



Influencing Policy to Reduce Child Marriage in India: Reflections from Young Lives

Kath Ford and Dr Renu Singh



Introduction

In October 2017, India's Supreme Court issued a landmark judgement ruling that a man who has sex with his wife where she is less than 18 years old, is committing rape. Evidence from Young Lives longitudinal data and national census analysis by the Young Lives India team contributed directly to this important change in the law, aiming to reduce child marriage. In June 2020, the Government of India established a task force to consider increasing the legal age of marriage for women from 18 to 21 years of age. Young Lives evidence is again making an important contribution to this debate, at a time of huge social and economic upheaval caused by the COVID-19 pandemic.

In this latest Young Lives Insights Report, Dr Renu Singh, Young Lives India Country Director, discusses why she continues to work so passionately on addressing child marriage, how longitudinal research can influence policy change and what the potential impact of the current COVID-19 pandemic might be on levels of child marriage. Renu is in conversation with Kath Ford, former Young Lives Programme Manager.

Reflections on

- how mindsets are changing in relation to child marriage in India.
- the potential impact of COVID-19 on child marriage.
- responding to political opportunities for change, and ensuring research is accessible and targeted to influence policymakers.
- the importance of understanding why child marriage occurs and measures to support vulnerable communities.
- mitigating the risks of backlash to changes in legislation.
- potential new legislation to increase the age of marriage to 21 for women.

Kath Ford: What makes you so passionate about addressing child marriage in India?

Renu Singh: On a personal level, I was married off at the age of 19, through an arranged marriage, and I've always felt that this shouldn't happen to other people. Though being married at 19 is not legally classified as child marriage, I feel 19 is still too young and that early marriage is extremely challenging. I was lucky in that I was married into a home that encouraged me to continue my postgraduate and doctoral studies, but many young people are not as fortunate.

On a professional level, early evidence from our work using Young Lives data highlighted the significance and scale of child marriage in India. Our research in 2011 demonstrated that 37 per cent of girls were married by the age of 19, and 28 per cent of girls were married *before* the age of 18, the legal age for marriage in India. These shocking statistics really woke me up to the issue of child marriage, especially since Andhra Pradesh and Telangana states (where the data were collected) are not even the states with the highest incidence of child marriage. We then investigated larger datasets, including analysis of India's 2011 census, in collaboration with National Commission of Protection of Child Rights, to better understand trends and the extent of the issue. What we found was equally shocking; though there was a declining trend in child marriage at the national level, 12.1 million girls and boys were married below the legal ages of 18 and 21, respectively, in 2011. This underlined the enormity of the issue and that although some things were improving, this was my wake-up call telling me, 'we need to do something!'

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Kath: What a powerful call to action. From marrying at the age of 19 to where you stand today, do you have a sense of how your family's experience of child marriage has changed over time?

Renu: I was probably the last one in my family to have married that young. I know my mother probably got married around the same age, but after me I don't think anyone in my family married before the age of 23 or 24, many were 25 or 26 years old. And they were marrying out of choice, rather than through an arranged marriage. To be fair to my parents, I don't believe they wanted me to get married so young, but my mother's ill health was a major factor in my parents arranging my marriage. In my case, being married at 19 through an arranged marriage was more a response to circumstances than a long-held belief.

Kath: Do you feel that society in India is changing at the same pace?

Renu: No, not really; I would say my family is much more modern than wider Indian society currently is. For example,

last year we conducted a consultation in Rajasthan with over 200 young girls studying in school, aged between 14 to 17 years, to mark Girl Child Day (11 October 2019). Many of these girls talked about the continuing pressures on them to get married. We ran a training workshop to help build awareness about current laws relating to marriage and how the legal framework can protect them. At least this dialogue is now open, which is a very good thing. I think things are changing for the better, particularly the mindset of young people who are becoming increasingly aware of the law and their rights. But are the mindsets of the older generations changing? No, not as rapidly as I think they should be; patriarchy is so entrenched in India.

Kath: How do you see the COVID-19 pandemic impacting levels of child marriage, especially given widespread decreases in household incomes, particularly in rural areas and among the poorest households?

Renu: I think the closure of schools and universities under lockdown and young women taking on increasing burdens of household and caring responsibilities are likely to have the biggest impact on levels of child marriage. Findings from our ongoing Young Lives COVID-19 phone survey¹ show that the suspension of classes has had a greater impact on students living in the poorest households and that a great digital divide exists excluding many young people who don't have access to the internet, particularly in rural areas. We don't yet have the data on whether child marriages are increasing, but anecdotal evidence indicates that the impact is likely to be significant.

There are increasing reports from NGOs of increases in child marriages during this difficult period. We are hearing stories of child marriages being conducted in the middle of the night, especially during festival periods which are very auspicious times for weddings. A key concern is that economic hardship and food insecurity create incredibly difficult conditions that may lead to girls being married off earlier than they would have been, especially if they have stopped going to school or higher education. Girls from poorer households without access to technology are very unlikely to continue learning under lockdown. Child marriage could be more frequently seen as a way out for families who are struggling to cope with huge challenges in feeding their households. Moreover, the cost of a wedding under lockdown is drastically reduced compared to more normal times, given the limited numbers of people who can be invited under COVID-19 restrictions. In many ways, this can therefore be seen as an advantageous time for young girls to get married early, although the impact on dowry costs is less clear.

I am also concerned that young women and girls who are distressed at home and restricted in their movements and access to technology may be much less likely to contact the support services available in their communities. Likewise, without effective services that can identify and reach vulnerable women and girls we are unlikely to be able to provide the support that communities and families require.

1 The Young Lives COVID-19 phone survey is being funded by the UK's Foreign, Commonwealth & Development Office (FCDO); for more information see <https://www.younglives.org.uk/content/young-lives-work-ylaw?tab=3>

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Kath: These are incredibly challenging times. In terms of tackling child marriage through legislative change, how do you think change can and does happen? For example, what were the most important factors that led to the landmark judgement of the Supreme Court in 2017?

Renu: To be honest, I think that much of our success to date has been due to being able to respond to opportunities as they arise, rather than setting a specific pre-determined strategy. With the Supreme Court judgement, change happened through continuous interactions with policymakers over a long period of time, backed up by the strength of data and analysis enabled through Young Lives research. We began a series of dissemination meetings on our findings relating to adolescence over seven years ago, initially pulling together a small core group of people working on adolescence and child marriage from across government. At one of these meetings, the chairperson of the National Commission for Protection of Child Rights was struck by the alarming situation on child marriage and requested we extend our analysis using the 2011 census data. Young Lives was fortunate to have donor support that gave us the flexibility to respond to this request and take forward specific secondary data analysis.²

The result was a powerful report on child marriage, a joint publication by Young Lives and the National Commission for Protection of Child Rights.³ The report was then shared with influential parliamentarians, and used as evidence for parliamentary questions relating to child marriage by the Ministry of Women and Child Development. This was a real turning point for Young Lives policy engagement.

The next key step was an invitation by a leading judge to share the report with the judiciary. The resulting Supreme Court judgment, on 11 October 2017, directly quoted our report on child marriage, including reference to Young Lives data and research. The judgement stated that every sexual act with a minor, even with a minor wife, must be termed as rape, to stop child marriage. I believe that classifying child marriage not just as illegal, but as rape, is a huge deterrent and enables much stronger messaging. India has very strong laws relating to rape, but marital rape had never before been accepted, even where the wife is underage.

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So, I think that's how policy change comes about. Being flexible enough to respond to political opportunities for change as they arise, and ensuring related research is accessible and targeted to influence policymakers.

Kath: Ensuring effective legislation is in place is clearly critical for addressing child marriage. But legislation *alone* is usually not sufficient for effectively improving the lives of young people. What also needs to be in place to ensure that legislation has positive impact, including mitigating the potential risks of backlash to that legislation?

Renu: Yes; we have some brilliant pieces of legislation in India, including our constitution. But how effectively are they implemented? And how effectively are mechanisms put in place to make legislation work for the most marginalised and disadvantaged groups? I think we still have a lot to do to ensure the right safety nets are in place. For example, if you encourage young girls to say no to child marriage, are there safe spaces for them to turn to if their parents abuse them or they are subsequently stigmatised for not getting married?

Also, what happens when a young girl is forced to marry someone her parents choose, or when there is violence or alcoholism at home? Or she herself decides she loves a man and decides to get married as a child? Who will actually file the case to ensure the law is adhered to? Do young girls and boys themselves have the wherewithal to know how to make a case? And if they do, who is going to protect them in the process? Shelter homes should be specifically designated for these girls and special provision for their continuing education and skill development must be ensured.

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I was at a primary school in Rajasthan last year, and saw a young girl who could not have been more than 10 years old. She had her head covered and I knew there was something wrong because little girls don't usually cover their heads. I asked her classmate, "what's happening with this young girl?" and her classmate replied, "she's getting married tomorrow!" When I followed up with the school principal, he told me that the young girl's older sister was due to be married, and that the family had decided to also marry her younger sister at the same time, as they wouldn't have enough money for another ceremony. He assumed she would not be sent away to her new marital home until she reached puberty (a custom called *Gauna*), but would be married nonetheless. When I questioned the principal about why this had not been reported, he replied that he had been married off at 2 years of age!

2 Young Lives was core funded by the UK's Department for International Development (DFID) from 2001 to 2018. Additional Young Lives research funded by the Children's Investment Fund Foundation (CIFF) and more recently the International Development Research Centre (IDRC), among others, enabled deeper analysis into specific research areas, particularly in relation to child marriage.

3 Young Lives and NCPCR (2017) 'A Statistical Analysis of Child Marriage in India Based on Census 2011', New Delhi: Young Lives and NCPCR, https://www.younglives.org.uk/sites/www.younglives.org.uk/files/Report-Child_Marriage_final.pdf.

This is a common story we hear from many communities. I reported this case to the state commission and the marriage was subsequently stopped. But, in retrospect, I really don't know if I actually did the right thing, because I'm not there to help this particular girl. I don't know what the backlash is going to be. It's all very well to think you saved this child from an early marriage, but I don't know what the rest of her life is going to be like. She may hold the stigma of having a broken engagement for the rest of her life.

Kath: That powerful story really underlines the importance of understanding why young people get married in the first place, and ensuring that appropriate safety nets are available to support them. Has there been much analysis in terms of looking at outcomes of specific cases of child marriage processed through the system?

Renu: No, not yet; but I'm very keen to do that and we are planning to work with a lawyer to take this forward. We would like to look at the case histories for all cases of child marriage that have gone to the high courts and the Supreme Court, and to understand why there are so few cases filed in the first place. Recent consultations we have had with state officials in West Bengal and Rajasthan have indicated that even when a girl does go to the police station to report a child marriage, a First Information Report is often not filed. Children's voices are just not being heard.

We must remember that even for marital rape, as per the new judgement, somebody has to report it and take it to the magistrate. Usually what happens behind closed doors remains behind closed doors. The new legislation is a big deterrent, but it is unlikely to have real impact if there are no related convictions. So far, I am not aware of any individuals being punished under this judgment, though child marriages are continuing to be reported. That is why I think we need to do much more research.

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We have just finished a qualitative study looking at unmarried teenage mothers living in shelter homes in Andhra Pradesh and Rajasthan. We found that many girls had run away from abusive parents or extreme poverty and then ended up in abusive relationships. Many didn't know how to use contraceptives. They're young, they got pregnant, and then their parents disowned them and they ended up in shelter homes with a young baby; these shelter homes are not currently designed to ensure appropriate skills development of young single mothers.

Kath: In terms of the impact of the Supreme Court judgment, you've mentioned that it enables policymakers and practitioners to deliver much stronger messages against child marriage. Could you tell us a little more about that?

Renu: The Prohibition of Child Marriage Act passed in 2006 already aims to prevent child marriage in India. However, a major weakness of this law is that it doesn't automatically declare child marriages to be illegal; rather, it makes child marriages 'voidable'. This means that child marriages can be annulled if, and only if, they are reported. This law has therefore had limited impact to date on the incidence of child marriage, both because somebody has to report the child marriage in the first place, and because there has been very limited follow up through the courts (if any).

The new judgement means that we can now say that every husband who has sex with a minor wife is *committing rape*. This is a much more powerful message and a much bigger deterrent because we have had lots of convictions against rape in India; everybody knows about it.

Of course, this judgement only provides for marital rape of *minors* and not for those over the age of 18. But at least this is a start; I see this as a huge win.

Kath: In June this year, the Government of India set up a new task force to consider increasing the legal age of marriage for women from 18 to 21 years of age. Young Lives longitudinal evidence is again making an important contribution to this debate. What do you think the impact of this potentially huge legislative shift might be?

Renu: Yes, the government set up the Jaitly task force⁴ to look at a range of evidence with respect to potentially increasing the legal age of marriage for women. Young Lives India was invited to be a technical partner to the National Commission for Protection of Child Rights, who have made a submission to the task force using both Young Lives longitudinal data on outcomes for girls married before and after the age of 21, as well as Young Lives analysis of data from the national health survey and census. Our longitudinal data from the last full Young Lives survey round (Round 5 in 2016) unfortunately only provides outcomes for girls up to the age of 22, but we will be able to provide much more comprehensive data for outcomes up to the age of 26 once the next full survey is completed in 2021.⁵

Increasing the legal age of marriage for women from 18 to 21 years of age could have a significant impact given that the majority of girls in India today get married when they are between 18-21 years old. This means that a large proportion of 18 and 19-year-old girls are not going into further education, and not developing the skills necessary to help them reach their full potential in the labour market. We spoke just now about how changes in legislation alone are not always sufficient. If an increase in the legal age of marriage for girls is to have a real impact on improving the lives of young women, we need to make sure that secondary education and skill development opportunities are put into place before changes to legislation are implemented.

4 The Jaitly Taskforce, chaired by the former politician Jaya Jaitly, was set up by the Ministry of Women and Child Development in June 2020, to examine the implications of age of motherhood and age of marriage of girls in India; the findings of the Taskforce had not been published as at the date of this Insight report.

5 Young Lives is planning to return to the field for the next regular round of data collection (Round 6) in 2021, depending on the evolution of the COVID-19 pandemic.

We eagerly await the publication of the Jaitly report. Of course, a recommendation to increase the legal age of marriage will instigate a long process of further consultation and we hope that new data and analysis from Young Lives will continue to provide important evidence in taking these discussions forward.

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Kath: Young Lives evidence had a significant impact on the Supreme Court ruling relating to child marriage and is now as part of the evidence under consideration by the Jaitly task force. What advice would you give other longitudinal researchers who are striving to deliver research to policy impact? In my experience, a key step is understanding the incentives of those with political influence and working out which research findings are most likely to provide that vital hook to catalyse change.

Renu: I agree, but a key challenge is that researchers often don't have enough time to really engage with policy debates. They're so busy just undertaking research and data analysis. By setting up specific country offices, Young Lives positioned us so we were not only doing research, but we could also engage in continuous policy engagement. I think this is critical for research to remain relevant; unless you have a seat at the table in key government debates, you won't be able to understand what is of interest to a policymaker at a particular point in time. And politics is constantly changing, especially in countries like India and other middle-income and developing countries. Political agendas change, priority areas change. For research to remain relevant, it needs to be adapted to changing circumstances; key research findings and messaging need to be targeted and nuanced to draw the attention of changing policymakers and service provision.

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Kath: How has the recent COVID-19 lockdown impacted opportunities to influence policy? How have you adapted approaches for engaging with policymakers?

Renu: With government offices closed and increasing pressure on officials due to the pandemic, the space for meeting with policymakers has become increasingly limited. Officials are frequently overwhelmed with their day-to-day duties, and obviously face-to-face meetings have been largely suspended due to lockdown and social distancing measures. Even virtual meetings have been difficult to arrange. We have therefore relied primarily on catching officials through informal phone calls, often a few minutes in between meetings, or

towards the end of a busy day. Our approach is to be as flexible as possible, and it largely relies on the strong personal relationships we have built up over many years.

Kath: What do you see as the most important areas of policy that still need to be addressed to both reduce child marriage, and to support those who have experienced early marriage?

Renu: I think that making sure girls and boys can stay on in education and making secondary education free and compulsory is an absolute pre-requisite. This is becoming increasingly urgent to mitigate the impact of school and university closures during the COVID-19 pandemic. In addition, ensuring that the curriculum taught in schools is actually relevant for transitions from schooling to the labour market. Secondary education should include a focus on life skills, because if we don't provide opportunities for fostering young people's agency, decision-making, problem-solving and critical thinking skills, we can't expect them to be able to stand up to all the challenges in the future. It is vitally important to ensure that adolescent girls have the right skills and competencies to sustain themselves economically, and it's good to see there is a growing focus on skills development of adolescents in India.

“Making sure girls and boys stay on in education and making secondary education free and compulsory is an absolute pre-requisite to reducing child marriage.”

I think we also need to make sure that young couples who are already in the institution of marriage, whether by choice or not, are supported in preventing teenage pregnancy and becoming parents at a very young age, not least to reduce the intergenerational transmission of poverty.

And we need to ensure that unmarried teenage mothers are provided with dedicated shelter and support systems, appropriate to their needs; as far as I am aware this is not currently being provided, and certainly not on the scale required.

Kath: Many thanks Renu for such a rich and thought-provoking conversation. Is there anything else you'd like to add in conclusion?

Renu: I am very grateful that the Indian government is now pushing for change to prevent child marriage. While we are still awaiting the findings from the Jaitly task force, it was very encouraging to hear Prime Minister Modi during his Independence Day address on 15 August 2020 say that India is determined to provide equal opportunities for women's employment and will be reconsidering the age of marriage for women. I'm also encouraged that policymakers are waking up to the fact that we can't address child marriage and teenage pregnancy as two separate issues. Preventing teenage pregnancy requires preventing and addressing child marriage. The more that policymakers work together on these issues, including with education and skills development, the more chance we have of making real change happen and improving the lives of young girls and boys.

The project

Young Lives is a longitudinal study of childhood poverty and transitions to adulthood following the lives of 12,000 children in Ethiopia, India (Andhra Pradesh and Telangana), Peru and Vietnam since 2001. This Insights Report is part of the 'Methodological Learning and Lessons from Young Lives' project, funded by the Economic and Social Research Council (ESRC). This project aims to strengthen capacity and effectiveness in the conduct of longitudinal research in low-and-middle-income countries, while also contributing to a growing community of practice. This report is part of a series reflecting on specific experience and practices over twenty years of Young Lives research to create a dialogue with others involved in large-scale longitudinal studies in international development and related fields.

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