She noted that child marriage is a thematic area which NHRIs have a role to play and underscored what NHRIs can do. She shared that since the signing of the Kigali Declaration, they are now facing issues on its implementation and popularization particularly in indigenous communities with their own traditional frameworks.

She noted that their work involves holding governments to account by the parliament through building their capacity to promote human rights including ending child marriage particularly in Asia and Africa, strengthening the ability to make use of parliamentary tools, advocating for a strengthened role for NHRIs and parliaments and the link between them under the Belgrade principle.

She shared how their work in Asia resulted in the Kotte Declaration and a commitment to create a regional parliamentary group made up of parliamentarians from the region. The goal is to identify and engage with members of parliament to popularize and give light to the declaration and serve on this regional group.

As an example of a best practice, she shared the experience in Kenya which has established a parliamentary human rights caucus. Although they were not able to establish a committee, the caucus is non-partisan and fuelled by the commitment to promote human rights. Its work included building relationship with Kenya's

NHRC which resulted in the issue of and work on child marriage receiving profile in parliamentarians' work. She noted that the caucus has also allowed the NHRC to raise issues on budget because it served as a conduit to parliament. She shared that the caucus was a very useful platform for joint efforts by the parliament and NHRC to mainstream other human rights issues in addition to child marriage.

**c) Role of NHRIs in the advancement of the SDGs**

*Ingrid Fitzgerald, UNFPA APRO* started by emphasizing that the Millennium Development Goals and Sustainable Development Goals (SDGs) are very different from each other and how the latter is grounded on the principles of the International Conference on Population and Development. She pointed out that ending child marriage under Target 5 of the SDGs is very close to achieving other targets in the SDGs. She also highlighted the importance of indicators and how Target 5.3 is measured which usually involves DHS or MICs, national census or other surveys.

She outlined the existing normative commitments e.g. Universal Declaration of Human Rights, International Covenant on Economic, Social, and Cultural Rights, CRC, Convention on the Elimination of All Forms Discrimination Against Women, and Declaration on Elimination of Violence Against Women and further underlined how the rights to be free discrimination and to a life free of violence, and reproductive rights are defined under these commitments.

Highlighting the role of NHRIs in the SDGs, she shared how NHRIs can be involved in the follow up and review. She also noted how NHRIs may promote human rights based approaches to national and local governments, both to people whose rights are affected in practice, and to other stakeholders; help to develop effective national indicators and ways of collecting data; engage with all stakeholders to raise awareness, build trust, and promote dialogue around taking a human rights based approach to implementing and monitoring the SDGs; safeguard space for people whose rights are affected by the SDG agenda ("rights holders") and the civil society groups that work with them, among others.

Specific to Target 5.3, she shared key questions that NHRIs should consider on monitoring SDGs and how NHRIs could undertake thematic reviews/inquiries/reports on specific areas in the context of the SDGs including gender equality, SRHR and child marriage; ensure Target 5.3 is addressed when assessing other key targets; conduct report or national inquiry specifically on Target 5.3, and inter-linkages with other key SDG targets, and rights commitments, gaps in implementation; specifically address in relevant treaty body reporting, especially CEDAW and CRC; and assess whether 'no one is left behind' in implementing Target 5.3.

**Discussion :** The discussions following the presentation covered the following:

- As a best practice, it was shared that India's NHRC as well as CSOs each developed a monitoring tool for recommendations from the UPR.
- As a best practice, the national inquiry launched by the NHRC of the Philippines in March 2016 was shared. The national inquiry was considered as a pro-active and cost-effective way to deal with systematic human rights

violations. It was also considered as an opportunity to conduct a follow-up on a special inquiry by the CEDAW Committee in 2012 where the NHRC could validate the findings of the CEDAW Committee or be able to gather updated information which will be used for the NHRC's independent report for the upcoming review of the Philippines in July 2016.

- Suggestion that an independent review on the issue of child marriage may be conducted by NHRIs.
- Shared that NHRIs should have a role as countries are setting up national mechanisms to monitor the implementation of SDGs.
- A national inquiry in Pakistan was conducted in the practice of *bacha bazi*. The inquiry broke the ceiling because the practice is taboo.
- That if human rights based approach is not utilized, nothing will be achieved especially in disaster or conflict affected area.
- That any approach in development or humanitarian assistance should be gender sensitized. Gender mainstreaming should be included in policy making, implementation, and implementation and that focus be made on empowerment of girls and lobby and against militarization in the region.
- The institutionalization of NHRIs was highlighted. It was pointed out that there are only 2 NHRIs present during the event that complies with the Paris Principles. It was suggested that there should be a push for full compliance of all NHRIs with the Paris Principles.

#### 4. Reserve Agenda

The Director General SAIEVAC opened the floor to anyone who wants to make any additional statement. Since no one expressed interest, he proceeded to suggest that for the second day, participants would divide themselves into three groups that would discuss and consider a particular topic.

The topics proposed are:

- a) 3 or more priority follow up actions from June until end of December 2016,
- a) Expanding partnership to mount effective advocacy targeting regional and global/international entities to end child marriage, and
- a) NHRIs possible actions to set an oversight mechanism for ending/preventing child marriage. Moderators, co-moderators, and reporters have already been identified for each group as well as their respective members.

The discussions touched on the following areas:

- A proposal was made for a joint effort/action of NHRIs with other commission e.g. those involving women and children.
- On going beyond December 2016 in terms of priority follow-up actions, it was clarified that the focus for now is on tangible actions that participants/agencies can take up as immediate follow up actions within 2016. However, there is also scope for proposing longer term activities
- Agreement that the RAP-ECM should be the benchmark all should aim to achieve and efforts to develop a mechanism that sets accountability must be made.

- Discussions to expand from NHRIs and having a broader framework including establishing a small department like an ombudsman to monitor child marriage.
- Noted that the Consultation will not result in an outcome document e.g. declaration or Call for Action since such outcomes are already in place.
- Agreement to conduct follow up through RI-SAHRM and use the NACG platform and SAIEVAC mechanisms to reach out to the NHRIs.

## **Day 2: Friday June 3, 2016**

### **Re-cap of Discussions from the Previous Day**

Dr. Chopel provided a recap of the discussions from the previous day which included three sessions but which, as originally planned, did not include the presentation of the Regional Action Plan and the Kathmandu Call to Action. HE then went through the revised agenda for the day's event.

### **b) Session IV : Group Discussion on NHRI Consultation Outcome**

*Moderator: Dr. Rinchen Chopel, Director General, SAIEVAC*

#### **a) RI-SAHRM and its Potential Role in National and Regional Advocacy targeting SAARC**

*Mr. Henri Tiphagne, Task Force Member, RI-SAHRM*

*Dr. Sima Samar, Convenor, RI-SAHRM*

Mr. Tiphagne started by providing a brief history of RI-SAHRM and how it was inspired by FORUM-ASIA and its work in Southeast Asia after realizing the absence of a regional mechanism in South Asia. He noted that there are a variety of regional efforts which are thematic in nature but there is a need for everyone to converge to move the common agenda forward.

While drawing inspiration from existing mechanisms in other regions, he noted that the first step to creating a SA regional human rights mechanism was to conduct national consultations in Bangladesh, Afghanistan, Pakistan, India, Bhutan, Nepal, Sri Lanka, and Maldives. He shared that the last national consultation was completed in December 2015. He acknowledged the commitment of the GoN to work towards establishing such a mechanism which included a meeting with the then Prime Minister who considered the possibility of taking up the matter to the SAARC summit. He also informed that in 2012, the then President of Maldives tried tabling the creation of the mechanism for the summit agenda. He also shared that the GoP made an assurance that efforts will continue for the 2016 summit. He emphasized the need for a regional human rights mechanism to be state-supported.

He then proceeded to identify five strategies towards the creation of such a mechanism:

- Working with SAARC,
- Having civil-society led tribunals in the region to act as models of the mechanism that the state will create,

- Working with NHRIs to come up with common call from NHRIs to establish such mechanism,
- Working with INGOs particularly those who are supportive of pushing for the creation of a regional human rights mechanism; and
- Working with a larger community of nations who see value in such mechanism and can put pressure to SAARC nations particularly India.

He noted that RI-SAHRM is finalizing its governing structure and making itself visible. He also shared receiving support from the GoP during the national consultation. He ended by calling on everyone to bring the agenda in different platforms to ensure its visibility and eventual creation.

Dr. Samar supplementing the presentation made by Henry said that another strategy is working with UN agencies including OHCHR. She requested the representative from GoP to take the matter seriously and to facilitate a pre-SAARC meeting to be able to put the matter in the agenda for the SAARC summit. She emphasized that the creation of a Regional Human Rights Mechanism is everyone's responsibility and not just the Task Force and urged all to be united in this endeavour.

**Discussion :** The discussions following the presentation covered the following:

- A question was asked about how the regional mechanism being proposed would look like and if there are any positive or negative aspects from other regional mechanisms that the region could look into. It was made clear that there is opposition to external influence and factors including engagement with UN and its mechanisms. Because of this difficult context, it was suggested that initial steps should include a SA human rights declaration, clarification and deeper understanding on the role of states, civil society and other stakeholders that may be gained through civil society-led tribunals.
- It was also made clear that efforts by civil society will not be duplicated and the SAIEVAC exists to fill in the gaps relevant to the protection of children from violence
- It was emphasized that strong political will is required to ensure the creation of a regional human rights mechanism.
- A call was made for Bhutan to establish a NHRI since it was the only country that did not have a National Human Rights Commission. While that was correct, it was clarified that the GoB considered for now, the National Commission on Women and Children as the defacto human rights institution.

### **c) Group Exercise**

#### **i. Guidance for Group Exercise to Discuss NHRI Consultation Outcome**

Dr. Chopel went through 3 topics to be discussed by the 3 groups. The moderators, co-moderators, reporters and members of each group were then presented before the participants grouped themselves to start the discussion.

#### **ii. Presentation and Discussions and Finalization of NHRI Consultation Outcome**

##### **a. Group A: 3 or more priority follow up actions from June until end of December 2016**

Mr. Mukunda Katel presented on behalf of Group A. Please refer to Annex A

for a list of the members and Annex B for the presentation.

**Discussion:** The discussions following the presentation covered the following:

- That a national inquiry on child marriage be initiated led by the NHRIs
- Priority actions identified were basically recommendations or suggestions as not all NHRIs from the region are represented. It was suggested that those who are present in this event could hold dialogues with NHRIs when they return on how to take this further.
- Pointed out that while SAIEVAC, CRR and RI-SAHRM initiated efforts for NHRIs to come together for this consultation and come up with these recommendations, a led/coordination mechanism must be put up to activate these recommendations.
- Proposed that advocacy on lobbying to target specific parts of a SA human rights declaration may be pursued through Pakistan as the host nation for the upcoming SAARC Summit.
- A follow-up meeting was suggested for an opportunity to again come together and revisit what has been discussed in this event.
- It was suggested that Pakistan's NHRC will take the lead in setting a follow-up meeting. Each NHRI will conduct a national consultation then submit recommendations to NHRC Pakistan.
- Concerns on the national inquiry being a drawn out process was raised. It was expressed that a proper inquiry will run for at least two years and that it should be divorced from the UPR because it is a tool that looks into systemic human rights violations.
- UNFPA expressed support for a national inquiry on child marriage. While a national inquiry may not be plausible for all SA countries, a national consultation may be an alternative. It was suggested that NHRIs meet with UN agencies to discuss on what the latter can offer for support or assistance.
- The representative from the NHRC of Pakistan expressed that it is ready to take the lead and that it would need the process to be endorsed by SAIEVAC. For its part, SAIEVAC expressed no issue on the endorsement.
- As an update, it was stated that the high level meeting report is going through the SAARC language testing and then to be shared with the SAIEVAC secretariat.
- It was clarified that there will be no issue on the involvement of NACGs.
- There was an agreement to refine the language to become palatable with counterparts. This is not a political document so we will just get the essence of what we want. There was agreement to send to everyone a copy of the outcome document and to give time to comment.
- There was agreement that the role of RI-SAHRM must be underscored because it will be the platform to mount dialogue, do advocacy, and mobilize efforts.

**b. Group B: *Expanding partnership to mount effective advocacy targeting regional and global/international entities to end child marriage***

Dr. Rupakhetee presented on behalf of Group B. Please refer to Annex C for a list of the members and Annex D for the presentation.

**Discussion**

- ✓ A suggestion was made to consider the priority actions as presented by Group A and assess what partnerships will be needed to support and move them forward.
- ✓ It was raised that there is a need to first look at partners within the region.
- ✓ It was noted that NHRIs need to be reflected as partners as they are targeted to become effective stakeholders.

- ✓ It was pointed out that AFPPD is not the only parliamentary forum that may be considered as partners.

**c. Group C: *NHRIs possible actions to set an oversight mechanism for ending/preventing child marriage***

Ms. Shrestha presented on behalf of Group C. Please refer to Annex E for a list of the members and Annex F for the presentation.

**Discussion**

- ✓ It was suggested that the report will be “shared” and not “reported during the pre-SAARC summit meeting.
- ✓ It was again highlighted that what has been agreed upon in this event are recommendations and that there is a need to take the views of other NHRIs who are not represented in this event. The role of RI-SAHRM was again underscored to link with the NRHIs.

**CLOSING SESSION**

**Chief Guest – *Mr. Madhu Prasad Regmi, Secretary, MoWCSW, Government of Nepal***

**Welcome Remarks and appraisal on the NHRI Consultation Outcome**

*Director General, SAIEVAC*

Dr. Rinchen welcomed the Chief Guest and provided a summary of what happened during the two-day event. He ended by expressing gratitude to the GoN for supporting and hosting the consultation.

**Closing Remarks**

***Melissa Upreti, Regional Director for Asia, Center for Reproductive Rights***

Ms. Upreti thanked the GoN for sponsoring the event and noting that its support has been exemplary. She proceeded to thank everyone who worked, organized, and participated in the event including Dr. Chophel and his SAIEVAC team, RI-SAHRM, members of NHRC, members of NACG, parliamentarians, advocates, and colleagues.

***Dr. Sima Samar, Convenor, RI-SAHRM***

Dr. Samar expressed gratitude to the organizers and participants. She noted that the commitment to end child marriage has been amplified through this event and that while ending child marriage will be difficult, it is possible.

***Tamana Mostary, Ministry of Information, Bangladesh***

Ms. Mostary thanked the organizers of the event. She expressed that it is important to change the mindset of the people putting emphasis on the role of the media to fulfill this.

***Address by the Hon’ble Chief Guest, Mr. Madhu Prasad Regmi, Secretary, MoWCSW (GoN)***

Mr. Regmi noted that the issue of child marriage is both a global and regional problem and has remained priority for most of the governments in the region. He recognized that the event has contributed to bringing the issue of child marriage in the forefront by drawing the attention of all the actors who have gathered to share important insights on how to move forward with the efforts to end child marriage. He highlighted that child marriage is not only a legal issue but also an one



that has to do with the mindset of the people, discrimination against girls, illiteracy, poverty and other detrimental social norms and values. He continued by sharing a couple of anecdotes to highlight that small efforts in Nepal and India help achieve the greater goal of ending child marriage.

He shared efforts of the GoN to address the issue of child marriage including the ongoing 13th periodic plan, child policy, the proposed 14th plan, recently promulgated Constitution, National Strategy to End Child Marriage, and specialized activities in 59 Village Development Committees of 36 districts to expedite efforts of effectively addressing child marriage problem from the very grass root levels. He noted however how these efforts remain inadequate and that there is a need to have a collaboration and cooperation with development partners, non-governmental sector and civil societies to overcome these problems.

He ended by reiterating the commitment of the GoN to work in collaboration and partnership with concerned national, regional and international stakeholders to put an end to child marriage and by expressing his gratitude to the participants, presenters, and moderators of the event.

***Vote of Thanks – Dr. Kiran Rupakhetee, MoWCSW, Nepal***

Dr. Rupakhetee thanked everyone who worked to ensure the success of the two-day event which included the GoN, MoWCSW, SAIEVAC, members of NHRIs, advocates, CRR, RI-SAHRM, NACG, representatives from Nepal, Afghanistan, Pakistan, Maldives, Bhutan, India, UN agencies, and INGOs. He ended by commending everyone for the event's success.

**Hi-Tea**

## Annex A

### Group A

**TOPIC :** 3 (+??) Priority follow up actions from now till end December 2016 (+ 2017) - take into consideration major upcoming events such as the SAARC Summit, SDG processes, UPR etc

**Moderator :** Mr. Chaudhry M Shafique

**Co-Moderator:** Ms. Ingrid Fitzgerald

**Reporter :** Mr. Mukunda Katel

### Group Members

1. Ms. RadhikaAryal
2. Ms. Sonali Regmi
3. Mr. DimuthuGalappatti
4. Ms. TamannaMustaryMou
5. Mr. Vipin Bhatt
6. Ms. ManjuKhatiwada
7. Ms. Valerie Khan
8. Mr. Wahid Shah
9. Mr. Kumar Bhattarai
10. Ms. AishathLooba
11. Ms. AnjumanAra Begum
12. Mr. Rinchen Samdup
13. Ms. Sulakshana Rana
14. Ms. Jihan Jacob

## Annex B

### Group A

#### Discussion on Three Events/Processes

1. SAARC
2. UPR
3. SDG

#### A. ON SAARC

**Group 'A' discussed at some length the SAARC Summit being held in Pakistan in November and its preparatory processes that start in July, and agreed to suggest the following to the NHRI and to SAIEVAC.**

##### a. Organise National Consultations/Meetings in June

- Civil society organizations, NACGs, People's SAARC National committees, NHRIs and other relevant stakeholders, including media
  - Work out a language on legal accountability on child marriage to be included in the SAARC Declaration, which should then be submitted to the SAIEVAC coordinator and Ministry of Human Rights in Pakistan, in advance of the SAARC technical meeting in July, to initiate an onward action (to ensure the inclusion in Summit Declaration)
  - Discuss with SAIEVAC coordinators, NHRI and relevant ministries and agree on thematic issues on which to organize side events in November 2016 (in parallel with SAARC Summit) (some of the thematic issues discussed included restriction on CSOs, need for a regional human rights mechanism)
  - Finalise and share recommendations addressing issues of concerns, and submit recommendations to national governments and colleagues in Pakistan
  - See how to engage NHRIs so that they can lead national level lobby and advocacy (vis-à-vis the issues – so that ground work is done at national level to influence SAARC Declaration)

**Central Aim: Influence SARRC Declaration. For this to happen, solid groundwork is necessary on part of CSOs, SAIEVAC, NACGs and NHRIs which includes a thorough review of plans of actions agreed upon earlier. Any voice raised and issue identified should be backed by evidence. Or else, it will not draw any attention.**

##### b. Organise Side-Events during SAARC Summit

- On themes identified by National Consultations (discussed above) that NHRIs may have agreed to organize a regional HRM task force meeting

It would be helpful that the Task Force (on RISAHRM) meeting proposed for September 2016 also addressed the issues arising from the national consultation, and pushed them forward - so that the same voice and concern is reinforced.so

## **B. On UPR**

- a. Propose/suggest to NHRIS and SAIEVAC to conduct national inquiries whenever possible on child marriage (at national levels) starting with data collection, consultation with all stakeholders, including young women and children, and present recommendations to governments highlighting child marriage issues. Recommendations should be informed by substantial data. (Divorce national enquiry from UPR)
- b. Propose SAIEVAC and NHRIs to Organise UPR follow-up meetings in all countries – focusing on all rights in general and child rights in particular (with child marriage issues specifically highlighted)
- c. Request NHRIs and SAIEVAC to ensure relevant SDG commitments are reflected in UPR reporting processes.

## **C. SDGS:**

- a. Advocacy/Sensitization:To establish common understanding of SDGs, and related principles and process among all stakeholders, not least among human rights professionals and development practitioners (ensure HRBA to address SDGs) propose NHRIs and SAIEVAC to
  - i. Engage media creatively and aggressively in the process
- b. Encourage and conduct where possible enquiries into the national processes vis-à-vis SDGS
  - i. Government implementation of SDGs
  - ii. Monitoring of the implementation, through NHRIs and also CSOs, but led by NHRIs
- c. Encourage SAIEVAC to publish the report on high-level meeting on SDGs as soon as possible, and have it shared widely
  - i. If published within a month, recommend to NHRIs and SAIEVAC that issues flagged could be discussed during national consultations mentioned above and be included in recommendations

**RISAHRM will be the fulcrum**

## Annex C

### Group B

**TOPIC – Expanding Partnerships to mount effective advocacy targeting Regional and Global/International entities to end Child Marriage**

**Moderator : Mr. Mehmood Mandviwalla**  
**Co-Moderator : Ms. Melissa Upreti**  
**Reporter : Dr. Kiran Rupakhete**

### Group Members

1. Mr. Subodh Raj Pyakurel
2. Mr. Muhammad Mohsen Rashid
3. Ms. Shreeza Ahmed
4. Ms. Roma Pradhan
5. Ms. Kristine Blokhuis
6. Mr. Sarada Prasad Neupane
7. Ms. Eri Suzuki Mathers
8. Dr. Chiranjeeb Kakoty
9. Hon'ble Dechen Zangmo
10. Mr. Rabin Nepali

## Annex D

### Group B

#### Regional

##### **Interfaith dialogue on child marriage**

**Advocacy objective:** to get them to adopt a position against violation of children's rights in the name of child marriage

**Regional level:** Asian Resource Foundation

**National level partners** – NHRIs, NACGs, other relevant groups

**India** – Interfaith Foundation, India

**Nepal** – Interfaith Harmony Coalition Group

**Bhutan** – orgs working on women's and children's rights

**Regional** - SAARC

##### **ESCAP in connection with the SDGs**

**Adv. objective:** to be able to integrate the SDG targets in national advocacy and to provide a South Asian perspective in regional and global conversations

##### **Advocacy with a parliamentary group Asian Forum of Parliamentarians on Population and Development (AFPPD)**

**Adv. objective:** to coordinate efforts to end child marriage and strengthen the role of parliamentarians and the national and regional levels

##### **SAARCLAW**

**Adv. objective:** to get SAARCLAW to prioritize ending child marriage; review of laws on CM in South Asia by SAARCLAW, projects with judges/courts and academic institutions; work towards inclusion of gender sensitization in the curriculum of judicial academies with a view to creating awareness among judiciary for CM issues.

Through SAIEVAC RS

Other partners: Center for Reproductive Rights

##### **ADB**

**Adv. objective:** to get support for national initiatives

Eg. In Nepal, ADB helped establish women and children service centers in 20 districts protect children, including eliminate child marriage

#### International

##### **UN agencies UNICEF, UNFPA, UN Women, UNDP and UNODC**

**Adv. objective:** to get UN agencies to support national advocacy agendas and activities  
Work through SACGs

## **UN TMBs, Special procedures, HR Council and UNGA**

Get a coalition of Special Procedures to work together to examine CM and related issues

Request country visits

Implementation of concluding observations and UPR recommendations

Advocacy to shape global conversations at the HR Council and UNGA on child marriage through missions in Geneva and NY, through advocacy by national groups, including NHRIs.

**Partners:** Center for Reproductive Rights

## **Explore funding opportunities**

Through SAIEVAC/SRS

- Bill and Melinda Gates Foundation
- Warren Buffet Foundation
- Open Society Foundation

## **Explore Public-Private Partnerships**

Global law firms (through the Center for Reproductive Rights) to support research and other activities relevant to the RAP.

e.g. DLA Piper

## **Expanding partnerships with INGOs for technical and financial support**

Terres Des Homs

Save the Children

ECPAT through SAIEVAC

Plan

Know Violence

Girls Not Brides, including through their chapters

Through SAIEVAC

## Annex E

### Group C

**Topic :** What can NHRI do to set National (Regional) oversight mechanism's for ending/preventing Child Marriage

**Moderator :** Dr. Sima Samar  
**Co-Moderator:** Mr. Satyanarayan Mohanty  
**Reporter :** Ms. Purna Shrestha

### Group Members

1. Adv. Karen Mckenzie
2. Ms. Mohna Ansari
3. Dr. Suraya Sobhrang
4. Mr. Henri Tiphagne
5. Ms. Eenas Aminath
6. Hon'ble Pelzang Wangchuk
7. Adv. Mitali Jahan
8. Ms. Yoko Wada
9. Ms. Sarah Coleman
10. Mr. Satish Kumar

What can NHRI do to set National (Regional) oversight mechanisms for ending/preventing child marriage?

- The group suggest that each NHRI will conduct national level mapping of pre-existing oversight mechanisms which will serve as an entry point to leverage specific oversight on the issue of child marriage (under international HR obligations and SDGS); and report it to the pre-SAARC Summit meeting in Sept. 2016 through the NHRI Pakistan – subject to their support.
- Presentation of the findings at the Pre- SAARC Summit meeting to inform further discussion on the establishment of regional oversight mechanism on child marriage.



Annex F



**SAARC Apex Body**  
**“In Solidarity with the Children of SAARC”**

**Accelerating Efforts to End Child Marriage in South Asia**  
**Through Joint Action with Regional and National Human Rights Institutions**  
**and**  
**In Partnership with Key Regional Partners**  
**2-3 June, 2016**



Hosted by the Ministry of Women, Children, and Social Welfare (MoWCSW), Government of Nepal  
Organized by the SAIEVAC Regional Secretariat, Centre for Reproductive Rights, and  
The Regional Initiative for South Asia Human Rights Mechanism (RI-SAHRM)

**INAUGURAL AGENDA**

**Chief Guest :** HE Chandra Prakash Mainali, Hon’ble Deputy Prime Minister and Minister for Women, Children and Social Welfare, Government of Nepal

**Moderator :** Dr. Rinchen Chopel, Director General, SAIEVAC

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- 0830 – 0900 : **Registration**
- 0900 : **All Seated**
- 0905 : **Arrival of the Chief Guest**
- : **Welcome Remarks**
- r. Radhika Aryal, Joint Secretary, MoWCSW and SAIEVAC Governing Board Member, Nepal
- : **Joint Efforts to End Child Marriage in South Asia**
- Ms. Melissa Upreti, Regional Director for Asia, Center for Reproductive Rights (Center)
- : **SAARCLAW and VaC with a special focus on Child Marriage**
- Mr. Mehmood Mandviwalla, President SAARCLAW
- : **Opening Remarks**
- Mr. Anup Raj Sharma, Hon’ble Chairperson, NHRC, Nepal
- : **Inaugural Address by the Hon’ble Chief Guest**
- : **Vote of Thanks**
- Dr. Kiran Rupakhete, SAIEVAC National Coordinator, Nepal
- 1015 : **Group Photograph and Hi Tea**

D



**South Asia Initiative to End Violence Against Children [SAIEVAC]  
SAARC Apex Body  
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Centre for Reproductive Rights (supported by Ford Foundation) and  
The Regional Initiative for South Asia Human Rights Mechanism: RI-SAHRM (supported by Forum Asia)

**TENTATIVE AGENDA**

**Day 1: Thursday June 2, 2016**

**0830 – 0900: Registration**  
**0900 – 1015: Inaugural Session**

**Business Session**

**SESSION I**

**Child Marriage - An Urgent Human Rights Priority**

**Moderator: Ms. Stuti Kacker, Chairperson, NCPCR, Government of India**

**1015 – 1025: Child Marriage in South Asia: Role of Law and Legal Strategies in Ending Impunity for Child Marriage**

- Ms. Sheeza Ahmed, Chairperson, SAARCLAW Women’s Wing

**1025 – 1035: Regional Action Plan and Implementation Framework to End Child Marriage in South Asia and the Kathmandu Call for Action**

- SAIEVAC Regional Secretariat

**1035 – 1045: Nepal’s experience of Drafting and Enacting a National Action Plan on Child Marriage**

- Dr. Radhika Aryal/ Dr. Kiran Ruakhetee MOWCSW

**1045 – 1130: Discussion**

## **SESSION II**

### **Advocacy and Role of National Human Rights Institutions (NHRIs) in Promoting Legal Accountability for Child Marriage**

**Moderator: Advocate Karen Mckenzie, Head of Human Rights, Commonwealth Secretariat**

#### **1130 - 1300: Selected Country Presentations on the role of National Human Rights Institutions in Addressing Child Marriage (10 mins each)**

- **Afghanistan** - Dr. Sima Samar, Chairperson, NHRC/Convener RI-SAHRM
- **India** - Ms. Stuti Kacker, Chairperson, NCPCR/ Mr. Satya Narayan Mohanty, Secretary General NHRC
- **Maldives** - Ms. Eenas Aminath, President, NHRC
- **Nepal** – Ms. Bhagwati Ghimire, Chairperson, NCW
- **Pakistan** - Chaudhry Muhammad Shafique, Member, NHRC

**: Discussions**

**1300 - 1400: LUNCH**

## **SESSION III**

### **Role of NHRIs in Promoting Accountability for Child Marriage**

**Moderator: Dr. Sima Samar, Chairperson, NHRC Afghanistan/Convenor, RI-SAHRM**

#### **1400 – 1410: National and Global Advocacy of the NHRIs**

- Advocate Sonali Regmi, Regional Manager Asia, Center for Reproductive Rights

#### **1410 – 1420: Kotte Declaration**

- Advocate Karen Mckenzie, CWS

#### **1420 – 1430: Other relevant declarations (Kathmandu Declaration/ Kigali Declaration??)**

#### **1430 – 1445: Role of NHRIs in the advancement of the SDGs**

- Ingrid Fitzgerald, UNFPA APRO

#### **1445 – 1530: Discussions**

**1530 – 1545: TEA BREAK**

**1610 – 1645: Reserve Agenda**

**1645 – 1655: Administrative Announcements**  
**1830 Welcome Dinner**

**Day 2: Friday, June 3, 2016**

**0930 – 0945: Re-cap of Discussions from the Previous Day**

**Session IV**

**Group Discussion on NHRI Consultation Outcome**

**Moderator: Dr. Rinchen Chopel, Director General, SAIEVAC**

**0945 – 1000: Guidance for Group Work to Discuss NHRI Consultation Outcome**

**1000 – 1100: Group Exercise**

**1100 – 1115: TEA BREAK**

**1115 – 1200: Group Work Continued**

**1200 – 1230: Group Presentations**

**1230 – 1330: Discussions and Finalization of NHRI Consultation Outcome**

**1330 – 1430: LUNCH**

**1430 - 1445: RI-SAHRM and its Potential Role in National and Regional Advocacy targeting SAARC**

- Mr. Henri Tiphagne/Mr.Subodh Pyakurel, Task Force Member, RI-SAHRM

**1445 – 1500: Discussion**

**1500 : CLOSING SESSION**

**Chief Guest – Mr. Madhu Prasad Regmi, Hon’ble Secretary, MoWCSW, Government of Nepal**

- **Welcome Remarks and appraisal on the NHRI Consultation Outcome**
  - Director General, SAIEVAC
- **Closing Remarks**
  - CRR
  - RI-SAHRM
  - Participants
- **Address by the Hon’ble Chief Guest**
- **Vote of Thanks – Dr. Kiran Rupakhetee, MoWCSW, Nepal**
- **Tea**