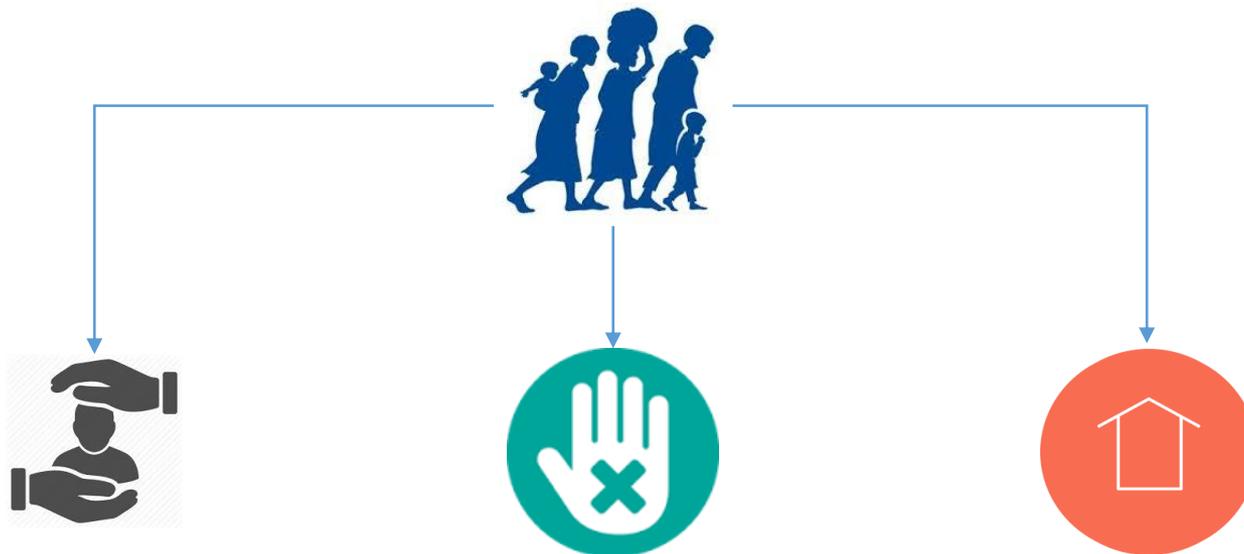


Child Marriages in the Rohingya community in Malaysia

International Conference on Child Marriage

May 2016

UNHCR's Mandate



Protect and support refugees
Promote international refugee agreements
Help states establish asylum structures

Prevent *refoulement*

Return must be voluntary, ensuring safety and dignity
Integrate into states of asylum
Resettle in third countries

The 1951 Refugee Convention – well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/ her nationality, and is unable to, or owing to such fear, is unwilling to avail himself/ herself of the protection of that country

Definition of Child Marriage

18

A legal or customary union between two people, where one or both spouses is/are below the age of 18.



“Early” and/or “forced” marriage since children, given their age, **are not able to give free, prior and informed consent** to their marriage partners or to the timing of their marriage.



Harmful practice, i.e. “traditional, cultural and religious practices violating children’s rights” because of the many negative implications

International Legal Instruments



The Universal Declaration of Human Rights (UDHR) promotes equal rights of women and men



The Convention on the Elimination of Discrimination against Women (CEDAW), Article 16, prohibits child marriage

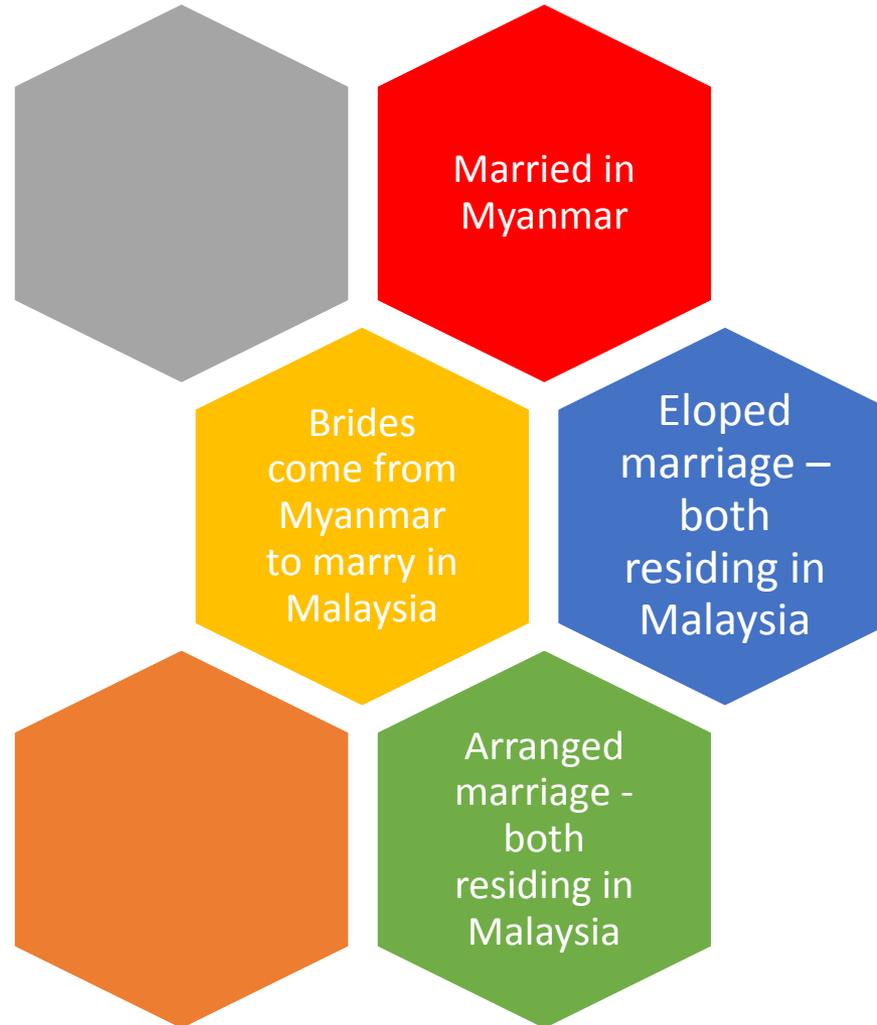


Convention on the Rights of the Child (CRC) promotes

- right to express views freely
- right to protection from all forms of abuse
- right to be protected from harmful traditional practices
- best interests of children

Minimum age for marriage must be 18 years for both man and woman (CRC)

Types of Child Marriages



Rohingya Marriage Practices



Who Marries Early

- Mostly young girls who reach puberty, seldom boys
- Limited or no education
- Persecution
- Prevent risks of sexual assaults
- Poverty and vulnerable families
- Families with single parents or where parent has remarried (stepfather/stepmother)
- Young girls in Malaysia fall in love and want to marry against their parents will

Whom Do They Marry

From Myanmar

- Single, younger men without families in Malaysia
- Older men in their early twenties to late thirties

In Malaysia

- Known men from their neighbourhood or through arranged marriages
- Men who rescue (buy) girls from smugglers during flight by paying dowry/ maher for their passage to Malaysia

Rohingya Marriage Practices

- Malaysians follow Shafi'i
 - consent from wali (guardian) required
- Rohingyas follow Hanafi
 - consent from a wali (guardian) not required
 - no minimum age of marriage in the Hanafi tradition
 - "maturity" of the girl linked to puberty

Both Malaysian and Rohingyas are Sunni

By Rohingya Ustads/Mullahs

Not registered by Malaysian religious authorities

Selangor, Sabah, Malacca, Penang and Perak recognise marriages of refugees

Implications of Child Marriage

Young couples face

Limited support given the poor community structures

Lack of information on sexual and reproductive health and family planning leading to repeated pregnancies

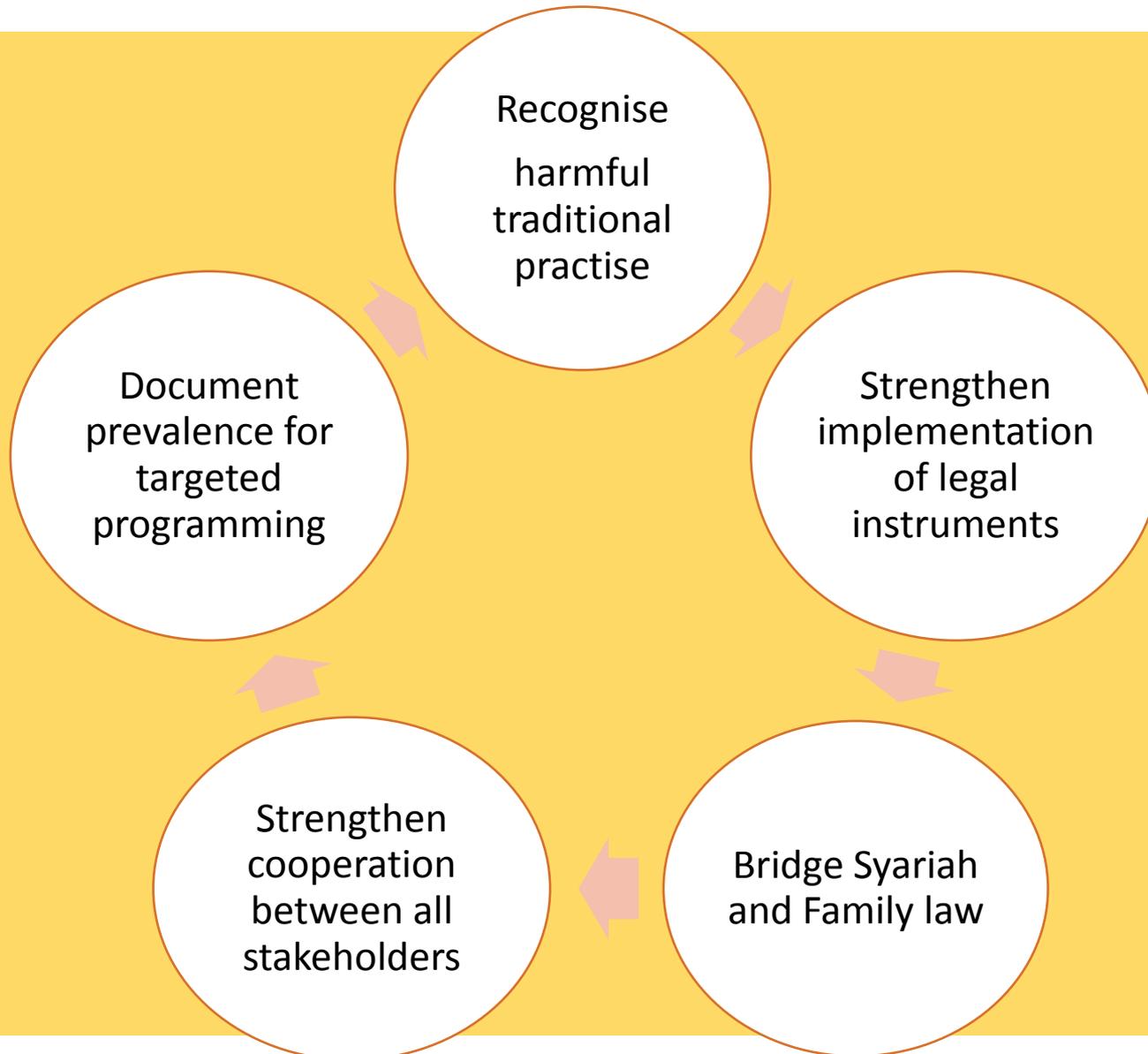
Low birth weight, poor feeding habits and inadequate nutrition in babies

Lack maturity and parenting skills to manage marital and child bearing responsibilities

Familial responsibilities override education

- Domestic violence & substance abuse
- Inequality
- Poor negotiation skills
- Sexual and Gender Based Violence (including marital rape)
- Reduced work opportunities
- Increased separation, divorce, custody disputes

Recommendation



Recommendation: *Prevention of Child Marriage*

Systematic identification and referral of girls at risk in schools, clinics, hospitals and communities



Awareness raising through:



- Teachers and health workers
- Girls and women
- Boys and men
- Religious leaders and community leaders

Recommendation: *Response to Child Marriage*

