

## **Effective Policy Making: Data Transparency and Child Marriage**

Every day 37,000 girls around the world are married under the age of 18.<sup>1</sup> A large concentration of these marriages take place in South Asia which has the highest rates of child marriage in the world, with almost half of women in the region married before they are 18 despite the fact that the practice is illegal in most nations in the region.<sup>2</sup> As new programs and laws are crafted to address this long standing issue, it is important to assess the role of data and data transparency in shaping new initiatives, policies and laws.

The United Nations Children's Fund (UNICEF) cites factors such as poverty and local and religious customs as common causes of child marriage around the world. In addition, social perceptions of child marriage as methods for providing girls and families protection, honor and monetary opportunities are also common.<sup>3</sup> These factors contribute to the creation of a societal culture which accepts the practice of child marriage and as a result there is often reduced reporting of instances of child marriage as well as reduced consequences, if any, from legal actors.

Common approaches to preventing and eradicating child marriage include education and awareness campaigns that work through both grassroots and top-down approaches to spread information regarding the dangers and consequences of child marriages. These campaigns often involve conversing with groups, community leaders and local advocates for the practice in order to alter mindsets and thus social perceptions and culture. It is now the norm for institutions, non-governmental organizations and civil society actors to design these programs in a manner that enables data collection, analysis and sharing. These practices in turn facilitate more educated and effective approaches to policy and program making. But if organizations such as the United Nations and Save the Children are held to a high standard when evaluating and reporting on their programs and policies, why aren't governments and their associated bodies? Why is data not heralded as a more effective resource and a legitimizing tool when amending and molding new laws and policies?

Take the Government of Bangladesh as an example. In February 2017 the Parliament of Bangladesh replaced the 1929 Child Marriage Restraint Act with a new version of the Act which included a provision which permits underage marriage during "exceptional" circumstances, which are defined as circumstances where the marriage is considered in the interest of the child

---

<sup>1</sup> International Women's Health Coalition, "The Facts on Child Marriage," International Women's Health Coalition, <https://iwhc.org/resources/facts-child-marriage/>.

<sup>2</sup> International Women's Health Coalition, "The Facts," International Women's Health Coalition.

<sup>3</sup> UNICEF, "Child Protection," UNICEF Data: Monitoring the Situation of Children and Women, last modified February 2017, <https://data.unicef.org/topic/child-protection/child-marriage/>.

in question.<sup>4</sup> The provision was added as a response to numerous instances of underage girls facing stigma fueled consequences for accidental and unlawful pregnancies while unwed and sought to provide these girls with increased protections under the law. The provision emerged as controversial however, as critics claimed that it encouraged further child marriages and created opportunities for abuses of the law, especially given the vague explanations the law provided for “exceptional” circumstances.<sup>5</sup> In this instance the use and transparency of data would be transformational. If the Government could demonstrate that the provision was based on factual, legitimate data, as opposed to good intentions, it would significantly alter and develop the discourse surrounding the merits and risks of the provision. If a recommendation put forth by an institution or civil society organization was faced with similar criticisms, their first response would be to legitimize their rationale with data and concrete findings. Why is the expectation any different for governments and law makers?

Spandana Singh was a summer researcher at Bangladesh Legal Aid and Services Trust. She worked on projects related to labor rights, child marriage and legal reforms related to women’s rights in South Asia.

---

<sup>4</sup> Shyikh Mahdi, "Child Marriage Restraint Act 2017: A Brief Review," The FutureLaw Initiative, last modified February 27, 2017, <https://futrlaw.org/brief-review-child-marriage-restraint-act-2017/>.

<sup>5</sup> Rohini Alamgir Afrose and Jahan Chaity, "Child Marriage Restraint Act 2017 to Practise No Restraint," *Dhaka Tribune* (Dhaka, Bangladesh), February 28, 2017, <http://www.dhakatribune.com/bangladesh/law-rights/2017/02/28/child-marriage-restraint-act/>.