India Alliance for Child Rights (IACR) **INDIA CITIZENS’ COLLECTIVE CHILD RIGHTS REVIEW, AUDIT & REPORTING (2002-1013)**

**Ref: Early and forced marriage of children: Context: INDIA**

1. **News Flash**: India has reportedly refused to sign the new UN-led resolution on ending ‘early and forced marriage of children.’ (See the attached scanned news report from the Indian Press/TOI).
2. **Comment**: This report appears to refer to the September 2013 24th Session of the UN Human Rights Council. The available record of the actual Council proceedings indicates that India took the view that reduction in poverty will have the effect of eliminating early/child marriages. 2.a. This raises a question: over the past 10-15 years, India’s official statistics show poverty registering a visible decline. But in the same period, the incidence of child marriages has fallen by only 1 per cent.
3. **Note 1**: The “Children’s India” alternative country report and update on the UN CRC has strongly questioned the persistence of child marriages.
4. **Supplementary Notes:**

-India has the world’s highest number of child brides (about 24 million, representing 40% of the world’s total of 60 million child marriages). - Available statistics: **The official figures vary**. National Family Health Survey III ( NFHS of 2005-06): ‘around 46% ‘ of women in the age group 18-29 years were married before reaching the age of 18 years. District Level Health Survey (DLHS of 2007-08) 46% of women aged between 20 and 24 years were married before reaching the age of 18 years. - The 3rd/4th Periodic Report : See Chapter 3B.5.1/para 69. It claims a reduction from 50% in 1998-99 to 44.5% in 2006. It says the median female age for marriage in the in the 20-49 years age cohort, rose from 16.78 years to 17.2 years from 1998-99 to 2005-06. This cohort does not match other more limited age ranges which are also officially used and cited.

- Figures for males are not readily available. NFHS-III (2005=06) data show the median age of marriage for rural girls in 16.1 years, while that for rural males is 21.5 years.

- Another data set for 2002-07 states that girls married before age 15 are 18% of the age cohort 20-24 years, and girls married before 18 years are 47% (in the same cohort).

- Lack of registration of marriages may be one major reason. Registration is compulsory under the national law (since 2005), but many state governments have not framed their rules for implementation.

**India’s public position:**

There are many anomalies.

- The Eleventh Five-Year Plan (2007-12) recognised ‘everyone aged below 18 as children,’ and on the specific issue of child marriage called for ‘compulsory registration of marriages, and verification of age at the time of marriage.’

- The 2005 National Plan of Action for Children, with targets for 2010, pledged “complete abolition of child marriage.” It did not say how. - - -- The new National Strategy Document on Prevention of Child Marriage (February 2013) positions itself as a strategy to “curb child marriage.” It says ‘child marriage deprives a child of the basic right to good health, nutrition and education’ … ‘has a strong physical. Intellectual, psychological, and emotional impact, cutting off educational opportunities and chances of personal growth.’ It admits that in spite of laws forbidding it, early marriage of both girls and boys persists, and is still widely accepted. It calls for progressive preventive effort. It suggests an integrated approach, which can offer “alternative opportunities.” It speaks of girl child-specific district plans in the Twelfth Five Year Plan (2012-17). It declares its goal: “to accelerate the decline in the incidence of child marriage in the next decade.” It is circulating for comment. - This strategy sets a target year of 2023 for reducing child marriages, not ending them.

- The Strategy seems to be promotive in character, suggesting efforts to change mindsets.

- The document cites the Prohibition of Child Marriage Act (PCMA 2006), and calls for its enforcement. This sits oddly with the declared aim of reducing incidence through persuasion. - The new National Policy for Children, adopted in April 2013, somehow fails to declare anything like national commitment to ending child marriage. It only has a provision to help married children. (An earlier official draft text promised an end to child marriage ). -A 2013 draft for a National Plan of Action to Prevent Child Marriages in India -- given an official hearing this year, is circulating. It acknowledges a problem. It speaks of child marriage as “a real and present threat to the human rights, lives and health of children, especially girls.” It reports efforts to “curb the practice.” It cites punitive measures set in place. This draft National Plan sets seven objectives: - To enforce PCMA; to improve access to quality education and other vocational opportunities; to initiate programmes that enable community mobilization and outreach to change social norms and attitudes; to build skills and capacities of adolescent girls and boys; to collect data, initiate research to inform programming and interventions; to develop monitoring and evaluation systems for measuring outcomes; to improve coordination, communication and monitoring among those involved in the implementation. **Note:** Meanwhile, India is a declared party to a commendable South Asian inter-governmental commitment to ‘enforce legislation banning forced and early marriage.’ [South Asia Initiative to End Violence Against Children (SAIEVAC), a collective pledge of the 8 countries linked together in the South Asian Association for Regional Cooperation(SAARC).

MANY QUESTIONS ARISE: WHERE DOES INDIA REALLY STAND ON THE ISSUE? WHAT DOES THE GOVERNMENT REALLY INTEND? HOW WILL THE SEVEN MEASURES SAVE THE MANY CHILDREN BEING TRAPPED IN EARLY AND FORCED MARRIAGES TODAY? IN PERSUADING COMMUNITIES TO ABANDON BAD OLD HABITS, HOW LONG MUST CHILDREN AWAIT THEIR RIGHTS? WHAT MUST BE DONE BEFORE 2023?

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New Delhi, India: 14th October 2013.