



# TOWARDS ENDING CHILD MARRIAGE

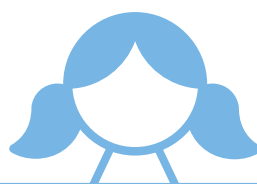
HAQ: Centre for Child Rights has been addressing the issue of child marriage since 2009, when the Ministry of Women and Child Development, Government of India asked HAQ to write a handbook for the implementation of the Prohibition of Child Marriage Act, 2006. However, it was only in 2012 that HAQ began its work on the ground to address prevention of child marriages through direct intervention. This is being undertaken in partnership in three states- with MV Foundation in Telangana (2012-2015); Jabala Action Research Organisation in West Bengal (2012-to present) and with Mahila Jan Adhikar Samiti, Rajasthan (2015- to present).

Child Marriage is an age-old custom in India. It has continued despite social reform movements and legislations against it. Over the years, along with culture “safety of girls”, “having to pay lower dowry for younger girls” have become additional reasons given to justify early marriage.

Child marriage has now come to be recognised as a violation of all human rights of children. While it has severe health and education implication, what has often not been addressed enough is the aspect of the child’s violation of the right to protection. Moreover, it has continued to be looked upon as a social evil instead of crime. Not surprising therefore that the Child Marriage Prohibition and Regulation Act, 2006, still remains unenforced in most of India.

While social attitudes and financial concerns are perceived as important reasons for the continuance of child marriage, there are other reasons that contribute to its existence in India. Despite the formulation of laws, implementation mechanisms at the state and district levels are weak and inadequate. In addition, lack of role clarity among different personnel, and the inadequate capacities of the personnel implementing the various laws and programmes, has led to the non-implementation overall. Inadequate capacity

**Roza Khatun from Murshidabad**, West Bengal is pursuing B.A. Honours in Physical Education and is the captain of the Football Team. She has managed to fight and escape being married off at 15 years. But hers is a saga of struggle that continues. Her parents have attempted to get her married five times but Roza has refused each time. She sought help from the local government officials and the police who counselled her parents. While she could fight her own battle she failed to save her younger sister was married off before turning 18. She says that she is still subjected to physical violence by her parents.



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girls are married before the age of 18

among government personnel has two sources. First, it may be due to an informational gap. Second, and more importantly, their actions may be guided by social norms, values and attitudes instead of only guided by constitutional norms and the law. This impacts social change. The experience in India has shown that mere legislation is not enough. While sensitized personnel are proactive in implementing their duties, there must also be mechanisms for checking that personnel may be proactive in discharging their duties as duty-bearers. Thus, a multi-pronged strategy of interventions targeting several levels of implementation and change is required.

Working with adolescent girls and nurturing them as leaders, and urging and strengthening government officials to implement the law and support the girls, has lent momentum to the initiative to prevent and stop child marriages by HAQ: Centre for Child Rights' and its partners Jabala in West Bengal, Mahila Jan Adhikar Samiti (MJAS) in Rajasthan. Today, adolescent girls like Roza and Hasina have become powerful allies who are at the forefront of the movement. Many even steer its course. They are active in stopping child marriages – their own and also that of their friends and peers, help girls re-enrol in schools and even take the lead in organising awareness programmes. Young men too are now a part of the initiative and have infused the movement with energy.

### What the married children have to say about their lives....

*I even called 1098...but all I got was voice that said 'wrong number'. I had no option but to get married as my older sister is married into the same house... If I had said "no" they would have sent her back with her three year old son... **Hasina, 12 years.***

*I wanted to study. My husband has quit studies. Since he is no longer going to school, I had to drop out too... my father-in-law says that that's how it should be in our family. When men quit, their women must follow. **Sharda, Married at 14 years.***

*I was very excited to be married. But one tends to lose interest in studies after marriage... life is pretty much ruined...parents put pressure to earn to be able to take care of my wife... **Punaram. Married at 12 years.***

*I used to play football. I was selected for training in Germany. Bobby would come and watch me play and we fell in love. He asked me to marry him. I said I will marry him after returning from Germany. But, he was very upset and threatened to commit suicide. I gave in despite my coach telling me that I will regret it. 2 days before I was to travel to Germany, my in-laws said-no more football. "Are you not ashamed to run around in shorts and jerseys? Girls must stay at home and take care of household chores"... and Bobby just stood there and watched supporting his parents. My coach's words pierce deep inside me.. I made a huge mistake... **Munni, Married at 15 years.***

## Intervention approach

The approach of the project is directed towards changing the attitudes of all stakeholders, and getting them to recognise and address child rights violations in general and child marriage in particular. It is based on identification and strengthening of existing systems, institutions or structures through building the capacities of the functionaries; strengthening institution building processes. Simultaneously, individuals, families and communities are empowered and mobilised to access governance mechanisms and hold them accountable.

The aim is to identify and strengthen the existing systems and not set up parallel institutions or structures. Communities are empowered and mobilised to access governance mechanisms and hold them accountable; they function more efficiently. The strategy is to enhance the existing state mechanisms to galvanise implementation of the existing laws on child marriage (by paying particular attention to the implementation of the Prohibition of Child Marriage Act (PCMA), 2006, and the Integrated Child Protection Scheme (ICPS) by strengthening of and collaborations between the existing legal and governance mechanisms; training of personnel at the district level and monitoring of their functions; identifying critical constraints in policy, programme and law; and instilling

accountability of the child protection systems.

Linking the children – especially the girls to existing government schemes and programmes is an integral part of this initiative.

In this context, a range of activities are undertaken. This includes forming or activating Adolescent Girls Groups (AGGs) and children's groups (Bal Mitras), interacting with male youth groups, sensitising the police, government officials, grassroot functionaries, political leaders, community leaders and religious leaders; public awareness through development and distribution of IEC materials, enactment of street plays and organising of community meetings, etc.

The community is involved to develop improved knowledge, attitudes and behaviour change related to child marriage prevention, and also to mobilise them towards a collective, that can take forward a large-scale and visible popular movement against child marriage by reducing its social acceptance.

## Our Theory of change

Child marriage is a violation of rights and children must be protected. Patriarchy and social norms remain the key drivers of child marriage. The 3S model is based on interventions at three levels in order to address and impact child marriage, namely: Self, Society and System. When the individual is empowered, at the societal level communities are mobilised, and mandated structures are activated and held accountable. Thus, through a harmonious coherence between these three levels, child marriages can be prevented. This requires skilful facilitation as well as certain processes and forums to ensure proper institutionalization and sustainability.

### The interventions are at multiple levels:

- Empowering children and adolescents (girls and boys) so that they can say no to marriage; make choices regarding education etc and also exercise responsible sexual behaviour
- Responding to calls for support from the children and adolescents. Help to stop a child marriage; provide support to a child who may have run away from home to escape marriage; help in accessing benefits from government schemes or support rehabilitation of a child who reaches out
- Provide legal support to a child who may wish to declare their under-age marriage void, a right provided in the Prohibition of Child Marriage Act 2006
- Sensitise and mobilise government functionaries and elected representatives at the local level to perform their role in preventing child marriage as well as protecting children
- Engage with parents, families, communities, religious functionaries, community leaders for normative change

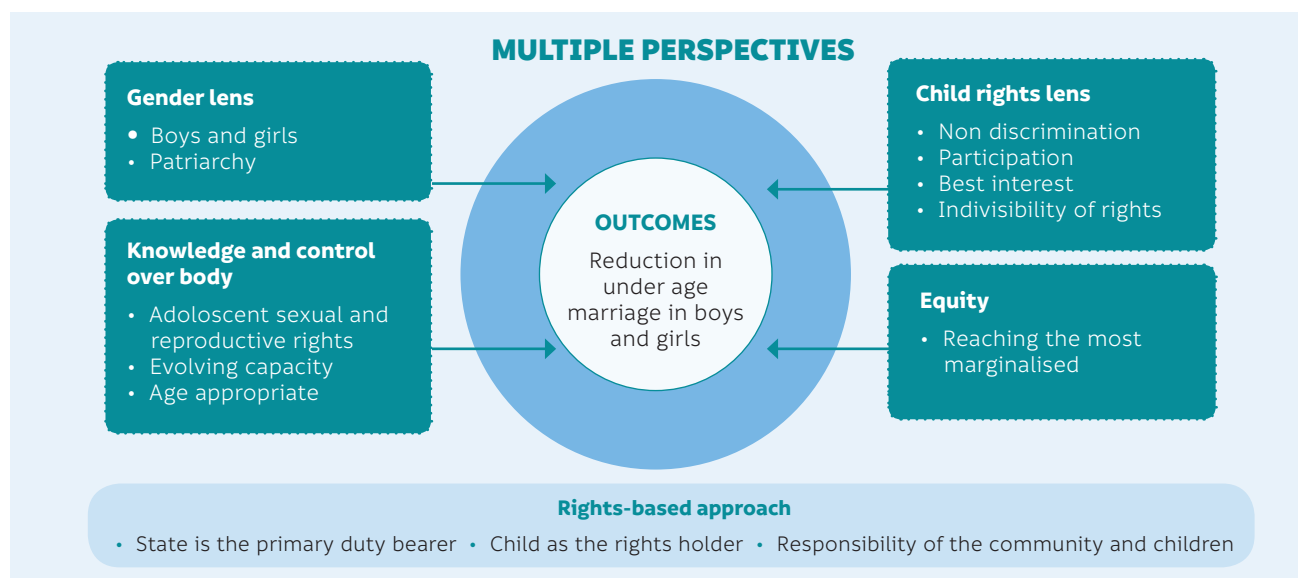
## A multiple lenses and multi-pronged approach

An understanding of child marriage cannot be separated from all the other institutions which together make up a society, often based on multiple axis of social inequality and disparity. These inequalities and disparities are deeply intertwined with socio-cultural norms and patriarchy. In this context, it is not easy to bring about a change. Change has its own risks, sometimes even bringing some pain to people involved. For example, when a child marriage is stopped, the girl is left behind in the same disturbed family, which makes the life of the girl difficult. Efforts need to be made to minimize the discomfort families undergo, even the trauma that girls themselves go through during an intervention. If marriages can be prevented, families supported, girls allowed to continue in education and is allowed to make life's choices, there can be some positive changes for the future in their lives. **Successful interventions must therefore adopt a wider approach**

**towards prevention of child marriage. It is not enough to only target child marriages.** Appropriate intervention demands large-scale structural efforts aimed at education, health, and poverty reduction to intensify outcomes in the prevention of child marriage and ensuring child protection.

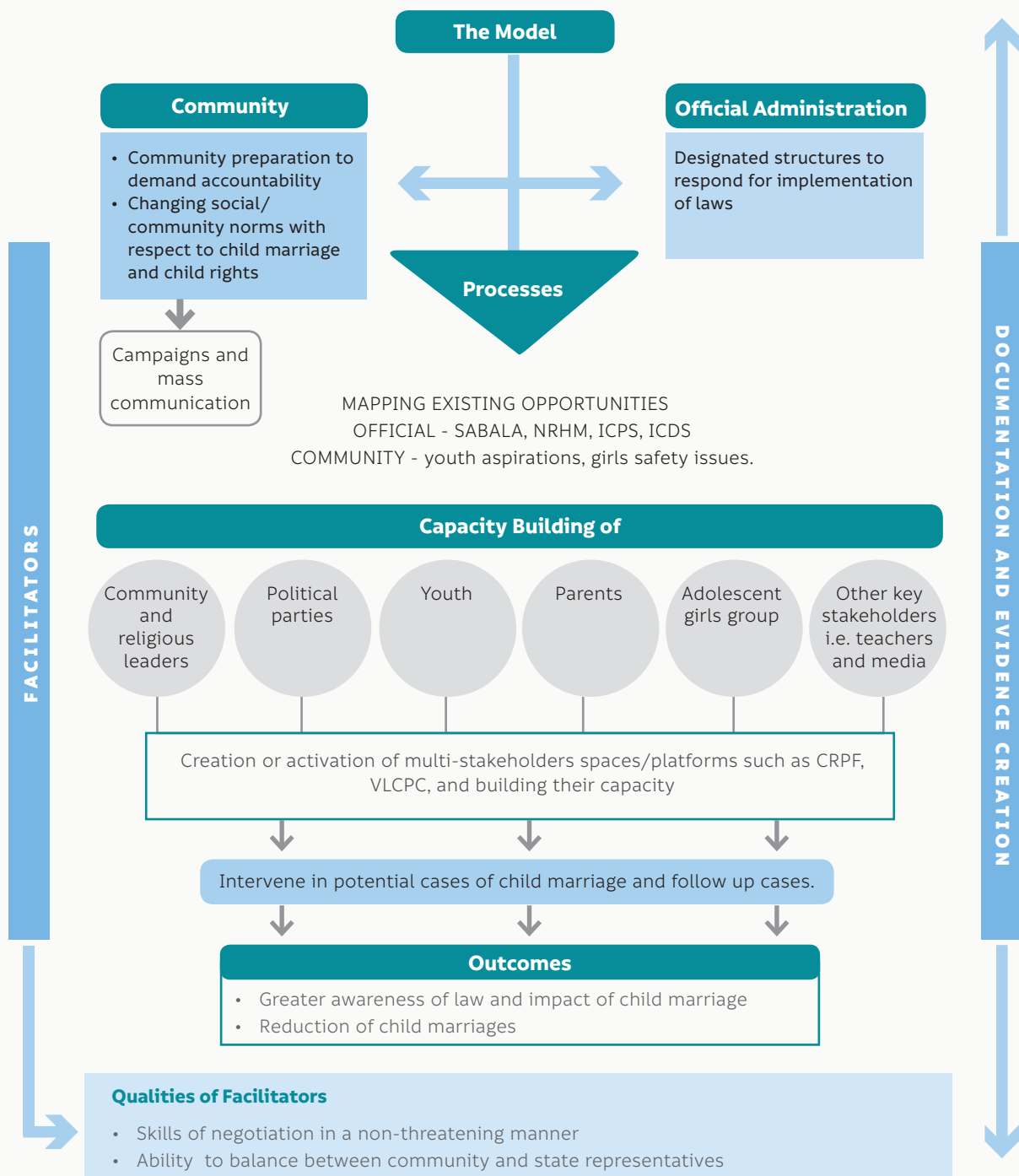
What is required is **sustained intervention from a multi-pronged approach**, identifying and, to the extent possible, **addressing the related issues.**<sup>1</sup> Any intervention model to be effective must have the ability to function within and across a comprehensive structure of multidimensional programmes and activities related to child protection and child rights.

<sup>1</sup> For detailed discussion, refer to HAQ's study on 'Prevention of Child Marriage: Impact on Girls', 2016. <http://haqcr.org/publication/prevention-child-marriage-impact-girls/>





# Model



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

Over the years the approach has been modified a little with the changes that have come in the ecosystem as a result of this initiative and also that of others. A new model has emerged that draws upon and build further on the model shown above.

The focus now is on all the “Triples”.

**Triple P** focuses on using the law as an tool to prevent and protect children from child marriages by focussing on the legal age and the illegality of the practice, as well as the

Prevention of Child Marriage		
<p><b>Triple P</b> (for using the law)</p> <p><b>P</b>revention <b>P</b>rotection <b>P</b>rosecution</p>	<p><b>Triple S</b> (for interven-tion)</p> <p><b>S</b>elf <b>S</b>ociety <b>S</b>ystem</p>	<p><b>Triple F</b> (for governance &amp; accountability)</p> <p><b>F</b>unds <b>F</b>unctions <b>F</b>unctionaries</p>

need for prohibition of child marriage. It also provides protection to the children who want to escape it, once they have been married and prosecutes adults who have violated the law.

**Triple F** focuses on the government functionaries who are entrusted with the duty of protecting children, ensuring child marriages do not take place through the functions or duties delegated to them. Funds or financial resources are essential for successful implementation of any initiative and prevention of child marriage is no different.

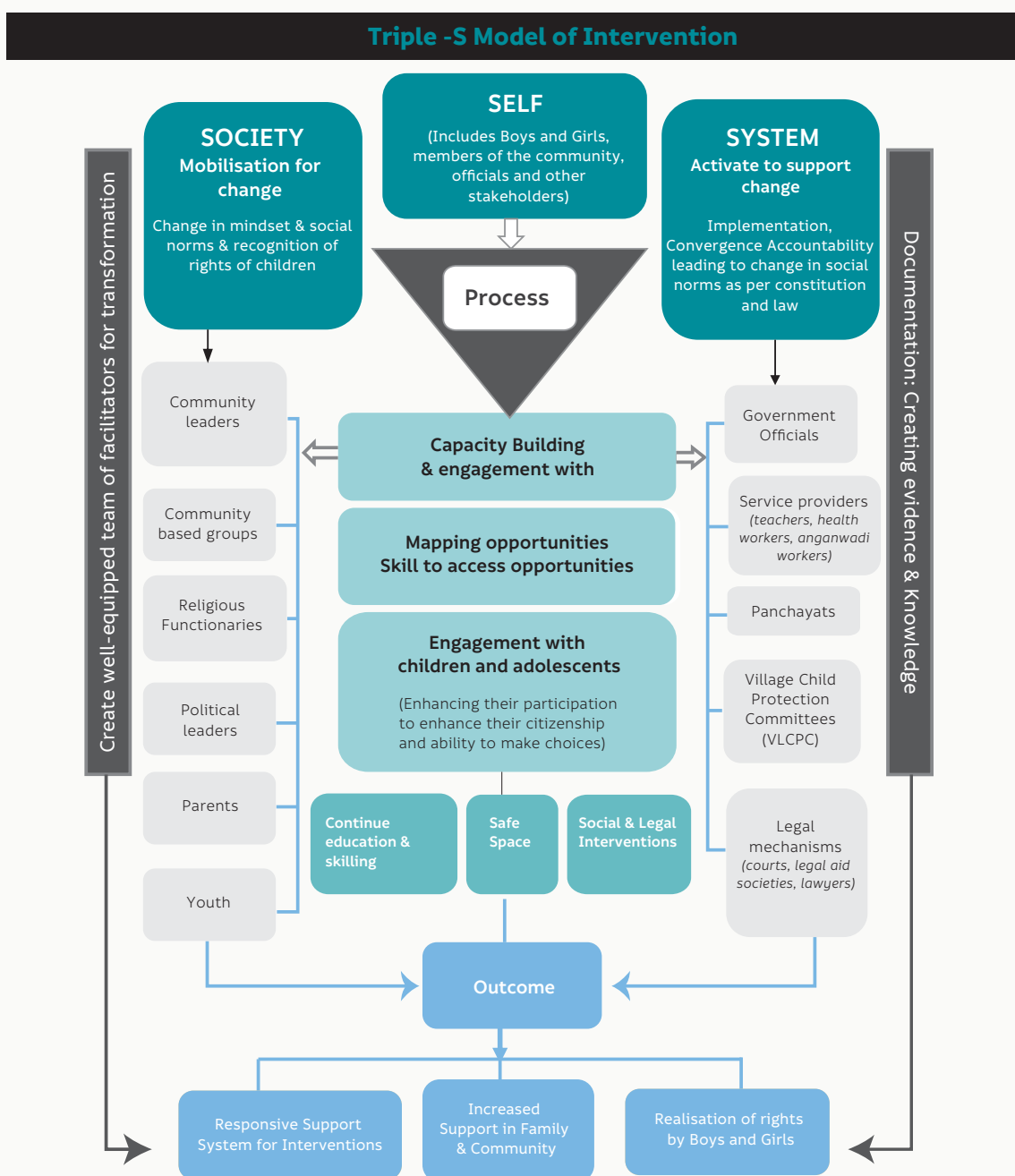
Government functionaries and elected representative in the project areas have now been ‘activated’ to perform their duties as per the law, whatever their own personal beliefs may be. Officials are using funds available to them to spread awareness and also to protect children who come to them or are brought to them.

But the centre piece of this initiative is **Triple S** which is designed for normative change at the level of:

**Self:** through focus on the individual, the self; changing attitudes and empowerment for all members of the community, children as well as adults, as well as the functionaries who are also bogged down by the same cultural mores;

**Society:** through changing attitudes and practice in all societal institutions-religious institutions women’s groups, youth groups or even caste panchayats (that continue to exist) cultural groups.

**System:** The system includes a wide range of actors from across fields- Panchayati Raj System, education system, health system, child protection system etc.



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## The result

The number of marriages registered with Panchayat Secretaries/Village Revenue Officers (VROS) has increased in intervention areas. Imams and purohits refused to solemnise marriages without birth certificates and advocated for late marriages through their Friday namaaz and speeches, home visits, putting up signages outside their homes, and also by influencing their colleagues.

Improved responses from local officials at the district, block and panchayat levels in creating awareness on prevention of child marriage as well as their active participation in intervening in stopping them has been a positive outcome of this project. This is particularly heartening when it is in response to a plea from young girls themselves. It shows that they are listening and responding.

What is even more heartening is to see the spill over impact of these interventions in the neighbouring non-project villages. There is increased reporting as well as intervention witnessed in them too.

Between 2012-2014, 261 interventions to prevent child marriages had been made in the two states – West Bengal and Telengana. A follow-up study was undertaken to assess the impact of interventions to prevent. For this a sample of 38 cases (10 % sample) were followed up. The results show that of the 38 cases, in 28 cases, the marriages could be prevented. In the remaining 10 the efforts proved unsuccessful. What is heartening is that except in the case of 8 girls, in all the others (52 per cent) the girls were able to continue with their education, including the 2 girls who had dropped out before their weddings had been fixed. They re-enrolled in schools once the intervention to stop the marriage had occurred. That underage marriage has long-term consequences on the

lives of girls is proven by the facts that 3 of the 10 girls who were married are now deserted, that 3 of the 10 girls have already experienced pregnancy, and that 2 are mothers, including two among the three who were deserted. Of these, one had a still-born baby and the other continued to have health complications after giving birth.

In Rajasthan, with growing awareness amongst the girls, they are taking leadership in the campaign “Child Marriage No Never..... Without My Consent Never Ever”; they play football in the ground wearing shorts-T shirt, and their school results are improving significantly.

They are using childline 1098 for seeking help to stop child marriages. For those who wish to end their child marriages, this is proving to be a huge challenge as the mechanisms for this are not clear even to the judicial system. The married girls find themselves in family courts with divorce petitions, instead of applications for declaring marriages null and void, with the judge advising them to continue in the marriage!

What is also evident is that the girls whose marriages are prevented need some degree of emotional, moral, and financial support to be able to continue with their studies and their lives in a normal way. It is important that their families do not treat them as a burden and that their own community and the larger society does not stigmatise them. To ensure this, the families and wider communities need to be sensitised and made part of the changemaking process. There has to be a much more robust legal system in place for girls seeking to implement the law in their favour.

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## Restraining factors

While communities have been engaged to be part of the solution, social pressures are so overbearing that people find ways to circumvent the law and fudge birth records. Interventions hence need to be designed keeping social determinants in mind. Systems and structures that the communities trust must be evolved. Awareness-raising initiatives among the communities must keep target groups in mind. Faith-based leaders have been effective change agents and their roles must be expanded, while keeping in mind the conflicting role they play in embedding negative social attitudes and practices. And there must be support for human rights defenders, especially those who face threats. There is discomfort with the idea of community members being ‘informers’ or ‘whistleblowers’ as it often results in tension and mistrust.

While the fear of law has proved effective, merely enactment of laws will not solve the problem. Until men’s

and women’s belief that child marriage is challenged and changed, the problem will continue.

Likewise, while adolescent girls are at the nucleus of this initiative and have stopped many child marriages, there is still a strong need amongst them for nuanced sensitisation on the issue. There is an acute need to pay attention to instilling systemic procedures for re-enrolment in schools and rehabilitation procedures and processes for girls whose marriages are stopped. High-priority attention is also needed for building hostels, rolling out vocational courses and colleges for higher education. It is equally important in reaching out to boys at a young age to encourage equitable gender attitudes and norms so that they can be allies in preventing child marriages and becoming change agents within their communities.

## Challenges

The work over the last five years have thrown up some very significant challenges. Despite we are engaging in debates and dialogues with the larger networks and direct intervention with communities and challenges remain. These challenges are:

**‘Centricity’ of marriage:** Over the years, some communities have understood that child marriage is prohibited by law. Few others have recognised the fall-outs of child marriage on girls. Hence, child marriages maybe postponed or stopped till the girls turn 18 years because of request from the girls themselves or because of intervention from outside. Many a times, if the marriage has already taken place, ‘*gauna*’ (sending of girl to the in-laws home) is postponed. However, the importance of marriage as an institution, which is essential for girls and boys at an early age, remains. Families, and in most cases the girls themselves, continue to believe that there cannot be a life without a marriage. Hence, while some may negotiate for being able to continue education after marriage, they agree to being married soon after they turn 18 years. There is not enough attention given to ensuring that a girl is financially independent before being married off.

**Protection vs. Protectionist:** For many parents, child marriage itself emerges as a way of protecting their girl children. However, our experience with implementing interventions in such a setting shows that it is important to work with this notion in order to turn this argument on its head. Interventions need to demonstrate to the communities how girls may in fact be left unprotected by child marriage. Thus, a dialogue is required to clarify the difference between these two frameworks. At the same time there is need to acknowledge the agency of children in exercising their rights. Instead of setting restrictions, it is important to facilitate the choices and decisions children make at different points and within different worldviews in their lives.

**Child rights vs. Women’s Rights:** Child marriage has always been typically addressed either as a women’s

issue or a health and reproductive rights issue. On the other hand, there is very limited recognition of child marriage as a violation of rights. Thus, there continues to be an ongoing debate between women’s rights activists and child rights activists on the appropriate approach towards targeting child marriage. Several women’s rights groups insist that child rights groups are rigid and are not recognising agency of young people, especially adolescent girls and their right to sexuality. In working to prohibit child marriages they are taking away the choice of young people to be together. Indeed, these women’s rights groups believe that child rights activists are being prescriptive and ‘protectionist’.

Child rights groups believe that it is high time that child marriage is seen as a violation of basic rights of children, especially right to protection, ensuring safety and security. This is based on extensive studies on impacts of child marriage and what children themselves have to say about; human rights principles of indivisibility of rights, but with right to protection of children from under-age marriage being the centre-piece. It is also based on the principle of best interest (given the huge body of evidence on the impact of child marriage in India and globally) and the premise that children’s agency must be recognised, age appropriate information provided to them and their participation sought.

The need to prevent child marriages is also located within the recognition of addressing sexuality and sexual needs of children and adolescents, while addressing appropriate and responsible sexual behaviour. However, while recognising that consensual sexual activity between children must not be criminalised, child rights groups also address the impacts of child marriage and work to prevent it – as a cultural or normative practice by discouraging children from getting married on their own. Child rights groups also hold adults who continue to marry off children accountable.

*16 year old Garima fell in love with Ashish and eloped. One and a half years into the marriage she found herself faced with extreme violence, a child and alone. “Everything was fine at first- we loved each other. But, love is all very well. People in love must understand what it means. It felt so good to be loved and I dreamt of a home to call our own like in the films. But only a few months down the road dreams began to cave in under the pressures of our circumstances...”*

**Garima, now 18 years. West Bengal**

*“Even if a few girls do elope now and then, let’s also ask why? It’s not just about being madly in love. Families keep daughters imprisoned within the walls of their homes. Do they even ask what she thinks or what she desires? Then maybe the girl falls in love with someone with whom she thinks she can share her innermost thoughts If families cared to understand their girls, they would realise that a young woman’s world cannot be limited to her yard and home. If that were not the case...she would not run away and be married...”*

**Ayesha, 15 years. West Bengal**

## The road ahead

Organisations must broaden their roles and facilitate the institutionalisation of processes within the administration. The work of the different officials (Block Development Officers and the District Magistrates/Collectors) areas need to be systemically facilitated, and their work showcased, rewarded and documented.

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

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

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

Besides adolescent girls, working with boys in their roles as husbands, brothers, fathers as well as citizens and possible leaders should be treated as indispensable. Transformative masculinities should be nurtured, so that boys and men begin to respect women and girls as equals. Boys should also be empowered to hold their own when pitted against elders and community leaders. Intergenerational dialogues on prevailing social norms and aspirations of the young people should be held.

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



### Available Resources

- Film: "Come Together"- A short film that highlights the importance of joint action
- Film: 'I Will Prevail' - stories of eight women and girls who fought against their child marriage. (4 minutes and 27 minutes versions)
- Exhibition: 'Kacchi Mitti, Iraade Pakke' (Unbaked soil, But strong resolve) - A photo story of 27 posters focussed on girls' struggles against child marriage.
- Booklets: Child Marriage, No Never: Without my consent, never ever - 15 stories from Rajasthan, 12 stories from West Bengal.
- Research Study: Impact of Child Marriage on Girls
- Global Scoping Paper on Child Marriage – prepared as part of an on campus collaboration with students of Macquarie University, Sydney, Australia.



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