

SEVEN STEPS TO STRENGTHENING LEGISLATION, POLICY AND PUBLIC FINANCING TO END CHILD MARRIAGE

BACKGROUND AND PURPOSE

The United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF) Global Programme to End Child Marriage (the Global Programme) works with governments, civil society and partners to advocate for and support practical actions to end child marriage and promote gender equality and the empowerment of girls and women.

This brief explains the 'what', 'how' and 'why' of the Global Programme's technical support and advocacy for evidence- and rights-based legislative and policy reform, and public financing.

These seven steps promote a common understanding of key concepts and provide practical examples of partnerships with governments and civil society organizations to promote legislative and policy reform as well as public financing to help end child marriage. Their execution relies on the leveraging of existing institutional mechanisms and support for UNFPA and UNICEF country office teams to ensure operationalization of legislative and policy reforms.

The information presented here is evidence based, informed by promising practices from the Global Programme and its many partners, including Girls Not Brides, and its member organizations. The end goal of this brief is to facilitate the exchange of knowledge and good practices for application in Phase II of the Global Programme; in so doing, it provides a public good to countries beyond the Global Programme.¹

DEFINING CONCEPTS

Advocacy is the deliberate process, based on demonstrated evidence, of directly and indirectly influencing decision makers, stakeholders and relevant audiences to support and implement actions that contribute to the fulfilment of children's and women's rights.² For this note, the term 'advocacy' encompasses all advocacy and policy dialogue conducted by UNFPA and UNICEF within and outside the United Nations system, and the support provided to civil society organizations, media and communities to advocate for the exercise of their human rights.

Legislative reform aims to amend laws to align with international standards based on relevant globally agreed human rights treaties. Laws related to child marriage include not just the minimum age of marriage for girls and boys, but also legal guarantees of the rights

of married, widowed and divorced girls and adolescent mothers, including their right to education and to sexual and reproductive health, as well as reforms of dowry, bride price, inheritance and custody laws.

Policy reform to end child marriage uses relevant data and research to reform policies that can have an impact on preventing child marriage or mitigating its impacts, such as those related to child protection and family welfare, education, and adolescent and youth policies, including those related to sexual and reproductive health and rights. These policies articulate a country's commitment both to promoting the well-being of girls and boys and protecting them from harmful practices; they are often accompanied by thematically focused national strategies or frameworks.

A national strategy (or strategic framework) to end child marriage is a high-level document that outlines a vision for ending child marriage and provides strategic directions for multisectoral and multi-stakeholder action.³

A national action plan (NAP) is a detailed document outlining the specific actions required to fulfil the overall strategic goals of a national strategy and sets out the structures, coordinating mechanisms, processes and roles of various stakeholders in executing a NAP. Strong NAPs are costed with budgets and accompanied by a monitoring and evaluation framework, foundational for tracking allocation of resources across different sectors.

Public finance management refers to the way or the budget process by which governments manage public resources – revenue and expenditure – and the impact of such resources on the economy or society. **Public finance for children** is aimed at influencing the mobilization, allocation and utilization of domestic public financial resources for greater, more equitable and sustainable results for children. These may include general revenues, on-budget overseas development assistance and private sector financing.⁴ Inherent in public financing is **gender-responsive budgeting**, which ensures that the needs and interests of individuals from different social groups (gender, age, race, income, ethnicity, location) are addressed in expenditure and revenue policies.⁵

Accountability is a cornerstone of the human rights framework, itself a system of norms that governs the relationship between 'duty bearers' in authority and 'rights holders' affected by their actions. It has three dimensions and refers to the obligation of those in authority to take *responsibility* for their actions, to *answer* for them to those affected, and to be subject to some form of *enforceable* sanction if their conduct or explanation is found wanting.⁶

KEY STRATEGIES

The Global Programme leverages existing institutional mechanisms and partnerships to advocate for and operationalize legislative and policy reforms, and to advocate for the mobilization of public financial resources to end child marriage.

Key strategies for governments and civil society actors to ensure effective legislative and policy reform and sustainable domestic financing – with support from the Global Programme – include:



1. Identify priorities for legislative and policy reform

- ✓ Identify at the national level the specific laws and policies to be changed in order to fulfil entitlements of children and adolescents to their basic rights and to foster positive gender norms and beliefs.⁷
- ✓ Analyse the political environment in order to understand the public agenda (what matters to the people) and agenda setting by the media, and how these may contribute to the envisioned legislative reform.⁸
- ✓ Conduct political mapping to identify opportunities offered by the political and legislative agenda, given the interests of different parties, the key actors, and the distribution of powers.



2. Take a comprehensive approach to advocacy

- ✓ Strengthen institutions for capacity-building and increasing will and knowledge among relevant actors.
- ✓ Map the resources available to all the allies in achieving change, both human and financial.
- ✓ Implement the strategy for political change using tactics such as social mobilization, information, education and communication, using public relations agents, and partnering with the media.
- ✓ Maintain accountability by ensuring participation, monitoring and transparency.⁹



3. Be inclusive and build consensus

- ✓ Consult and engage sensitively with all stakeholders – civil society organizations (particularly those defending children's, women's and youth rights), parliamentarians, media, academics, etc.
- ✓ Develop context-specific strategies to build consensus¹⁰ and pre-empt backlash.¹¹ An advocacy coalition approach to policy development allows for inclusive contributions,

takes a pragmatic approach to polarizing issues debates, allows sharp differences of opinions and views to be expressed on social issues, and is bottom-up, bringing the different stakeholders together on common ground.

- ✓ Support social accountability by partnering with stakeholders for implementation, monitoring and feedback.

*In **Mozambique**, the Global Programme supported extensive youth participation and used a human rights mechanism – the Universal Periodic Review – as a platform for legislative and policy change at country level. As an advocacy outcome, the government accepted the recommendation of repealing legislation that required the transfer of pregnant girls to night schools, and ensured that pregnant students do not face restrictions in their access to education. After establishing a committee with the Minister of Education, the Parliament passed decree 435/2018, revoking the existing decree 39/2003 that had been in violation of the rights of pregnant girls.^{12,13}*



4. Ensure legislative and policy reform is based on evidence and international human rights standards

- ✓ Identify data and evidence to support evidence-driven reform processes. For example, by demonstrating the inverse linkage between secondary school completion and child marriage, arguments can be made for guaranteeing the right to secondary education as a means to ending child marriage.
- ✓ Ensure that laws and policies related to marriage and linked domains are in compliance with the human rights principles of equality and non-discrimination; for example, setting the same minimum age for marriage of at least 18 for both women and men, or ensuring both women and men have the right to divorce.¹⁴
- ✓ Ensure that laws and policies follow the human rights principle of participation, where all people are rights holders and should be able to participate in and access information relating to the decision-making processes that affect their lives and well-being. For example, girls and boys have the right to self-determination when it comes to marriage.
- ✓ Ensure that laws and public policies fulfil the obligation to respect human rights, i.e., no state entity may violate human rights, through either action or omission – such as when no minimum age for marriage has been specified.
- ✓ Ensure that laws and policies fulfil the obligation to protect, i.e., state entities should prevent private entities such as companies, unions, individuals, religious groups and associations from violating human rights – such as when states fail to protect girls from the discriminatory effects of marriage under customary practices and religious laws.^{15,16}

In **Southern Africa**, the Global Programme has supported the development and implementation of the **Southern African Development Community (SADC) Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage** adopted by the Plenary Assembly of the SADC Parliamentary Forum. This model law provides guidance to parliamentarians; policymakers; key ministries such as justice, health, social protection, education and labour; and other stakeholders in SADC Member States, as they develop effective national laws to end child marriage and address inconsistencies in their current legal frameworks. The model law is based on international and regional human rights instruments and standards that address basic rights and interventions related to ending child marriage, such as the right to health, education, social protection, birth registration and marriage, etc.^{17,18}



5. Ensure appropriate implementation mechanisms are identified and utilized

- ✓ Ensure that legislation and policies identify specific implementation and accountability mechanisms. For example, in trying to ensure gender-transformative education, policies may specify that the curriculum department of the Ministry of Education should ensure that all educational institutions incorporate principles of equality and equity into their curricula – through life skills and comprehensive sexuality education, and by promoting girls’ participation in sports and in subjects where they may be underrepresented, such as science or math.
- ✓ Tackle the institutional and programmatic changes that legislative and policy reforms should bring about.¹⁹ In some contexts, this could lead to developing NAPs to end child marriage or strengthening existing policies, budgets, regulations, protocols and guidelines on child protection, adolescent sexual and reproductive health, and education.
- ✓ Incorporate citizen participation in application and monitoring of public policies to improve effectiveness and sustainability.

In **India**, the Global Programme supports the implementation and evaluation of the centrally sponsored **Scheme for Adolescent Girls (SAG)**, implemented by states. The Scheme is focused on improving the health and nutritional status of out-of-school adolescent girls in particular, and helps them return to school and benefit from public services. For its implementation, the Scheme identifies at least 10 levels of responsibility from centre to state, district, project and village level. A challenge faced by many central schemes in India is that the use of central funds for recruiting ‘permanent’ cadres is restricted, thus leading to shortage of qualified staff for implementation. Future reviews of this and other schemes such as **Beti Bachao, Beti Padhao** will be focused on ensuring that the policies can be designed to overcome such challenges.

In **Zambia**, the Global Programme supported the development of **Zambia’s National Strategy on Ending Child Marriage (2016–2021) and their five-year costed national plan of action**. Two priority districts in Zambia have also launched their own district plans of action and developed costed multisectoral operational frameworks to guide implementation.²⁰



6. Promote sustainable public financing

- ✓ Ensure sufficient resources are allocated for adolescent girl-focused policies and programmes, leveraging funding from relatively better-resourced programmes such as girls’ education.
- ✓ Improve efficiency of such programmes through timely disbursement and by reducing leakages (diversion of public funds to unrelated purposes or populations).
- ✓ Improve effectiveness through results-based budgeting and value-for-money approaches.
- ✓ Improve equity through resource distribution, ensuring greater attention to marginalized adolescent girls at national and subnational levels.
- ✓ Ensure citizen and civil society organizations – particularly child rights’, women’s rights and youth organizations – are empowered to participate in, influence and monitor public budgeting.²¹

In **Bangladesh**, the Global Programme supported a **Scoping Analysis of Budget Allocation in Ending Child Marriage** in order to understand the size and proportion of budget allocations that are being made to programmes and projects critical towards ending child marriage. UNFPA, UNICEF and the Government of Bangladesh understand that the success of child marriage-related initiatives “largely depends on adequate public investment, and a comprehensive financial management system to ensure efficient use of resources”.²²



7. Support tracking mechanisms, including monitoring and evaluation systems and processes

- ✓ Ensuring policies have reasonable time frames for implementation – and with the option to revisit, review and update in the medium term – can create the space for experimentation and learning. The goal is to find local solutions that are sustainable, realistic and legitimate to all stakeholders.²³
- ✓ Consider evaluating the impact of legislative and policy changes through qualitative as well as quasi-experimental methods, such as (a) regression discontinuity design (where there are clear cut-offs in defining benefits and entitlements); (b) natural experiments (where there is staggered roll-out of policies by region).
- ✓ Promote political accountability by creating multisectoral and multi-stakeholder accountability mechanisms.

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