

Submission to OHCHR
on Preventing and Eliminating Child, Forced and Early Marriage

Child Marriage in India

Child marriage is yet another form of discrimination with far more severe implications for girls than boys. Though the median age of marriage is rising, statistics show that child marriages are still prevalent in India.

As Per the NFHS (2005-2006) data, the percentage of women getting married below 18 years continues to be very high. Overall, 47.4% or one in two women were child brides. The latest round of DLHS (2007-2008) presents slightly different data, with the percentage of child brides being 42.9%. Over the last decade, the percentage of child brides in the age group 20-24 years has decreased by a meagre 6.8 percentage points from 54.2% in 1992-1993 to 47.4% in 2005-2006. Given the trend over the last three rounds of NFHS, a linear projection of the percentage of child brides in 2011 was believed to be 41.7%. In absolute numbers, out of the total number of women in age group 20-24 years in India (Census 2011), more than 23 million continue to be child brides. With this figure, India contributes with 40% to the world's brides.¹

While the rate of Child Marriage reportedly dropped to 46 percent in 2006, in some states its prevalence still exceeds 50 percent, with the highest rates found in the states of Bihar (64%), Rajasthan (58%), Jharkhand (60%), Madhya Pradesh (53%), Uttar Pradesh (52%), Chattisgarh(51%), Andhra Pradesh (56%) and West Bengal(53%).²

In India, a majority of marriages that take place are still arranged marriages within the same caste and religion. The consent of the girl to the marriage is not an important issue, and therefore more often than not, child marriages, particularly below a certain age, are forced marriages where the question of consent is irrelevant.³

¹ NFHS(3), Bihar, 2005-06, MoHFW India, IIPS Mumbai, Page 4

² <http://www.icrw.org/child-marriage-facts-and-figures>

³ *Separated and Divorced Women in India: Economic Right and Entitlements* by Kirti Singh (SAGE publications)

Reasons for Child Marriage

Social customs, tradition, family and societal pressures, economic conditions perpetuate the practice of child marriage. The girl child is generally considered to be a burden, to be married off as early as possible. The justification given by parents and the community is that of having to pay lower dowry (bride price) when the bride and the groom are young. Safety of the girl child from sexual violence and the inability of parents to guarantee such safety is another justification for child marriage. There is a belief that child marriage is a protection for girls against unwanted male attention and promiscuity.

Also, parents see early marriage as a way to secure the girl's future socially and economically. Lack of education and awareness about the consequences of child marriage is another reason for the continuation of child marriages (educating a child will lead to 'difficulty in finding a suitable partner or become 'independent' in taking their own decisions).

The confluence of multiple factors such as dowry, perception of girls belonging to their marital homes (or *sasural*), the premium on young brides and values and norms related to chastity not only lead to child marriage but are also deeply interconnected to the inherent value of girls and the manifestation of their unwantedness in the form of sex selection.⁴

Consequences of Child Marriage

Child Marriage denies the basic right to good health, nutrition and education. Evidence shows that child, early or forced Marriage has a strong physical, intellectual, psychological and emotional impact, cutting off educational opportunities and chances of personal growth. It also limits the child's freedom of decision and contributes to intergenerational cycle of poverty.

Child marriage often comes with multiple health risks. This is because young brides have limited access to, and use of, contraception and reproductive health services.

While boys are affected by child marriage, this is an issue that impacts girls far more seriously and with more intensity. Those aged under 15 are five times more at risk of pregnancy-related deaths than those aged over 20 years. Women in early marriages are more likely to contract HIV/AIDS and other sexually-transmitted diseases, as well as being at greater risk from domestic violence.⁵ The other serious health implications on girls are anaemia, maternal mortality and morbidity, and infant mortality and morbidity. There is a significant differences in the chance of survival of a child born to a mother who gave birth before reaching the age of 20 years

⁴ Excerpts from *Laws and Sons Preference in India: A Reality Check* (Author: Kirti Singh)

⁵ "Early Marriage, a Harmful Traditional Practice", UNICEF, 2005

as compared to the child who is born to a mother who gives birth between 20 and 29 years of age.⁶

Legislation against Child Marriage

Legislation forbidding child marriage in pre-independent India was put in place in 1929. The Child Marriage Restraint Act, 1929 primarily focused on restraining the solemnising of child marriages. Even though India continues to make progress on indicators related to education, health and employment opportunities, the percentage of women married before the legal age of 18 still remains very high. In order to prevent child marriage, the Government brought into force a more progressive legislation namely the Prohibition of Child Marriage Act, 2006 (PCMA) repealing the Child Marriage Restraint Act (CMRA) of 1929, thereby putting into force prohibition of child marriages rather than only restraining it. The Prohibition of Child Marriage Act, 2006 includes punitive measures against those who perform, permit and promote child marriage.⁷ It also provides for annulment of a child marriage and gives a separated female the right to maintenance and residence from her husband if he is above 18 or in-laws if he is a minor until she is remarried. It came into force on 1 November 2007.

Save the Children's Role

(in Preventing and Eliminating Child, Forced and Early Marriage)

Children's Alliance for Children's Rights

In India, several measures and exhaustive legal and policy framework for safeguarding the rights of children are in place. New plans, schemes and programmes have been initiated to address issues concerning children. Yet, the plight of children across the country has not got better and continues to be precarious.

Though the Government of India has developed some child friendly mechanisms to include children in the various committees but the participation of children in the decision making processes affecting their lives is not fully ensured. As a result, gaps in legislation and breakdowns in implementation of policies and mechanisms that are intended to protect children are not always identified, and proposed solutions do not always account for children's specific needs.

Save the Children believes that consistent efforts are required to explore all possibilities to involve children in decision making process and in child rights governance, and Child

⁶ Surviving the first day: State of the World's Mother 2013

⁷ Ministry of Women and Child Development, Government of India, The Handbook on the Prohibition of Child Marriage Act, 2006, pp 9

Participation is the only way to deal with issues pertaining to children, including child marriage.

Child Participation Programme - Bihar & Odisha

In the states of Bihar and Odisha, from where the highest number of child marriage cases are reported, we are running a programme – “**Children’s Alliance for the Realisation of Child Rights**”. The programme was built to inculcate child participation in a fulfilling and meaningful way through community-based child rights programming and mobilisation. It is being implemented in 210 communities/villages within 7 districts of Bihar and Odisha, with a partner organisation in each of these districts responsible for 30 villages.

The programme takes participation to the highest level, by not just consulting, informing and assigning roles to children, but by meaningfully facilitating children’s active participation in decision-making processes that affect their lives. It facilitates more systematic engagement between various levels of children’s networks and identified child rights duty-bearers and other key stakeholders, in order to enable these networks to play a significant role in the planning, implementation and monitoring processes of programmes targeted towards children.

This submission is from the children and the team working at Save the Children in the 210 villages/communities in Bihar & Odisha states of India under a European Union supported Child Participation Programme. Amongst the other milestones the programme has touched, in the project area, the most significant one is that there has been no reported or unreported child/underage marriage in the last one year within our intervention area (since records have been kept).

The community of children we work with, have become role models for the children living around and although it has not been recorded or studied, we believe that the discourse in the area is definitely changing about age for marriage.

While the programme does not propose to draft new laws, it makes redundant the often heard excuse from key duty bearers that adults know what is best for children and that children do not have the capacity to take part in decision-making processes.

Through the programme foundations have been laid for the enhancement of child participation at the different tiers of governance namely village, panchayat, District, State & National Levels in the two project states of Bihar and Odisha.

Through the programme, opportunities and spaces have been created for children to make their participation real and effective and develop attitudes and capacities in adults to listen to their views and learn from them. The aim is that once these mechanisms are developed, these can be replicated in other projects that have a specific thematic focus (such as child marriage) and create a larger network and alliances of children that will use their own voices to advocate for issues that concern them.

15-year old stops her marriage and becomes a role model

Kalahandi district of Odisha is one of the poorest and most backwards districts of the country. Child selling, child marriage and malnutrition is rampant in this district infamous for famines and starvation deaths. Sumitra Lahjal was all of 15 when her family decided to marry her with someone much older. Sumitra was a student of Class Xth then and she resisted her family's decision as much as she could. Despite that both the families agreed and finalised a date for marriage without her consent.



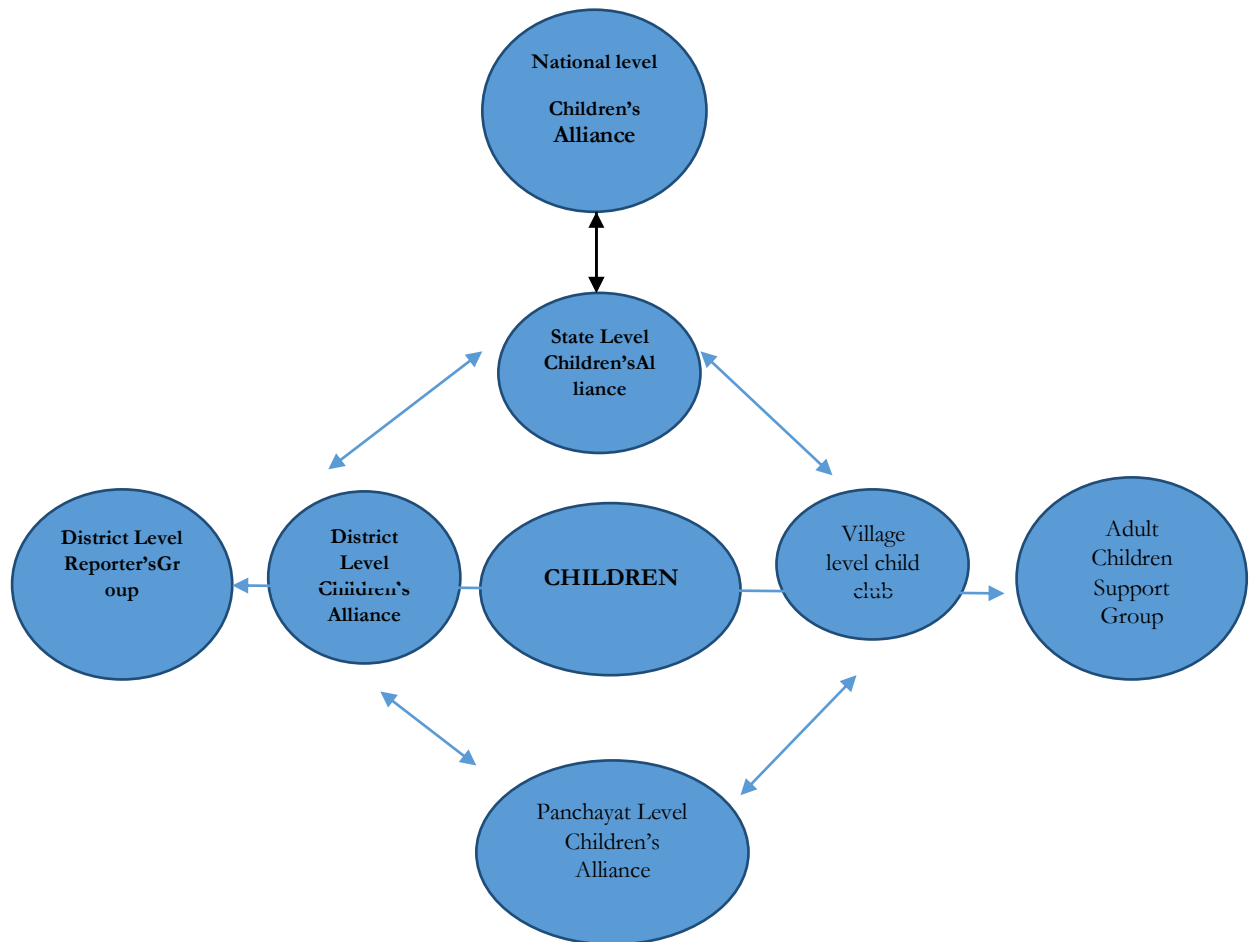
After several attempts, when Sumitra failed to convince her parents, she approached the closest Child Club that was formed by Save the Children with an objective of upholding child rights, laws & legislations related to children welfare. The Child Club members then made several visits to Sumitra's house to make her parents aware of various ill-effects of child marriage. When parents refused to pay heed to the children, the Child Club members took that matter to the Village Child Protection Committee members (which included members from the local governing bodies like village Panchayat) and a village meeting was called. Supported by her peers from the Child Club, Sumitra voiced her concerns and fears in the village meeting and said that it was illegal to marry her at the tender age of 15, a fact that she had learnt in the Child Club meetings.

Sumitra's parents finally relented and agreed that they would not get their daughter married before she turned 18. Sumitra's efforts along with other Child Club members has now become an example for others, and children are openly writing and discussing their stories with other children. The Child Club feels empowered enough to take a stand to fight against all illegal actions that take place in the village.

Sumitra is now an active members of the Child Club and is now raising awareness on "The Prohibition of Child Marriage Act, 2006" and clinical aspects of Child Marriage. Thanks to her

efforts, not a single case of child marriage has been reported from her village.

As in the case of preventing Sumitra Lahjal's forced child marriage, the modus-operandi of Children's Alliance, which works towards inculcating child participation across various thematic areas related to children is depicted by the following flowchart:



The 'Children's Alliances' in Bihar State are also being run with an objective of addressing high rates of child marriage in rural communities in Khagaria, Sitamarhi and Madhepura districts. The intervention uses a combination of social mobilisation and children's participation in spreading messages on how to combat isolation of girls; promotion of school attendance (whether formal or non-formal); on seeking incentives given by that state government for good school attendance which in-turn impact on delaying marriage of minors.

The design of the intervention acknowledges that reasons for child marriage are complex and thus simultaneously addresses girls' low status and isolation, educational and livelihood opportunities, economic drivers of the practice, and societal norms and pressures. It is, thus, a

package of interventions at the community and individual levels. Though high levels of exposure to all project components makes it difficult to ascertain if specific programme components were more influential in bringing about change than other components, changes associated with the programme are reflected in all outcomes of interest, including Child Group networks, increased school attendance, quantitative decline in child marriage, and heightened awareness levels in parents, teachers, children and the community-at large on child protection issues. In particular, girls in their early adolescence (age 10 to 14) experienced significant increases in school attendance and delayed marriage, associated with the project.

Specifically, Save the Children target group includes children, women and adult members of socially excluded Dalit community, while key stakeholders included Panchayati Raj Institutions (PRI) members, teachers, parents, children, government service providers in village, block, district, media representatives, local leaders, adolescent, youth, I/NGOs, religious leaders and existing self-help group members, through a local-level multifaceted approach and partnership with existing civil society organisations and service delivery structures for creating enabling structures to advocate for change.

The interventions adopted by Save the Children include:

1. Awareness Generation for Creating an Enabling Environment for Social Change
2. Ensuring Children's Participation
3. Involving community Members
4. Multi-sectoral approach

Creating an Enabling Environment for Social Change

Alongside advocating for effective implementation of laws against child marriage and gender equity, Save the Children is working towards creating a holistic environment that supports, builds capacity and empowers individuals, community stakeholders and organisations to change attitudes and cultural norms that perpetuate child marriage.

A critical component to this effort is **supporting awareness-raising and public education programmes** about the negative effects of child marriage to help change attitudes and strengthen duties of parents, guardians and the community to protect vulnerable girls is central to the communications strategy of Save the Children.

There is little doubt that Information, Education and Communication (IEC) and Behavioural Change Communication by Save the Children to prevent child marriage at multiple levels has been singularly responsible for generating awareness about child marriage and, in turn, creating tremendous social pressure amongst communities against child marriage. These efforts span across stakeholders, and include parents, relatives, *panchayat* members, police, NGOs, social workers, district magistrates, Community Based Organisations (CBOs), school teachers, *Aganwadi* workers and Accredited Social Health Activist (ASHAs).

Save the Children adopted four communication approaches for awareness raising:

- a. Strengthening individual knowledge and awareness
- b. Promotion of community awareness
- c. Use of mass media/folk media
- d. Leveraging the media's influence on community perceptions of child marriage & advocating at the policy level.

Change through Children Participation

Children are not considered as rights holders or allowed to make decisions without the approval of their parents/guardians. One of the most innovative features of Save the Children intervention is the child's right to participate and to be heard at all levels and to have their views considered. Save the Children felt that it was necessary to involve children as child marriage directly affects them, and their participation would not only increase their awareness towards the issue but also empower them to prevent child marriages in the community.

Children bodies as Child Clubs or *Bal Panchayats* have been formed to establish rapport with the village community. Once a relationship is established with the community, public awareness campaigns promoting child rights are launched. Community level campaigns, including street theatre, plays, song and dance, etc. are used to pique interest in children's rights and motivate young people in the community. Continuous capacity building of *Bal Panchayat* members is key. Its agenda is driven by children's concerns in the village, and these children are *Bal Panchayat's* 'eyes and ears'.

“Other children in the village tell us which families are planning to marry a child. Then all members of the Bal Panchayat go as a group to the parents of the child whose marriage is planned and plead with them not to conduct the marriage,” says a Member of the *Bal Panchayat*, district Khagaria, Bihar.

One can imagine the shock of adults listening to these children's lectures on the evils of child marriage and the need to give their child a decent education. In case parents of prospective bride/groom do not take them seriously, *Bal Panchayat* members can then take the matter to the village Child Protection Committee, which comprises of the village *Sarpanch* (headman), teachers, and other influential community members. The Child Protection Committee also has the option of exercising the legal option of registering a formal police complaint in case a family is adamant. Children are often voiceless, with little opportunity to participate in decisions about their life. Bal Panchayats are beginning to give children that ‘voice’ in rural communities.

How children identify their issues?

Children Group in the villages assemble together along with adult members and draw their village map on the ground. Various problem like education, protection, health, sanitation and other children related issues are discussed by drawing a portrait of that particular village. The entire exercise is done by the children. The issues are prioritised through ranking. The process of identification of



school/village based problem are discussed with various duty-bearers through writing letters and creating awareness at different level of alliance. The whole information is generated from mapping and an action plan is prepared to act upon various cases. Children are allowed to sit with adult members, and therefore become an integral part of the process.

- Children Groups allowed to participate in the meeting of the Gram Sabha and the Palli Sabha
- Local governance representatives provide information to the children to lodge their complaint or grievance
- Local leaders and panchayat members attend the meeting of the Child Panchayat
- Regular meetings of Children’s Groups are held twice in a month
- Children are able to make awareness through Creative Communication Channel

- Children-Government Engagement – State Commissioner for Protection of Child Rights
- A discussion with Mainstream Media is held with children on various child related issues
- Children group share their issues with the member of National Commissioner for Protection of Child Rights (NCPCR)

Involving community members

Establishing a community-based child protection system/mechanism has always been one of the initial and key objectives of Save the Children's work. Child Protection Committees are formed at the village level and have, typically, fifteen members, including PRI members, teachers, ASHA workers, *Anganwadi* (grassroot community workers) workers, community leaders, Bal Panchayat members, Self-Help Group (SHG) members and parents. Committee members meet twice a month with *Bal Panchayat* members to understand their problems and concerns, and take their opinion on protection of their rights. The Committee also works on issues like enrolment and retention of children in schools.

The rationale for establishing Child Protection Committees (CPC) is to empower community groups tasked with child protection to play a key role in monitoring, responding to and preventing child rights violations. The Child Protection Committees is village level committee which jointly take decisions in preventing child marriages in villages, with the consent of the village community. As soon as a marriage is reported, *Bal Panchayat* children and Child Protection Committees members visit the bride/bridegroom's family to persuade them to call off the marriage.

All Child Protection Committees are constituted of atleast 50% female members, in some cases more, and have at least three child representatives. Girls have typically been very strong and vocal members of children groups and have had a very positive role in encouraging more women to take up CPC membership.

Saying no to child marriage!



As a cultural practice, Sonadei Khora (12), a tribal girl from Gunjiguda village in Koraput district of Odisha was forbidden from continuing her studies. The reason? Yes, after attaining adolescence the girls in the community are supposed to get married, and are not meant to go out wandering. Her drunkard father was very keen of getting her married but Sona wanted to continue her studies.

The Child club of her village discussed the matter of Sonadei and tried to convince her father. They tried once, twice and thrice but were scolded and sent away every time. They finally decided to go to the Child Protection Committee (CPC) to intervene. The CPC consisted of some respectable members of the village and there was no way Sona's family wouldn't take it seriously. The CPC took cognisance of the Child club's complaint and issued a notice to Sonadei's father to attend the village meeting and warned him not to get her married before 18 yrs of age. The CPC also threatened him of filing a police case against him if he didn't pay heed.

The CPC and Child Club encouraged Sona to continue her studies. Individually the CPC members personally counselled her father as well. It was a difficult task but finally her father got convinced and allowed his daughter to continue her studies. This process took a few weeks but Sonadei is now quite convinced of her future and advocates against early marriage of girls in her community and nearby villages as well. In the 30 project intervention villages in Koraput, about 12 such cases of Child Marriage could be stopped and all these girls are now continuing their studies.

Multi-Sectoral partnerships

Save the Children's success in being able to dent the issue of child marriage in the project area is a cumulative impact of multiple levels of intervention with different stakeholders. The interventions are part of a comprehensive development approach, which includes building sturdy processes at all levels of the government, especially Departments of Women and Child Welfare, Panchayat Raj, Police and Education to constantly review the issue of child marriage and send a message that child marriage is against the law and unacceptable.

Various capacity building programmes with partners helped strengthen community mobilisation efforts, developing simplified programme guidelines, developing and rolling out monitoring and reporting mechanisms, improving staff efficiencies and programme delivery, continue expanding standby partners, increasing logistics capacity and innovative programming to tackle myriad local issues.

Gita decides her own destiny

Wearing a faded blue salwar-kameez, Gita looks like any typical teenager. Her braided hair is pulled back and held in place with a tiny rubber band and though her ears are bereft of earrings, her shy smile is enough to add a sparkle to her face. She tells her story sitting outside her tiny hut in her village in Khagaria district in the North Indian state of Bihar.

The first time Gita Kumari's mother suggested she get married, she thought her mother was joking. Only 14 years old, she had not yet finished school. Gita laughed at the suggestion. The second time her mother mentioned it, Gita told her she wasn't interested. Her mother did not relent.

Gita's father, Rakesh, was away in distant Bangalore, having migrated to earn a livelihood as a master mason to support his family on a daily wage of Rs 300. He was against Gita getting married, and had told his wife, Roopmati, in as many words. "She should be studying alongside her other sisters, not preparing for some joyous wedding ceremony," he told her over the phone. "My father was away at that time, and I missed him because he always supported me," Gita says.

"I was absolutely against getting married. I wanted to continue my education along with my friends." Thanks to the intervention of her friends from the Children's Group, Gita did not get married. Through the Children's Group, the matter was taken to the Child Protection Committee, and through timely intervention of the network, Gita's marriage was cancelled. Gita now wants to fight against child marriage and discrimination with all her might.

On the basis of learnings while implementing the programme, some of the recommendations from Children's Alliance are:

- Make education a priority and ensuring access for girls
- Connect adolescents at risk of child marriage to training and vocational opportunities
- Strengthen the role of community-based organisations - especially women and young people's organisations
- Strengthen participation of key stakeholders like children, parents, religious / community leaders and opinion makers, teachers etc.
- Train key government officials, judiciary and policy makers at all levels on laws related to child protection/child marriage to bolster implementation and enforcement
- Strengthen integration of child marriage /child protection programmes into government sector initiatives
- Encourage the establishment of adolescents' groups – safe spaces – where girls and boys can talk about sensitive issues
- Create linkages between adolescent groups and local leaders to ensure effective prevention of child marriage
- Promote voices of girls who have resisted child marriage for them to act as role model

Way Forward

As Child Marriage violate the rights of adolescent children and undermines efforts to achieve sustainable development, it is imperative to put in place progressive efforts to prevent child marriages in India by adopting an integrated approach where the process of changing social norms is supported by the availability of alternative opportunities for children, the creation of an enabling environment, and structural improvements including effective implementation of the legislation. Integrating efforts through child protection initiatives as well as children participation will help enforce and sustain momentum for shifting the deeply entrenched norms and practices which contribute to the high incidence of child marriages in India.

Evidence-based policy advocacy that informs decisions requires both qualitative and quantitative information on child marriage. Data should be up to date, reliable, and reflect the voices and of child brides. The current challenges of inadequate data must be acknowledged. Greater emphasis

needs to be given to prioritisation of disaggregated data pertaining to various child protection-related social norms and practices.⁸

Conclusion

Child marriage is bound to tradition; families and communities in India continue to hold steadfast to the practice because of unquestioning belief in ‘tradition’ and cultural dogmas.

While Save the Children interventions at the state and national level aim to change policies and legislation, it is at the local and community level, where traditions and customs reinforce child marriage that interventions aim to change attitudes and behaviour towards the practice.

Through the Children’s Alliance, Save the Children has been leveraging its strengths in networking, building partnerships and strengthening state, district and community level systems with increased efforts and sustainable initiatives, where children become the key stakeholder. The focus continues to be in ensuring that the rights of children, especially girls, are ensured and protected, with gender discrimination at the forefront of the agenda. However, the root cause continues to be the cycle of abuse and poverty which continues to fuel child marriages.

Interventions by Save the Children and its partners – across both civil society and government departments – focus on bringing about convergence of ideas and approaches to ensure that communities are adequately educated on the long-term effects of child marriage while exploring sustainable solutions to put in place.

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⁸ Child Marriage: Robbing Children of Innocence (Good Practices Document by Save the Children on Preventing Child Marriage in Bihar

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