



**South Asia Initiative to End Violence Against Children (SAIEVAC)  
SAARC Apex Body  
“In Solidarity with the Children of SAARC”**



**Report  
of  
The Second Regional Convening On Using Law to Promote Accountability  
To End Child Marriage in South Asia**



**19 – 20 September 2016  
Pokhara, Nepal**

**Hosted by the Ministry of Women, Children and Social Welfare (MoWCSW),  
Government of Nepal  
Organized by the SAIEVAC Regional Secretariat and Centre for Reproductive Rights**



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## **Second Regional Convening on Using Law to Promote Accountability to End Child Marriage in South Asia**

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### **Executive Summary**

Building upon the momentum of the first regional convening on legal accountability for child marriage and in preparation for mounting wider regional advocacy as the region gears up for the 19<sup>th</sup> SAARC Summit to be held in Pakistan in November 2016, SAIEVAC and the Center organized the 2<sup>nd</sup> Regional Convening to take stock of actions taken by governments and other stakeholders in the region to implement the strategies enumerated in Expected Outcome 1 (EO 1) of the RAP and the KCA.

The MoWCSW, Government of Nepal, again hosted the regional convening as part of its continued support for concerted action in the region to address child marriage. The 2<sup>nd</sup> Regional Convening contributed towards creating momentum within SAARC to support the achievement of the UN Sustainable Development Goal Target 5.3 on eliminating harmful practices, including child marriage.

The Regional Convening was attended by participants (**Annex – D**) from SAIEVAC Government Mechanisms, relevant government agencies handling child marriage, Social Affairs Division of the SAARC Secretariat, NACG Chairs/thematic leaders and representatives from SAARCLAW.

Mr. Bishnu Prasad Lamsal, Hon'ble Secretary, Ministry of Women, Children and Social Welfare, Government of Nepal presided over the Inaugural Ceremony as the Chief Guest

### **Key Outcomes of the Consultation**

1. To involve/engage the Ministry of Foreign Affairs of the Member States in future national and regional dialogues on child marriage so as to sensitize them on the issue so that they are better equipped to shape the global conversation and advocacy on child marriage and represent the South Asian perspective at the global platform.
2. SAIEVAC Regional and National Mechanisms as well as collaborating partners which includes the SAARCLAW, NHRI, SACG, Parliamentarian Forums and others to step up efforts to table the draft para on child marriage to the Ministries of Foreign Affairs of the respective Member States and lobby for inclusion in the 19<sup>th</sup> SAARC Summit Declaration (Ref next section).
3. The SRS to plan and execute targeted advocacy in Islamabad, Pakistan as the host of the 19<sup>th</sup> SAARC Summit, in the final build up to the Summit in collaboration with the key national partners, with the aim to advocate for inclusion of child marriage concerns/ issues in the declaration *and also get visibility of the issue itself*.

4. The SRS in partnership with key regional and national partners to develop and execute a comprehensive advocacy plan at the earliest aimed at mobilizing greater political convergence in getting the issue of child marriage into the 20<sup>th</sup> SAARC Summit agenda.
5. The SRS seek support to institute and operationalize an effective monitoring framework and reporting mechanism for the Regional Action Plan to End Child Marriage.

### **Proposed draft para for the SAARC Summit Declaration**

#### **Background :**

The following paragraph was drafted by the participants to the 2<sup>nd</sup> Second Regional Convening on Using Law to Promote Accountability to End Child Marriage in South Asia held in Pokhara Nepal, hosted by the Ministry of Women, Children, Social Welfare, Government of Nepal, and organized by the SAIEVAC Regional Secretariat in collaboration with the Centre for Reproductive Rights: 19 – 20 September 2016.

The Objective of the Consultation was to review progress of the implementation of the Regional Action Plan to End Child Marriage in South Asia and the Kathmandu Call for Action to End Child Marriage - 2014

The participants consisted of representatives from all the 8 Member States, SAARC Secretariat, SAARCLAW, SACG, NACG, CRR and SAIEVAC Mechanisms.

The 2<sup>nd</sup> Regional Convening unanimously endorsed that having devoted significant efforts at the technical and agency level, it was now most crucial and pertinent to pitch advocacy at the highest level to create the necessary momentum for the SAARC Region to achieve the Goals and Outcomes of the Regional Action Plan and the related SDG targets committed to by all our Governments.

#### **The draft Para**

**“We resolve to make concerted efforts to enact, enforce and uphold laws and policies aimed at eliminating the practice of child marriage as a matter of ensuring women’s and girls’ human rights and to achieve the Sustainable Development Goals by 2030. We agree that the age of marriage for both boys and girls shall be set equally at a minimum of 18 years, and we commit to ensure the registration of all births and marriages”.**

## **Second Regional Convening on Using Law to Promote Accountability to End Child Marriage in South Asia**

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### **A. Background:**

The development of the Regional Action Plan to End Child Marriage in South Asia (RAP) was initiated as part of the decisions arrived at during the Regional Meeting to Review Commitments and Actions for the Girl Child – organized by the SAIEVAC Regional Secretariat on 17-18 December, 2012, in Kathmandu, Nepal, in collaboration with UNICEF Regional Office for South Asia and UNFPA APRO, and with participants comprising of the representatives of the SAARC Secretariat, Member State delegates, civil society organizations, regional experts and regional development partners. This was followed by an Experts Group Meeting in Kathmandu in May 2014, which further reviewed and finalized the proposed outcomes, the implementation framework and key partnerships needed to implement the RAP.

The draft RAP was circulated within the SAIEVAC National Mechanisms for additional review and comments and the final draft were adopted by the 5<sup>th</sup> SAIEVAC Governing Board Meeting held in Dhaka in 2014.

In order to support the implementation of the RAP, the Center jointly organized with SAIEVAC the first ever ‘Regional Convening on Legal Accountability for Child Marriage in South Asia’ in November 2014. The event was hosted by the Ministry of Women, Children and Social Welfare (MoWCSW), Government of Nepal, with participation of high-level government officials, SAARC Secretariat, NACG Representatives, SACG Agencies, key regional partners which included representatives of SAARCLAW and the Asian Forum of Parliamentarians on Population and Development, among others, who jointly adopted the Kathmandu Call for Action to End Child Marriage in South Asia (KCA) that emphasizes the urgent need to strengthen legal accountability for ending child marriage in the region. This convening was supported by Ford Foundation and UNFPA-APRO.

Building upon the momentum of the first regional convening on legal accountability for child marriage and in preparation for mounting wider regional advocacy as the region gears up for the 19<sup>th</sup> SAARC Summit to be held in Pakistan in November 2016, SAIEVAC and the Center organized the 2<sup>nd</sup> Regional Convening to take stock of actions taken by governments and other stakeholders in the region to implement the strategies enumerated in Expected Outcome 1 (EO 1) of the RAP and the KCA.

The MoWCSW, Government of Nepal, again hosted the regional convening as part of its continued support for concerted action in the region to address child marriage. The 2<sup>nd</sup> Regional Convening contributed towards creating momentum within SAARC to support the achievement of the UN Sustainable Development Goal Target 5.3 on eliminating harmful practices, including child marriage.

## **Day 1: September 19, 2016**

### **A. Inaugural Session**

Mr. Bishnu Prasad Lamsal, Hon'ble Secretary, Ministry of Women, Children and Social Welfare, Government of Nepal presided over the Inaugural Ceremony as the Chief Guest

### **National Anthem of the Federal Democratic Republic of Nepal**

#### **Welcome Remarks**

Dr. Rinchen Chopel, Director General, SAIEVAC in his capacity as the Moderator for the Inaugural Session offered the welcome remarks. He initiated the proceedings by welcoming the Chief Guest and expressed his deepest appreciation for his presence. He informed the meeting that the Hon'ble Secretary has just resumed his responsibilities in the Ministry and despite many pressing commitments he was kind enough to prioritize the 2<sup>nd</sup> Regional Convening that too away from Kathmandu and despite the fact that September 19 is the celebration of the first Constitution Day of Democratic Republic of Nepal.

He then took the opportunity to introduce the key partners of SAIEVAC who are on the dais which including Ms. Melissa Upreti (Regional Director for Asia of the Center for Reproductive Rights), Ms. Tahmina Begum (Joint Secretary of the MoWC of Bangladesh), Dr. Kiran Rupakhetee (SAIEVAC National Coordinator), Ms. Fathima Najwa (Director, Social Affairs, SAARC Secretariat), Mr. Purna Man Shakya (President of SAARCLAW Nepal), and Ms. Kendra Gregson, (Chairperson of SACG).

### **Lamp Lighting Ceremony led by Chief Guest**

#### **Opening Remarks**

*Ms. Melissa Upreti, Regional Director for Asia, Center for Reproductive Rights (Center)*

Ms. Melissa Upreti welcomed the guests and participants and said that this meeting is the third such event in less than two years in bringing together key stakeholders to discuss and agree on how we can translate commitments into actions. She thanked SAIEVAC Regional Secretariat and Ford Foundation for making this possible.

She said that the Center, a global organization using the law to advance reproductive freedom has worked in Asia for the past 16 years with child marriage as one of its priority issues in the region. She stressed that child marriage is a stumbling block to achieving gender equality and is looking forward to working with everyone during the two-day Convening.

She highlighted that the adoption of the Regional Action Plan to End Child Marriage (RAP) and the subsequent adoption of the Kathmandu Call to Action (KCA) in the first regional convening are incredible milestones that will contribute to the global efforts to end child

marriage. However, despite these milestones, she pointed out that there is a need to do more to translate the existing commitments from different levels and link them to global initiatives to ensure a two-way collaboration.

She acknowledged that Nepal is celebrating its first Constitution Day and highlighted that it is the only constitution in Asia and one of the few in the world, which explicitly bans child marriage. She ended by expressing optimism to having a productive dialogue and on what the participants can do together to realize the common vision of ending child marriage.

## **Opening Remarks**

*Ms. Fathimath Najwa, Director, Social Affairs, SAARC Secretariat*

Ms. Fathimath Najwa on behalf the Secretary General of SAARC and on her own behalf extended greetings to the guests and participants who are all gathered to move the South Asian commitment to move forward the agenda to end child marriage. She acknowledged that SAIEVAC has played an active role in the region to end VaC in general and in particular ending child marriage by partnering with partners such as the Center. She said that the first Regional Convening in 2014, the consultation with the National Human Rights Institutions in June 2016, the 2<sup>nd</sup> Regional Convening among others will have significant contribution in addressing the harmful practice and operationalizing the Regional Action Plan.

She expressed hope that, since preparations for the SAARC Summit are underway, this Convening will result in inputs that can be raised during the Summit. She shared her commitment to work with everyone to support advocacy with government leaders and to ensure that impact will be felt at the grassroots.

## **Inaugural Address by the Hon'ble Chief Guest**

The Chief Guest greeted the representatives on the dais and extended his welcome to the participants including INGOs, representative of SAARC countries and SAIEVAC. He said that the Ministry of Women, Children and Social Welfare is honored and privileged to be hosting the 2<sup>nd</sup> Regional Convening organized by the SAIEVAC Regional Secretariat and the Center.

He noted that child marriage has remained in the top most agenda and the Convening is timely, relevant and beneficial especially to Nepal because the government is implementing the Regional Action Plan, which included the adoption of a National Strategy to End Child Marriage.

He expressed his delight that the purpose of the Convening is to provide a platform for reports on actions taken in line with the actions contained in the Regional Action Plan and to develop advocacy strategies for consideration and inclusion of legal accountability



He pointed out that the issue of child marriage is complex and multi-faceted that requires different approaches. Despite the complexity of the issue, the Chief Guest emphasized on the rule of law, which binds people together and ensures the rights of citizens. He noted that implementation of existing laws need to be monitored and that there should be mechanisms to address impunity. He believed that without accountability the right of citizens will be denied and impunity will reign. He noted that the law is not adequate to address child marriage but a multi-dimensional approach is needed including changing the mindset of the people and addressing the culture of silence against violence against women and children.

Because everyone must strive to achieve these goals, he shared that the Government of Nepal has been making efforts to address child marriage i.e. National Strategy to End Child Marriage and Constitution which prohibits the practice. He also shared that various efforts are being done to raise awareness on gender-based violence, violence against women and children, and child marriage although admitted that these efforts are still inadequate and that there are many challenges that needs to be addressed. He noted that the Government of Nepal needs to collaborate with development partners and non-governmental organizations and that through this Convening, the partnership between the stakeholders will be strengthened. He further expressed that addressing child marriage requires mass awareness on relevant laws. He is optimistic that the outcome document of this Convening will reflect the commitments and determination to end child marriage that will further lead to concrete actions.

He ended by reiterating the commitment of the Government of Nepal to put an end to the practice of child marriage and expressing his best wishes to the success of the Convening.

### **Vote of Thanks**

*Dr. Kiran Rupakhetee, SAIEVAC National Coordinator, Nepal*

Dr. Kiran Rupakhetee said that he is very pleased to be part of the Convening and expressed his appreciation on behalf of the Ministry and the Government of Nepal to the Center and SAIEVAC for organizing the event in Nepal.

He stated that child marriage is a century old problem that exists around the globe, which is the reason why this Convening was held i.e. to collectively fight again this social menace. He recognized that child marriage is detrimental to all and expressed his hope that can be addressed and eliminated as per the SDG target. Sharing several quotes, he expressed how children are not only our future but they are also our present and that it is never too late to make a happy childhood. He continued his quotes by sharing that anyone who does anything to help children is a hero and that nothing done for children is ever wasted. He then extended gratitude to all the participants for their gracious presence and the Chief Guest who recently joined the Ministry. He ended by wishing for the successful and meaningful completion of the Convening.

## **Group Photograph and Hi Tea**

### **BUSINESS SESSION**

#### **SESSION I : Moving forward the Regional Action Plan and the Kathmandu Call for Action - Progress since 1<sup>st</sup> Regional Convening in November 2014**

##### **Moderator**

*Dr. Rinchen Chopel, Director General, SAIEVAC*

Dr. Rinchen Chopel opened the business session by introducing the agenda (**Annex – D**) pointed out that the 1<sup>st</sup> Regional Convening in Kathmandu was the first platform where global, regional and national partners created a joint commitment (Kathmandu Call to Action) to move the agenda forward. He emphasized the need to move with consistent advocacy and towards the global level. Keeping this perspective he said that the session will make an effort to create a better understanding and appreciation of what is happening at the global and regional levels, identify who the partners are and their efforts to end child marriage.

##### **a) Global developments on ending child marriage including SDGs**

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

Ms. Melissa Upreti started by introducing the Sustainable Development Goals (SDGs) adopted in 2015 with a specific target to end child marriage under Goal 5 on gender equality. She pointed out that there was no specific target on child marriage in the Millennium Development Goals and therefore the SDGs reflects the recognition that child marriage is, among other things, a major impediment to sustainable development, more specifically gender equality as well as economic development.

She provided updates on the efforts in implementing the SDGs since they were adopted which included the development of global indicators and of modalities of the global review process, as well as preparations for national and regional implementation follow up. She emphasized that the global indicators will continue to be refined and added to and that while they may provide a guide, individual states and regions can develop its own national and regional indicators.

She noted that the UN has established a state-led body called the High-level Political Forum (HLPF) that meets periodically to discuss global progress and that its most recent HLPF meeting took place in July 2016 in New York under the theme of “ensuring that no one is left behind.” While the recent HLPF gave 22 states the opportunity to participate in voluntary reviews of their progress in implementing the SDGs, she pointed out that not one government from South Asia participated in the voluntary national reviews. She shared that the focus of attention for the implementation of the SDGs has been moving to national and regional implementation and recommended that Major Groups and other stakeholders can take an active role at the national level, both short term and long term, in monitoring implementation of the SDGs, including the

provisions that affect child marriage. She reiterated that much of the success of the SDGs will rest on the willingness of states to actually realize its goals.

She then shared the various resolutions and reports adopted by the Human Rights Council, OHCHR, and the UN General Assembly which are the key spaces where there has been a lot of activity on child, early and forced marriages (CEFM). She pointed out that the main significance of these resolutions and reports is that it puts the issue of CEFM as a stand alone issue on the agenda of the Council and went further in addressing the issue within a human rights based approach. There is also an issue of linking the eradication of CEFM both to the realization of human rights as well as economic development. She shared that Maldives was the first SA country to co-sponsor the historic procedural resolution of the Human Rights Council. Nepal co-sponsored the 2013 procedural resolution but did not take any steps in connection with the substantive resolution. As to the UNGA CEFM resolution, she shared that Canada and Zambia are taking the lead on this and are working with a core group of countries that does not include South Asian governments.

She continued by identifying the recent recommendations from UN TMBs which have expressed concerns about the high prevalence of child marriage in the region and urged several South Asian states to do more to end child marriage as well as recent reports from the Special Rapporteurs on Torture and Cruel, Inhuman, Degrading Treatment and on Health which recognize the failure to prohibit child marriage by establishing a minimum age of marriage and to enforce laws prohibiting the practice as resulting in torture and discuss the links between health and SDGs and child marriage as a form of violence and a public health concern.

She then shared progress in other regions e.g. a number of African regional mechanisms and institutions have recognized and taken steps to address the harmful impact of child marriage by launching a campaign to end child marriage in Africa, appointing a Goodwill Ambassador for Ending Child Marriage and a Special Rapporteur on Child Marriage, and developing a model law to guide states in their efforts to address gaps and inconsistencies in their national legal frameworks.

She pointed out that there is a need to formalize the commitments to SDGs which need to reflect in national policies with key role to be played by the MoFA in linking regional to global efforts by participating in global conversations in key spaces, for instance at the HRC and GA, through country missions. She also identified future opportunities for action by states at the HR Council and UN GA.

She ended by noting that child marriage is a regional issue and a shared concern and the solutions to this problem must be guided by a shared vision which may be achieved if we combine our voices and link our efforts at multiple levels including national, regional and global.

## Discussions

During the discussion, the following points were raised:

- Too many things happening on the efforts to address child marriage but without proper coordination. There are also too many assumptions and expectations.
- Need to promote/cultivate the participation of the Ministry of Foreign Affairs from SAARC countries in future events because whatever is done at the national and regional levels does not always translate at the global level which is decided by the different MoFA.
- There is a huge opportunity with the SDGs because governments have made commitments.
- Need for the National Development Plans to include the child marriage agenda
- Make a stand to ensure that we have meaningful spaces at the global discourse and SAIEVAC is finding ways to link the global processes and discussions at the regional and national levels.
- RI-SAHRM, AFPPD and NFPPA are key partners although they are absent at the Convening.
- The Human Rights Council resolution on child marriage was led by Canada and there is no SAARC forum in New York despite the fact that there are similar views in the region. A step that can be done is to take the issue forward to the MoFA to support the UNGA resolution.
- Currently working on a new SAARC Youth Charter which is under consideration for the last two years. There is hope that this would finally be done in the 19<sup>th</sup> Summit with language on child marriage including raising the age for marriage to 18 or above.
- Suggestion to have a conceptual framework to address the issue because part of the problem is to distinguish several concepts specially where there is a disconnect between the national and ground levels.
- Suggestion to look at the impact of the laws at the regional level.
- Regional initiative is important to combat problems similar to sexual harassment and trafficking. There is a need for more information on good practices from other regions like Africa.

### **a) Review of progress by the SAIEVAC 6<sup>th</sup> GBM and the 4<sup>th</sup> SAIEVAC Ministerial Meeting**

*Dr. Rinchen Chopel, Director General, SAIEVAC*

Dr. Rinchen identified the efforts of SAIEVAC together with partners to end child marriage which included putting together the Regional Action Plan to End Child Marriage since December 2012 as part of the first Girl Child Day to organizing the first regional convening in Kathmandu in 2014.

He outlined the different events undertaken between December 2012 and August 2014 to develop the Regional Action Plan to End Child Marriage including the 5<sup>th</sup> SAIEVAC Governing Board Meeting in Dhaka where the RAP was adopted and the 6<sup>th</sup> Governing

Board Meeting (GBM) in Colombo in March 2016 where progress in the implementation of the action plan was reviewed. He said that the scope, coverage and accountability of the action plan and how it will apply across the board to all members states involved a protracted debate because each Member States has its own specific situations. This led to the decision to consider the Regional Action Plan to End Child Marriage as a benchmark and not prescriptive in nature because it should be within the framework of each country.

He then shared that the review process was endorsed during the 4<sup>th</sup> SAIEVAC Ministerial Meeting hosted by Government of India in May 2016.

He also took note of the evolving South Asian Human Rights Mechanism (RI SAHRM) and the fact that the region does not have its own regional human rights mechanism. He also informed the meeting that the regional child helplines has child marriage and violence against children as part of their mandate and terms of reference and the different parliamentary fora e.g. Asia, South Asia, Commonwealth and how SAIEVAC is looking at having a forum specific to violence against children in the region. He shared that AFPPD and SAIEVAC has now finalized a memorandum of understanding (MoU).

He said that he also had the opportunity to table the Regional Action Plan to End Child Marriage during the 7<sup>th</sup> Technical Committee on Women, Youth and Children and the 2<sup>nd</sup> Gender Policy Advisory Group meeting held organized by the SAARC Secretariat and Government of Pakistan.

Moving forward, he emphasized that there is a need to target key groups and political platforms to make a difference in moving the agenda forward and linking SAIEVAC, different MoFA and missions in NY and Geneva.

From January to September 2016, the SAIEVAC Regional Secretariat continued to organize or participate in events that are geared towards the implementation of the Regional Action Plan to End Child Marriage including the meeting with Commonwealth Parliamentarians in Colombo in February 2016 where the Kotte Declaration was negotiated, the High Level Meeting in Colombo in March before the 6<sup>th</sup> GBM, the AFPPD seminar that addressed the issue on child marriage and negotiated the Kathmandu Call to Action, and the July conference with national human rights institutions from eight South Asian countries.

## **Discussions**

During the discussion, the following points were raised:

- Need to put emphasis on linking national, regional and global levels and look at strategies to how to bring them together.
- Suggestion that representatives from MoFA should be present in these types of events and in their absence, participants should make sure to share what was discussed
- Need to consider how to have a uniform conceptualization of the issue

- Acknowledgment of SAIEVAC efforts because it serves as the regional platform for the Regional Action Plan to End Child Marriage. It was because of the action plan that Nepal was able to develop its own national strategy to end child marriage.
- Good to learn from the experience in working with other issues e.g. in drafting the law on domestic violence, regional initiatives helped national level advocacy

### **c) Actions taken by Key Partners**

*Mr. Purna Man Shakya, President, SAARCLAW Nepal & Vice President, SAARCLAW*

Mr. Purna Man Shakya greeted the participants and shared that Nepal is celebrating its first Constitution day. Equating child marriage with slavery, he noted that while banning child marriage under the Constitution is one of the efforts undertaken by the government to address the practice, it still continues up to this day.

Child marriage is one of the major issues for SAARCLAW which is working with SAIEVAC to raise the issue at the grassroots level and with the legal community. He informed everyone that SAARCLAW signed a MoU with SAIEVAC to work together to protect the child from all vices of society. He emphasized the need for cooperation and commitment from different levels of society to eliminate the practice.

He provided a brief background on SAARCLAW which include national chapters from lawyers, judges, and academia to deliberate on diverse issues. He shared that SAARCLAW organizes a major regional conference each year with focus on specific issues which included the SAARCLAW conference on Bhutan involved mapping of existing child-related legislation to identify gaps and challenges.

He called on stakeholders including the Center and SAIEVAC to make use of the SAARCLAW Initiative for Women and Children which was conceptualized in a meeting in Delhi as a platform to protect women and children. He shared that SAARCLAW is active in participating in SAIEVAC's activities including the first regional convening in Kathmandu.

He also took note of the 13<sup>th</sup> SAARCLAW conference in March 2016 and 10<sup>th</sup> Chief Justice conference where the major agenda for discussion was women and children. He shared the plans for a regional level conference that would probably be held in Pakistan and expressed hope that SAIEVAC and the Center can join to enrich and use an opportunity to partner with development and INGO partners. He then pointed out that SAARCLAW is an important platform to sensitize members of the legal community to put their resources to protect the child since they have a lot of influence in designing legislation for the protection of children.

He continued by expressing SAARCLAW's commitment to end child marriage and the fact that the prohibition of the practice in the Constitution is a milestone but the impact must be felt by people on the ground. He also emphasized that need to work with bar associations because members of the bar, can raise the issue of child marriage in public interest litigation.

The legal community must be involved to take up the issue and do pro bono as well as workers at the district and country level who must be sensitized and mobilized them to protect the child from marriage.

He ended by extending an invitation to partner for the 14<sup>th</sup> SAARCLAW conference and 11<sup>th</sup> Chief Justice conference.

## **Discussion**

During the discussion, the following points were raised:

- Dr. Rinchen informed that he had the privilege of meeting with the Chief Justices in 2013 in Bhutan and that the Thimphu Declaration focused on reforming the juvenile justice system.
- Another area where SAARCLAW wants SAIEVAC to be involved was on cybercrime. SAARCLAW must ensure that there is free legal advice for those who cannot afford lawyers.
- In response to the question on the mechanism to ensure implementation of the law - State is the ultimate guardian of the child. The immediate guardian is the mother, father, and then near relatives. If there is no guardian, then it is the state. If the parents are the problem, the state should come in. There are child protection officers in Nepal. There are lady officers in every district police station.
- There is no data on how many cases SAARCLAW have taken on in relation to the issue
- Highlighted the need to also look into child grooms and not only child brides
- SAARCLAW is a loose organization of members of the legal community and we encourage members to take up the issue. It may not take up the issue before courts but it sensitizes and encourages members to become self-appointed guardians and protectors of children.
- SAARCLAW wants to take the issue of child marriage in its next conference.
- In response to the question on how CSOs can engage with the initiative on women and children – This is still at the top level and not yet at the national chapters. There is still a need to work on the modality before engaging with CSOs.
- Having a law is not adequate because it must have the action plan incorporating the assessment of resources e.g. human, financial required for implementing the law.
- In response to a question on whether all national chapters of SAARCLAW are helping to end child marriage - Lawyers are leading different NGOs with social purpose like FWLD. SAARCLAW encourages members to take initiative wherever they are to protect the child.
- There is a separate line ministry for children but other ministries also have a role to play e.g. health, women, education. Investing in the child must be a part of national politics.
- Judges are fairly sensitized with separate guidelines on child friendly atmosphere, engaging with juveniles, and giving justice to child victims.
- The focus now is on restorative justice i.e. to restore the child to the same position before the commitment of the crime against him/her.

## **Actions taken by Key Partners**

*Ms. Kendra Gregson, Chairperson, SACG*

Ms. Kendra Gregson clarified that child marriage is not a rights violation in itself but it leads to non-attainment and violation of other rights. Taking note of the Joint Recommendation on Harmful Practices by the UN Committee on the Rights of the Child and Committee on the Elimination of Discrimination against Women, she shared that overall harmful practices are associated with serious violations and child marriage is documented and widely prevalent.

She said that UNICEF is one of the members of the SACG and is the holder of data on child marriage. It will be reporting on progress towards the SDGs. Based on the latest available data and statistics, South Asia continues to have a high incidence of child marriage. One in six girls are married before the age of 15. While child marriage shows a decline it is still widespread.

She expressed that SACG is committed to end this practice and a strong supporter of the Regional Action Plan to End Child Marriage and the Kathmandu Call to Action with members pushing the agenda forward.

She continued by stating that child marriage is part of the gender strategy of UNICEF. UNICEF has also developed a conceptual framework and working with UNFPA on a theory of change. Efforts by other organizations and entities include Plan International and UNFPA inclusion of child marriage as one of their corporate priorities; UNFPA, UNICEF, United Kingdom, Netherlands, Italy, Canada and European Union are working on a programme that covers three countries in the region.

She identified proven interventions to address child marriage which included adolescent empowerment (projects by Save the Children, Terre de Hommes, Plan International, and UNFPA); education (SACG members are working with ministries on education with the goal of increasing school attendance and lowering dropout rates), family and health care for adolescent including comprehensive sexuality education, better civil registration (projects by Plan International and UNICEF working with civil registrars to improve birth, marriage and death registration), developing action plans (SACG members working with governments), research (such as UNFPA and UNICEF's review of child marriage activities in the region and an upcoming expert group meeting next week on evidence-based responses). She took note of the high level roundtable discussion which was held earlier this year with SAIEVAC and SACG to discuss all violence-related goals under the SDGs.

To put things in perspective, she pointed out that rates of child marriage have remained the same in Afghanistan, Bhutan, Sri Lanka and Nepal; it has declined in Bangladesh, India,



Maldives, and Pakistan. However if the practice of child marriage continues at the current levels until 2050, there will be 930,000 women between the ages of 20 and 24 who would have married as a child.

She ended by sharing that there are plans to discuss child marriage in the next SACG meeting.

## **Discussion**

During the discussion, the following points were raised:

- UNICEF and SAIEVAC are developing a monitoring mechanism on child marriage which should be finalized by 2017.
- The final report and outcome of the SAIEVAC event on adolescent comprehensive sexuality education will be ready soon and to be shared.
- Clarified how SACG is involved at the regional level but implementation at the national level must be done through the national agencies and mechanisms
- There is a push in the SDG framework to focus on the prevention of child marriage.
- The Government of India and SAIEVAC Regional Secretariat will work on having a more robust dialogue on the need to strengthen helplines and to work together including the need to activate and strengthen SDF
- SACG help SAIEVAC set regional agendas but can also help national agencies.

## **SESSION II : Legal Reform and National Actions : Opportunities and Challenges**

### **Moderator - Ms. Fathimath Najwa, Director, Social Affairs, SAARC Secretariat**

Ms. Fathimath Najwa noted introduced the session, which is about presenting progress made by the different SAARC countries and the way forward.

#### **a) Selected Country Experiences**

##### **India**

*Ms. Yashita Munjal, Advocate*

After presenting key facts and figures on child marriage including related laws and policies, Ms. Yashita shared steps taken by India towards achieving Goal 5 of the SDGs which involved the Ministry of Women and Child Development as the nodal ministry and centrally sponsored schemes such as the National Mission for Empowerment of Women including Indira Gandhi Matritrav Sahyog Yojana and Rajiv Gandhi Scheme for Empowerment of Adolescent Girls as well as related interventions e.g. Beti Bachao Beti Padhao, Girl Child Prosperity Scheme, STEP 2014, Janani Suraksha Yojana, SWADHAR 2011, Kasturba Gandhi Balika Vidyalay. She continued by highlighting child protection and welfare schemes including the Kishori Shakti Yojana, Integrated Child Protection Scheme, Rashitriya Bal

Kosh, and Rajiv Gandhi Scheme for Empowerment of Adolescent Girls.

She then noted the latest government policy, National Policy for Children 2013, which provides as a key priority that the government shall “take all necessary measures to ensure that...married children ... are tracked, rescued, rehabilitated and have access to their right to education.” She proceeded to enumerate several challenges in ending the practice which include cultural mindsets, economic hardships, lower education or awareness, non-recognition of marital rape, attitude of and lower participation levels for women.

She also identified opportunities such as the SDGs which offer an opportunity to reflect and review the current schemes and policies to bring them in harmony with the SDGs and further help in designing decisive action plans towards ending child marriage in all its forms in India by 2030 and greater collaboration between the Government and civil society groups in effectively implementing policies focussed at empowering the girl child. Other opportunities included strengthening grass roots level governance institutions i.e. Village Panchayats would excessively contribute towards eliminating child marriages and making efforts to mobilise communities in a productive way to create greater awareness of laws and policies in operation.

She ended with recommendation including the need to have effective monitoring mechanisms for implementation of schemes and policies, effective reporting mechanisms of how and to what extent the schemes and policies are being implemented, formulation of a review committee at various levels to specifically focus on the progress towards achieving the SDGs, recognition of marital rape amending laws to provide greater protection to child brides, women and other male leaders who do get elected in the panchayats must undergo training programs for better management of village affairs especially those focused on welfare and development, among others.

## **Discussion**

During the discussion, the following points were raised:

- The representative from the Government of India shared that the Government is focusing on completion of schooling by girl child i.e. education should be completed before marriage. He also noted that Beti Bachao Beti Padhao has been implemented at the ground level for the past four to five years and there are efforts to improve the census by ensuring the availability of data on child marriage.
- With regard to marital rape, the Government of India is not planning to directly recognize this because of the country’s social structure and instead referred to the issue to the local commissions. Only after the issue is considered by these commissions that action will be taken by the government.
- Emphasis on the importance of voices from the region at the global level. India has a strong voice but we have not heard a lot from India.
- India has a draft national action plan to end child marriage but it cannot take off given the

- different initiatives in different states.
- The draft Indian National Policy for Children has incorporated actions addressing child marriage.
  - Need to look at how can we address the issue of rape in relation to child marriage specially for countries without a national action plan to end child marriage.
  - Since rape laws were amended in 2013 to increase the age of sexual consent from 16 to 18, the issue now is what the government is doing with those married between the ages of 15 and 17. This issue has been brought to the Supreme Court through a public interest litigation and the case is still pending.
  - Clarified that when there is consensual sex between 16-18 within marriage, it is not considered a crime. But if it is done outside marriage, it is rape.

## **Bangladesh**

*Tahmina Begum, Joint Secretary/GBM*

Ms. Tahmina Begum shared the existing law and policy reforms in Bangladesh which included the Prime Minister's public commitment to accelerate and consolidate national efforts to eradicate child marriage.

She then identified national actions under the leadership of Ministry of Women and Children Affairs (MoWCA) such as the revision of the Child Marriage Restraint Act of 1929 and elaboration of the National Plan of Action (NPA) to end child marriage in Bangladesh to serve as the road map guiding the national response. She continued by pointing out that the Mobile Court Act, 2009 has authorized the Executive Magistrate to take punitive measures to prevent sexual harassment and enforce security for women and children in the society and a training program was completed in about 302 districts to prevent early marriages. Other actions included a video conference in relation to the prevention of child marriage in which the Women and Children Affairs Secretary actively participated, a Bangladesh National Toll Free Helpline 10921, video and audio broadcasts, creation of adolescent clubs in 379 unions of 7 selected districts, involvement of the Governance Innovation Unit of Prime Minister's Office and provision of stipends to the poor student.

As to challenges, she expressed that the harmful practice of child marriage crosses all geographic, cultural, religious, economic, and social frontiers and that adolescent girls who marry before the age of 20 years are more likely to live in poverty, have limited opportunity to access basic services, knowledge, information and social networks needed to manage the difficult transition towards adulthood. To address these challenges, she identified several opportunities such as the thousands of ongoing programs and projects in many of the development sectors implemented by many actors and the efforts of various government departments and NGOs to sensitize the parents and community members through courtyard and community meetings.

She ended by sharing recommendations to end child marriage. She noted that more joint

efforts to focus on prevention and mitigation strategies to further their reach are needed. She recommended coming up with a comprehensive plan that can be evaluated and investing in a joint action to end child marriage in Bangladesh. She believed that building a strong partnership between the different stakeholders in the region e.g. governments, private sector, civil society, academia and development partners is necessary to firmly establish child rights and to take action to end child marriage.

## **Discussion**

During the discussion, the following points were raised:

- Put emphasis on implementing laws and partnering with CSOs and measuring impact of what has been done.
- There is a need to work with other stakeholders similar to the EECF program supported by UNICEF which is about child rights and has a strong component on child marriage. There will be a consultation with different ministries sometime in November-December 2016.
- Need to have more information and look at the final draft of the revision on the CMRA 1929

## **Nepal**

*Dr. Kiran Rupakhetee, SAIEVAC Coordinator*

In his presentation, Dr. Kiran Rupakhetee provided an overview of the problem of child marriage in Nepal before presenting the principles and the strategic directions of the strategy which include empowering girls, ensuring quality education for girls, engaging men and boys, mobilizing families and communities, providing services, and strengthening and implementing laws and policies.

He enumerated the ongoing government initiatives addressing child marriage such as preparation of Implementation Plan of National Strategy to End Child Marriage which is underway, specialized program against child marriage in 406 VDCs of 75 districts, and efforts by World Bank and MoWCSW in assessing social and economic impact of child marriage. Other projects include “Because I am a Girl Campaign” as supported by Plan International since 2006 which is being carried forward by different NGOS, different NGOs/INGOs focusing their activities against child marriage, civil society network working on girls’ issues in 13 different districts, active engagement of Watch Groups in each ward to monitor activities against social problem like child marriage, increasing trend of reporting cases against child marriage through 1098, inclusion of the issue of child marriage in training, orientation and interaction programs, Child Friendly Local Governance which has set child marriage as one of its indicators to graduate a local Government as a “Child Friendly”, and public messages against the practice.

He proceeded to share the lessons learned during the development of the national strategy and identified challenges including 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. Another lesson is that 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. Finally, collaboration among all stakeholders including government is must right from strategy development to its implementation.

He ended by sharing a framework to implement the SDGs with emphasis on both regional and national efforts as well as the need to strengthen government machineries and mechanisms from the national to district levels to ensure the implementation the Regional Action Plan to End Child Marriage and ensuring partnerships with development agencies and CSOs,

## **Pakistan**

Mr Syed Ishtiaq Gilani, Child Rights Movement/ NACG

Mr. Gilani shared the recent legal reforms in Pakistan related to the issue of child marriage which include the following laws:

1. Prevention of Anti-Women Practices Act 2011,
2. Punjab Marriage Restraint (Amendment) Act 2015 [increased punishment both imprisonment and fine from 1,000 to 50,000 rupees and from one moth to six months];
3. Sindh Child Marriage Restraint Act 2013;
4. Child Marriage Restraint Act 1929 in force in KP and Balochistan;
5. Khyber Pakhtun Khwa Elimination of Custom of Ghag Bill 2012;
6. Balochistan Domestic Violence (Prevention and Protection) Act 2014;
7. Section 310 (A) has been increased in the Pakistan Penal Code 1860 through Criminal Law (Amendment) Act 2004; and
8. Domestic Violence (Prevention and Protection) Bill 2016.

In terms of national actions involving the components addressing child marriage, there is the establishment of the Human Rights Cell, Shaheed Benazidr Bhutto Human Rights Center for Women (Crises Centers), and helpline for legal advice on human rights violations. A human rights management information system is set up and there is a project on “Preventing Violence against Children in Pakistan” supported by SDF and coordinated by SAIEVAC involving surveys in certain parts of the country.

In terms of opportunities, he identified the upcoming UN TMBs reviews e.g. CRC and CEDAW Committee as well as the efforts towards the SDGs. He considered as a challenge

the social norms, attitude and behavior in the community which can be addressed by more information and awareness.

## **Discussion**

During the discussion, the following points were raised:

- Consultative sessions were held with religious leaders to ensure engagement with them. While child marriage is recognized as a punishable offense is already a move forward, there is still a need to have more interaction with the Islamic Councils.
- There is a plan to have a concentrated dialogue i.e. regional conference on violence against children with faith-based groups.
- With regard to the preparation for the SAARC Summit, there are ongoing discussions on holding a follow-up dialogue among NHRIs to come together and lobby on child marriage with the MoFA Pakistan as the host of the 19<sup>th</sup> SAARC Summit.
- Finalization and adoption of SAARC Youth Charter was delayed because of technical procedure i.e. while seven countries already approved it, one country gave editorial comments which means it would have to go through the entire internal process again.

## **Sri Lanka**

Mr. Sajeewa Samaranayake, Deputy Chairperson, NCPA

Mr. Sajeewa briefly shared that the Government of Sri Lanka's focus is on social welfare such as opportunities for education and increasing literacy rates. He continued by pointing out that the age of marriage in the country has gone up based on the recent findings by UNICEF and that child marriage cannot be considered a traditional practice in the country.

He also shared the following information:

- High degree of awareness regarding the law on child marriage including on the minimum age of 18 years and the requirement for marriage registration,
- Laws were changed in 1995 with the amendment on the age of sexual consent laws i.e. increased from 12 years to 16 years and on minimum marriageable age i.e. increased to 18 years,
- That it was a compromise so that parents will lose control of their children by the time they are 16 years but now parents are trying to recover what they have lost. The situation now is that children wait until they are 16 years of age and elope and the police are powerless to bring them back,
- That the criminal justice cannot cope with the large number of cases with many cases remaining undecided and leading to the public losing confidence in the system and eventually underreporting. He identified a gap on the assessment mechanism so that these kinds of cases can be handled outside the criminal justice system.

## **Maldives**

Mr. Munzir Ismail, Ministry of Gender and Family

Mr. Munzir quickly shared that Maldives has a Domestic Violence Act and Gender Equality Law and that the Government of Maldives is in the process amending the Family Law and drafting a Child Rights Bill. He then shared that there is a fatwa on abortion that allows women and girls to undergo an abortion within the first 120 days.

## **Afghanistan**

Dr. Fazal Elahi Ibrahimi, Ministry of Labor, Social Affairs, Martyrs and Disabled, SAIEVAC Coordinator

With the high number of child marriages in the country, Dr. Fazel said that there are national legislations on child protection in Afghanistan including Arts. 53-54 of the Constitution. He noted that the Government of Afghanistan ratified CRC and its Optional Protocol as well as CEDAW, and adopted the SAARC Social Charter. He shared that there are reforms in civil law increasing the marriageable age to 16 for girls and 18 for boys. He identified chronic poverty and culture as main reasons for the continued prevalence of child marriage. He also shared that work on a Child Act has started and hoped that the Parliament will ratify this soon.

## **Bhutan**

Ms. Ugyen Tshomo, NCWC

Ms. Ugen who is representing the Director of the National Commission on Women and Children (NCWC) shared that while a good law on child protection is already in place, the Government of Bhutan is still trying to come up with a comprehensive child protection and gender equality system. She acknowledged the existence of child marriage in Bhutan although there is no available data. She pointed out that the government including the NCWC and in partnership with CSOs and key stakeholders is developing a holistic approach in addressing child marriage including a standard operating procedure for case management and referral which is now in its final stages. She also mentioned that the government is working to build mechanisms to monitor efforts related to ending child marriage including services provided by CSO as well as guidelines for accreditation of service providers to ensure that they act within the best interests of the child. She then referred to the government efforts toward the establishment of the helpline system and the SAARC number 1098. She also mentioned that stakeholders are conducting a series of awareness-raising activities on child protection and gender quality with judiciary, NCWC, and CSOs.

Dr. Rinchen added that, for the last one and a half year or so, a national study on violence against children to understanding the issue that would hopefully trigger more initiatives from

the government is being conducted.

## **b) Revisit the NHRI Consultation Outcome/Recommendations and moving forward**

Dr. Rinchen Chopel, Director General, SAIEVAC

Dr. Rinchen provided a brief background on the June 2016 event with national human rights institutions in Kathmandu and informed about the short-term and long-term plans/activities that were agreed upon during the Consultation.

The short Term Plans:

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,
  - Involve the participation of the civil society organizations, NACGs, People's SAARC National Committees, NHRIs, SAARCLAW and other relevant stakeholders, including media,
  - 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).

As an update, he shared that the National Human Rights Commission of India had already asked how they can be supported to move this agenda forward. There are now also conversations with the national human rights institutions of Pakistan and Bhutan.

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.
  - The Consultation is to be held in Pakistan and the Ministry of Human Rights, NACG, the NHRC Pakistan and SAARCLAW will be requested to host the Consultation;
  - The proposed time frame is last week of September or the first week of October;
  - 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.

Dr. Chopel shared that agreement in principle to host the consultation is already established. There is also commitment from SAARCLAW to join and co-host the consultation and use their platform to spearhead the lobby. Further, RI SAHRM is willing to allocate available resources for



the event. Dr. Chophel is now mapping out how to fill in other gaps but the possibility of holding the event according to the timeline is now remote. He called on the support of partners e.g. the Center and NACG to be able to move this forward.

3. Organize side meetings during the SAARC Summit and/or at the Pre-SAARC Summit Meeting/Peoples SAARC Fora 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.

As an update, Dr. Chophel shared that there have been discussions on what the key agenda should be at the SAARC fora e.g. violence against women and children, child labor, cross border trafficking, and child marriage. He said that although it is difficult to have a side event during the SAARC Summit, getting media attention might also get the attention of SAARC delegates. He encouraged identifying key people in Islamabad and mounting advocacy with key government stakeholders to apprise them of what they need to do. He added that child marriage cannot be put in the agenda because the agenda is already final but efforts can still be made to make sure that it comes into the discourse and discussions because there are entry points like the SDGs and SAARC Youth Charter.

#### The Long-Term Plans:

1. In light of target 5.3 of SDGs, to work to establish common understanding of the 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;
  - Present recommendations to governments to take concrete actions for ending child marriage; and work closely with media.

As an update, Dr. Chophel shared that some NHRIs has already reached out to SAIEVAC to ask for information on monitoring and oversight mechanisms and past national inquiries e.g. in Malaysia and Scandinavian countries. He said that NHRIs need support and guidance to prepare for such inquiries. He noted that there have been discussions on SAIEVAC to establish a media coalition for continuous monitoring of child marriage in the region.

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, and participants were informed that the NHRIs are excited to look at how they can actively participate in these processes.

3. The SRS and NHRIs to 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,

Dr. Chopel expressed that NHRIs with huge responsibilities are like islands in the ocean without space to meaningfully reach out to others so there is a need to create more meaningful and closer partnerships in terms of monitoring child rights.

He expressed that he will be reaching out to partners and stakeholder to help plan for all upcoming events including for the People's SAARC Fora and high level briefings in the first week of December. He ended by encouraging everyone to get in touch with their respective NHRIs and brief them with follow up actions.

## **Day 2: Tuesday, September 20, 2016**

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

*Dr. Rinchen Chopel, Director General, SAIEVAC*

Day 2 started with a recap of the Day 1 by Dr. Rinchen Chopel and he stated that one of the lessons learned over the past events is that the participants needs to be provided with explicit guideline/s for presentations to ensure that presenters are able to make concise presentations within the scope of the session they are assigned to.

### **SESSION III - Group Work (Annexes B &C)**

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

Dr. Rinchen Chopel explained the purpose and expectations of the group. The participants were divided into 2 groups and the groupings were based on the role and responsibility of the participants.

#### **a) Group A: Planning and executing targeted 'advocacy on ending child marriage'**

Ms. Yashita Munjal presented on behalf of Group A. Please refer to Annex A for a list of the members and Annex B for the presentation.

### **Discussion**

During the discussion, the following points were raised:

- Clarified that advocacy must be targeted to those who needs to be converted to be supportive of the advocacy. Differentiate "advocacy" and "doing".
- There are two entry points in the SAARC Declaration: one is in the drafting (advocate for all countries to support the draft language) and the other in its adoption. Ms. Najwa Fathimath can let Dr. Chopel know when the draft is ready for the participants to reach out to the line ministries and do advocacy.

- Clarified that discussion started with a list of issues that are already in the Regional Action Plan to End Child Marriage and not to come up with a new set.
- Ensure engagement with line ministries. There is a need to build and strengthen the capacities of institutions.
- There is a clear mapping of advocacy steps, targets, and issues in both general and specific contexts.

## **b) Group B : Mapping the Key Outcomes of the 2<sup>nd</sup> Regional Convening**

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

### **Discussion**

During the discussion, the following points were raised:

- SAIEVAC to be more proactive in engaging with MoFA and diplomatic missions.
- Invite MoFA in these types of events for them to be sensitized and be made aware of the issues
- Progress on the implementation of the Regional Action Plan to End Child Marriage is not being regularly reported to the monitoring mechanism.

The groups further refined the inputs from the group exercise to come up with a proposed draft language for the SAARC Declaration and identify four major takeaways from the Convening.

A draft SAARC Declaration was presented providing that—

We resolve to make concerted efforts to enact, enforce, and uphold laws and policies aimed at preventing and eliminating child marriages. We agree that the age of marriage for both boys and girls shall be set at a minimum of 18 years and we commit to register all births and marriages.

Refining the key outcomes discussed during the group exercises and presentations, the following major takeaways were presented—

1. Involve and engage the foreign ministry in national and regional dialogue on child marriage to enrich and shape the global conversation and advocacy on child marriage in order to get the South Asian perspective at the global platform.
2. Targeted Advocacy efforts in Islamabad before the 19<sup>th</sup> SAARC Summit in order to advocate for inclusion of child marriage concerns/ issues in the declaration and also get visibility of the issue itself, in doing so involve NHRI mechanism and also the Foreign ministries of all the member state to push this agenda as a priority issue.
3. Initiate collective effort to prepare ground work to get the issue of child marriage into the 20<sup>th</sup> SAARC Summit agenda therefore preparatory work should start early in order to achieve the set target.

4. SAIEVAC and SAIEVAC Coordinators to engage with Ministry of Foreign Affairs, judiciary, and parliamentarians who take up advocacy on child marriage within their organizational setup.
5. Strengthen, monitor, and operationalize the Regional Action Plan on child marriage and establish reporting mechanism.

### **Closing session**

### **Closing statements**

*Ms. Sonali Regmi, Regional Manager for Asia, Center for Reproductive Rights*

Before expressing her gratitude, Ms. Sonali Regmi pointed out that everyone is committed to get the work done and implement the Regional Action Plan to End Child Marriage and Kathmandu Call to Action. She thanked the MoWCSW for hosting the event, the Chief Guest for gracing the event, Dr. Kiran Rupakhetee for being a core partner, representatives from SAARC Secretariat, SAIEVAC Governing Board Members and Coordinators for their participation, Dr. Rinchen Chopel and entire team of the SAIEVAC Regional Secretariat, SAARCLAW, SACG, NACG, and all participants for their support, attendance, and commitment. She ended by expressing her hope to hear more progress in the efforts to end child marriage during the next convening.

### **Presentation of token of appreciation to Dr. Kiran Rupakhetee**

Dr. Rinchen Chopel thanked Dr. Kiran Rupakhetee's involvement in moving the agenda forward and expressed his appreciation for all his efforts. Joined by Ms. Kendra Gregson, Ms. Najwa Fathimath, Dr. Fazal Elahi Ibrahim, Mr. D. Roshan Kumar, Ms. Aminath Ismail, Dr. Chopel presented a token of appreciation to Dr. Rupakhetee.

In accepting the token, Dr. Rupakhetee shared the history of being part of SAIEVAC as National Coordinator for Nepal and working with Dr. Chopel who acted as his mentor, role model and guide. He expressed pride in being part of SAIEVAC and gratitude for being recognized in his work. He continued to share what he has learned in working on child rights and promised to utilize what he has learned in his future work and wherever he may be. He expressed best wishes to SAIEVAC and ended by sharing that failure is just the beginning of learning and that "no" means next opportunity.

Dr. Rinchen Chopel concluded the Convening by thanking the partners including the Center and Ford Foundation, SACG, SAIEVAC National Mechanisms and NACG. He particularly thanked the Chief Guest for his gracious presence and Nepal's MoWCSW for hosting the Convening.

## GROUP A

## TOPIC : Planning and executing targeted ‘advocacy on ending child marriage’

S.NO	COUNTRY	NAME OF THE PARTICIPANT	ORGANISATION
1.	Bangladesh	Ms. Tahmina Begum	Ministry of Women & Children Affairs
2.	Bangladesh	Ms. Salma Ali	BNWLA
3.	Bhutan	Mr. Sithey Dorji	Ministry of Home Affairs
4.	India	Mr. Anand Prakash	Ministry of Women Child and Development
5.	India	Ms. Yashita Munjal	Member, SAARCLAW
6.	Maldives	Mr. Munzir Ismail	Ministry of Gender and Family
7.	Nepal	Dr. Rinchen Chopel	SRS
8.	Pakistan	Mr. Haroon Ur Rehman	NCCWD, Ministry of Law, Justice and Human Rights
9.	Sri Lanka	Mr. A.L. Kithsiri	Department of Probation and Child Care Services
10.	Sri Lanka	Mr. Sajeewa Samaranayake	National Child Protection Authority
11.	Nepal	Ms. Najwa Fathimath	SAARC Secretariat
12.	Nepal	Ms. Kendra Gregson	UNICEF ROSA
13.	Nepal	Ms. Melissa Upreti	Center for Reproductive Rights

## Group A - Report

### Planning and Executing targeted advocacy on ending child marriage

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#### Primary Advocacy topics:

- Minimum age at least 18 years , equal between the sexes (any exceptions?)
- Marital rape, sexual violence within marriage (consider how to establish marital rape)
- State obligations, accountability of the State (defining the point where State intervenes)
- Participatory law and policy reform drafting
- Safety and security of women and girls
- Empowerment for the purpose of protection and prevention
- Attention to out of school children
- Employment
- Registration of all births and marriages
- Engagement of boys – child grooms, boys engagements in ending practice of child brides

#### General advocacy targets:

- Faith groups
- Local administrators
- Local political leaders
- Parents and family members
- Political leaders
- General public (about laws, ill effects of CM)
- Law enforcement, educations

#### Primary advocacy targets by topic:

The general public made aware and ...

- Minimum/equal age – cabinet, parliament, ministry
- Marital rape (definition and recognition) – judges, law enforcement
- State obligations – law enforcement, judges, ministries, national human rights institutions, person who conducts marriage
- Participatory reform – relevant ministries, parliamentarians, council of ministers
- Safety and security – law enforcement, men and boys, ministry (e.g. health), local level government, transportation companies
- Empowerment – State and local government, youth clubs, parent clubs
- Out of school
- Employments
- Civil registration
- Engagement of boys

#### Link country to global:

- Ministry of Foreign Affairs

- Relevant nodal/line ministry

**Advocacy at SAARC Summit:**

**Recommended language for the declaration of the SAARC Summit**

- The declaration will be drafted by the host (Pakistan)
- Two places for intervention –
  - (i) during Pakistan drafting
  - (ii) from the floor by MoFA delegates
- Channel of intervention is the Ministry of Foreign Affairs (specifically SAARC division)
- Side meeting TODAY on draft input ??? (to be taken to Ministry and country MoFA)

**SAARC DECLARATION DRAFT**

We resolve to make concerted efforts to enact, enforce and uphold laws and policies aimed at eliminating child marriages. We agree that the age of marriage for both boys and girls shall be set at a minimum of 18 years, and we commit to register all births and marriages.

**GROUP B****TOPIC :Mapping the Key Outcomes of the 2<sup>nd</sup> Regional Convening**

<b>S. NO.</b>	<b>COUNTRY</b>	<b>NAME OF THE PARTICIPANT</b>	<b>ORGANIZATION</b>
1.	Afghanistan	Dr. Fazal Elahi Ibrahim	Ministry of Labor, Social Affairs, Martyrs and Disabled
2.	Bangladesh	Ms. Rokeya Khatun	Ministry of Women & Children Affairs
3.	Bhutan	Ms. Ugyen Tshomo	National Commission for Women And Children (NCWC)
4.	India	Mr. Sanjay Kumar Sinha	Ministry of Women Child and Development
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### **Group – B : Report : Mapping the Key Outcomes of the 2<sup>nd</sup> Regional Convening**

1. The country and the region in line the National Plan and the Regional Plan & strategies with the international commitments along with defined timeline
2. Continue to implement the Kathmandu call for action and RAP on Child Marriage
3. The national and the regional dialogue, discourse on the issue of child marriage is not reflected in the global conversation that further helps shape the advocacy on the issue
4. Realization to involve the diplomatic channels at differ tiers and levels. National and regional discourse should be shared at the global level through the engagement with the Ministry of Foreign Affairs
5. The SAIEVAC Coordinator present here go back and engage with relevant ministries and promote dialogue, coordination on key issues – The proceedings and key recommendation from the meetings are shared with the Ministry of Foreign and External Affairs so that they are better prepared to enrich issue based discussion at the global level.
6. Inviting and involving key personnel from the Ministry of Foreign Affairs in such forums (in order to sensitize them to the issue)
7. Pakistan as the convener of the SAARC summit has the privilege in putting up the agenda in the summit through the Ministry of Foreign Affairs (Targeted Advocacy in Islamabad just before the Summit)

8. Parliamentarian caucus on child marriage on the sidelines of the SAARC summit can be explored
9. SAARCLAW has signed a MOU with SAIEVAC therefore this commitment binds them to push forward the issue of children. The SAARCALAW will prioritize the issue of child marriage to pitch this it further and they will be working with relevant partners and country specific members.
10. Orientating, training and sensitizing judiciaries and law enforcement agencies s(capacity building)
11. Strengthening Monitoring of RAP - taking stock of how the RAP is implemented by member states- establish certain reporting mechanism to take stock of the implementation status (Are we going to collect data on the outcome or the processes)
12. Operationalize the monitoring of RAP ON Child Marriage - (screen the indicators to make the reporting easy at the national and the state level)
13. Share country wise best practice and evaluation reports to be put up in SAIEVAC's website
14. Standardized and Uniform age of consent in the region regarding child marriage
15. For each country identify two or three outcomes for in depth monitoring
16. The need as pointed out in the first NHRI meeting, is to organize a second NHRI meeting in Pakistan just before the Summit which will be relevant for the advocacy and visibility of the issue we want to achieve

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