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# Child marriages violate rights of girls – Shahrizat

**KUALA LUMPUR:** Women, Family and Community Development Minister Datuk Seri Shahrizat Abdul Jalil said child marriages are a human rights violation under the country's laws and the international treaties that Malaysia had ratified.

"Children do not have the choice or capacity to give their full consent. As such, child marriages must be viewed within the context of force and coercion; it is an act that subjects the child to physical, social and psychological trauma and abuse," she said.

Shahrizat pointed out that the issue of paedophilia needed to be viewed as a crime rather than in terms of child marriages and more need to be done to discourage such marriages.

"Because the minute you equate that (paedophilia to child marriage), then it becomes, to some, a taboo subject".

"The minute a child embarks into the institution of marriage, for some reason, sex with a child is seen with a different pair of eyes. That shouldn't be the case," she said.

"Malaysians do not accept paedophilia but a lot of them do not see this as a serious crime. That is why, up to today, while a lot of people are against child marriages, it is not to the extent where they'll go to town with it.

"They won't condone—in

fact, they will condemn it; but not enough has been done," she said and reiterated that her ministry was firmly against child marriages.

Under two sets of Malaysian law — the Law Reform (Marriage and Divorce) Act for non-Muslims and the Syariah Family Law Act for Muslims — the minimum age for non-Muslims to marry is 18 years for both males and females, while the minimum age for Muslims is 18 for males and 16 for females. However, non-Muslim girls between the ages of 16 and 18 may marry with the permission of the chief minister or Federal Territories minister, and Muslim girls under 16 years may marry with the consent of the Syariah Court.

The 2000 Census and the Health Ministry's pre-marital HIV/AIDS screening statistics last year showed that the marriage or the plans for marriage of children below the age of 15 was not uncommon.

"The implementation of these two sets of laws is not at its best. Otherwise, we will not have child marriages."

Shahrizat said in cases involving Muslim child marriages, the ministry believed that it would be prudent for the Syariah Court to obtain independent assessments on the general social background of the

children and their readiness to marry from trained experts, such as those from the Welfare Department, and child psychologists.

She said although child marriages did occur, they were not the norm, not part of the Malaysian culture, and were "not acceptable".

Malaysia will be removing a reservation to Article 16(2) of the Convention for the Elimination of Discrimination Against Women (Cedaw) on Tuesday, which will make child marriages illegal.

However, the minister said for the moment, the government had no plans to raise the minimum age to marry from its current non-Muslim and Muslim definitions.

This is allowed for in Article 16(2), which says that states may set the minimum age of marriage in their domestic laws.

The same applies to the definition of a "child" under Article 1 of the Convention

on the Rights of the Child (CRC), to which Malaysia will also be removing its reservation.

Although the international definition for a child is anyone aged below 18 years — and this is reflected in the Child Act 2001 — Shahrizat said for the moment, Malaysia did not intend to change its age of majority, which for Muslims is an unspecific age below 18 years and is usually tied to the onset of puberty.

She said although the laws could be changed to outlaw marriages of any child below 18 years, what was required first was a change in the mindset of society.

"Where we are sitting in this generation, we look at child marriages as something abominable. However, two generations ago, our great-grandmothers were forced into arranged marriages as soon as they started menstruating. They were farmed out or franchised out into arranged marriages. And at that time, it was not frowned upon.

"Because of the evolution of the women's movement, society has become more enlightened, and we put into place all these rights for women and children. What two generations ago would have been acceptable is no longer acceptable nowadays.

"It's the evolution of social behaviour," said Shahrizat.

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