

CHILD MARRIAGE AND THE ROHINGYA REFUGEE COMMUNITY

A STRATEGY for PENANG and MALAYSIA

Penang Refugee Network
March 2024

*With acknowledgment to **Persatuan Komuniti Berdikari (PKB)***



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BACKGROUND and CONTEXT

Rohingya have been coming to Malaysia for decades, seeking a safe refuge from the awful violence, persecution and discrimination which they have been forced to experience in their native Rakhine state, Myanmar. They are among the refugees from many different ethnic groups from Myanmar and other nations, who have sought refuge in Malaysia.

In terms of numbers, there were some 107,670 Rohingyas registered as refugees with UNHCR Malaysia at December 2023, out of a total of 185,300 refugees and asylum-seekers. Around 22,000 Rohingya are in Penang, where they comprise about 80% of the refugee population in that state. Some 66% of refugees and asylum-seekers are men, while 34% are women. There are some 51,630 children below the age of 18

Absolutely basic to their situation is the fact that Malaysia is not a signatory to the 1951 UN Refugee Convention and have not provided any legal or administrative status for refugees in Malaysia. The United Nations High Commissioner for Refugees (UNHCR) is given the responsibility of registering and resettling refugees here, but the number of places offered by third countries for resettlement are not nearly enough.

This means many thousands of refugee women, children, youth and men are stranded in Malaysia for very many years, some for a lifetime, without rights or protection.

They are forced to live ‘under the radar’, trying to survive despite the fact that they have no rights to work or to education, and they remain vulnerable to all sorts of abuses and deprivation.

The constant fear of harassment, extortion, arrest, detention and even deportation means most are reluctant to venture outside unless absolutely necessary.

Most will delay seeking healthcare, even in emergencies, partly because it is so expensive (refugees are charged differently to Malaysians) but significantly because of the worry that hospital staff will report them to immigration services.

There are some self-help initiatives and there are some NGOs and others providing some services, but not nearly sufficient to meet the basic needs of the refugee population. The majority of refugee children will not get any formal education at all, for example.

Support from the local host population becomes more difficult in times of xenophobia, as has been experienced throughout 2023. Unable to work legally, refugees have little choice but to venture into Malaysia’s urban black-market economy, where they are hugely vulnerable to exploitation and have huge difficulties in even providing a subsistence income for their families. It is a very fraught, precarious and challenging environment.

It is in this environment where issues like child marriage are located. And it is to this wider context and background that we must refer, if we are to adequately understand and come up with a comprehensive strategy to tackle child marriage in the community.

The following pages outline what this could look like.



Penang Stop Human Trafficking Campaign (PSHTC)/ASPIRE Penang Briefing Series



THE CONTEXT OF THIS STRATEGY

addressing child marriage

The Strategy is a continuation of the recommendations of the 2020 report “Child Marriage in the Rohingya Community in Penang” (a documentation by refugee groups in Penang, under PKB); the subsequent and considerable work undertaken by various refugee women, youth and men teams within refugee communities in Penang, not least within the Penang Refugee Network and which actively is following through on some of the recommendations of the Report; and the on-going interest of members of the Penang Working Group, UNHCR, UNICEF, Host International, MSF, ICMC and many others too numerous to list here, who have been engaged in some way with the issues over the years.

The Strategy inevitably, as it has to be, is multi-level and ‘multi-pronged’. No individual and/or group can do everything. The key is for each of us to identify what role we can play at what level, what resources and allies we can bring on board, and how all this can dovetail into a mutually supportive, reinforcing and progressive series of actions.

This Strategy builds on the observations and recommendations of the Report mentioned above but with important updates. These include reference to the increasingly awful and dire situations in both the refugee camps in Bangladesh and in Myanmar, which are ‘pushing’ families into seeking what they see as at least a safer refuge of any sort for their daughters, which includes getting them to Malaysia and married.

Our Strategy also refers to the on-going Malaysian National Strategy Plan in Handling the Causes of Underage Marriage which is under the Malaysian federal Ministry of Women, Family and Community Development. It is of major importance that any work we do with reference to child marriage in the refugee community in Malaysia is linked to this National Strategy, and this is a key observation of our Strategy.

And this Strategy stresses the critical importance of giving priority emphasis to the wisdom, experience, lived reality, options and ideas of persons from the refugee community.

It is unacceptable to exclude the very people who are the ones living with the direct experience of child marriage and who understand all too well the circumstances that explain it.

This also extends to understanding, valuing and including the community-based work designed and delivered by refugee teams in reaching others in their community, including on the issues of child marriage and child protection.

This emphasis, to make sure that women, youth and men from the refugee community are absolutely key partners in on-going discussions and initiatives and are not ignored, is sadly still necessary. They are still being unnecessarily excluded from discussions, decisions, design of initiatives and interventions, and advocacy for solutions. This must change.

We look forward to more and good discussions to identify positive ways forward in which each of our respective roles are highlighted and which includes fully the refugee community. The contexts are difficult, the challenges huge, but if we pool our resources and our spheres of influence, we may begin to make some serious headway. We need to, if children are to be protected.



Understanding the Factors

To plan an effective strategy, we must acknowledge and understand the factors related to why people engage in child marriage in the Rohingya refugee community in Penang and Malaysia.

There are many factors. Our Strategy needs to take all of them into account and to understand that successful combatting of child marriage will mean we have taken major steps forward on all of them.

Many of these factors are highlighted and described in greater detail in our 2020 Report. Please refer to that Report.

To these we need to add further important factors that are now playing a significant role in adding to the pressures on families to marry their daughters young.

Our Strategy will need to respond to all of them.

Penang and Malaysia are seeing an increase in arrivals of child brides and girls being sent to marry, from the Bangladesh refugee camps and from Myanmar. Observation from the ground would indicate that the vast majority are from the Bangladesh camps. The situations in these two places are major reasons why child marriage persists in the community in Malaysia. Addressing the situations is very much a necessary part of any comprehensive strategy to combat it.

The deteriorating situation in Bangladesh refugee camps

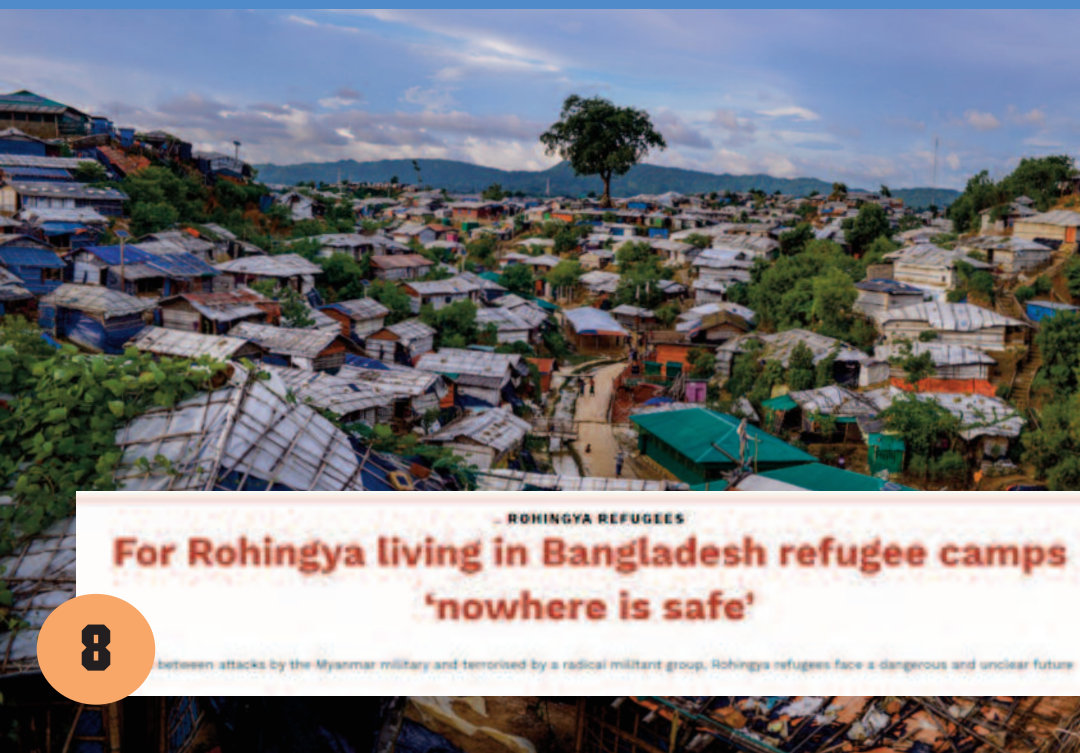
The Bangladesh refugee camps house around 1 million refugees, the vast majority of whom are Rohingya who have fled the genocide in Arakan state. The challenges facing those administering the camps are proving hugely difficult. Criminal gangs now control increasing components of daily existence. For Rohingya families, and for younger girls and teenagers, there is ever-deepening uncertainty with regard to security, livelihoods, and basic safety. Fights, abductions, harassment and sexual violence is becoming commonplace. Drug dealers use girls and women as transporters. To this is added severe restrictions on daily movement, inadequate food distribution, limited health access, poor hygiene and sanitation, and poor shelter. Marriage prospects for daughters are also diminishing in attraction. Polygamy is being increasingly practised, as is the situation where locals offer short-term marriages to Rohingya girls for a price. It is little wonder that many families increasingly choose to risk sending their daughters on the dangerous journey to countries like Malaysia.

The deteriorating situation in Arakan state and Myanmar generally

Those following the news will be aware of the escalation of resistance to the Myanmar army and military government. In Arakan state, the Arakan Army, the military wing of the Rakine ethnic minority, have made considerable recent gains. Elsewhere, other ethnic groups like the Shan, Karen and Chin have had successes. For the Rohingya who are still living in Myanmar and in Arakan state, they continue to face a precarious and dangerous time, caught in the middle of the fighting. It is very difficult to predict what will happen over the coming year(s), and whether there is any hope that federal democracy will finally be realised with an acceptance of full nationality and citizenship rights for the Rohingya.

The situations are so dire that many families feel they have no choice but to risk sending their daughters on the dangerous journey to a country like Malaysia, to marry, as the only or best option for their protection.

For them, this is child protection in action.



ROHINGYA REFUGEES
For Rohingya living in Bangladesh refugee camps
'nowhere is safe'

8

between attacks by the Myanmar military and terrorised by a radical militant group, Rohingya refugees face a dangerous and unclear future



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Understanding the Factors

FACTORS identified in our 2020 Child Marriage Report



The Lack of Legal Status and protection afforded to any refugee in Malaysia.

The fact that there is no legal or administrative status afforded to refugees in Malaysia obviously has major consequences. Women, youth, children and men are forced to live in a limbo land, without protection, or basic rights, which severely restricts the choices available to them with regard to, for instance, livelihoods, education, health, and a safe environment.

The consequences on livelihoods and choices are very pertinent to the factors behind child marriage. The exclusion of refugees from decent and safe employment means incomes are highly precarious. This means families have little extra income and covering the expenses of a younger or teenage daughter who is just staying at home (because there are no other options) is very often a burden that families would prefer to avoid.

Further, financial pressures also mean that many families have no choice but to live in cramped conditions, very often sharing spaces with others. This is a worry for the safety and security of teenage girls. And where the parents see any indication of a romantic attachment between their daughter and a man, immediately they start the process of negotiation to marry, to avoid risk of an elopement with consequent loss of dowry which must be paid to parents by the bridegroom.

Further, the daily vulnerability to harassment, extortion, arrest and detention translates into a daily fear that, for example, younger daughters will face huge difficulties negotiating public spaces, especially if single.



The lack of options for families. A key consequence of the lack of any legal status. The fact that refugee girls, in common with all refugees, have no access to education, safe employment, affordable healthcare or alternative career opportunities leaves very few options for parents who are considering the future for their daughters. Add to this the very real concerns about safety and protection of their daughters again significantly due to lack of status and the decision to choose an early marriage can be seen as a choice by circumstance to protect the daughter from harassment and potential violence. At the same time, a marriage will also bring a dowry, an added reason in a situation where money is in desperately short supply.



The lack of awareness of the consequences of child marriage on the young bride and other parties. This is partly a literacy issue within the Rohingya community and speaks also to their marginalisation from education and mainstream discussions/information sharing. Awareness about child development generally, including the physical, emotional and social development of a child, is not widespread within the community, although there are a number of groups working on this, including refugee-led initiatives.



The lack of choices for men. This is a demographic factor, consequent on the fact that some 66% of refugees in Malaysia are men. The 2020 Report goes through the factors that affect their potential choices of bride. The 'demand' for husbands from families with younger daughters in the Bangkadesh camps adds to this factor.



The influence and role of the community's religious authorities. The Rohingya community is a stateless Muslim community and so the influence of Islamic religious norms and interpretations is of major importance. This means the attitudes of the (Rohingya) Islamic religious authorities are crucial to either endorsing or preventing child marriage. At the moment there are only a minority who would counsel against it; the majority are reportedly fine with registering marriages even where involving children under 18.



The Influence of perceived gender roles. Generally speaking, it is the men who are invested with decision-making powers; the perceived role of women is a domestic role, that of the homemaker and carer. The attitudes to daughters are then framed in the context of gender relations. Women are ascribed to a particular domestic role: daughters are for marriage. If this is accepted as a 'cultural norm', then we would strongly argue that this norm is likely to continue unless there are strong influences which will change this. This is unlikely if the community continues to be marginalised, denied access to education and employment and excluded from discussions and debates.

STRATEGY RESPONSE 1: RECOGNISE AND ADDRESS THE WIDER CONTEXTS

Refugees have highlighted over and over again the reality facing refugees in Malaysia, where there is little and often no protection for anything, where rights to livelihood do not exist, where any access to education is severely limited, increasingly so for older children, and where there are few if any options for families or individuals struggling to survive. So parents with daughters here likely to choose an option which is available, which is marry, which gets protection and possibly some money all at the same time.

As refugee spokespeople have repeated many times, the incidence of child marriage is not cultural, it is circumstantial. Child marriage was not practised as a cultural norm in Arakan state so any reference to 'this is a cultural practice' needs to be treated with utmost caution.

It needs to be understood that for refugee families, the choice to marry daughters young is most often their way of choosing to protect their child. In other words, it is 'child protection' in action, given that options for any viable alternative future are so limited.

So, it is basic that we cannot divorce child marriage in the refugee community from the overall situation refugees find themselves in, both in Malaysia and, wider still, in Arakan state/Bangladesh refugee camps. We cannot treat child marriage as though it exists in isolation. The various factors highlighted in the 2020 Report show how intertwined the factors are to the overall options/situations facing refugee families, women and men here in Malaysia and in Bangladesh and Myanmar. Our response and our strategy then cannot ignore these, even if they are dauntingly large issues.

WHAT ARE WE ASKING FOR?

Changes for the better in the Bangladesh refugee camps Changes for the better in the situation in Myanmar

If by any chance basic citizenship rights for all persons were affirmed and respected and protected in their homeland, there would be far fewer refugees.

Sadly, this is not the case. We know that there have been very many parties working for decades on trying to find 'solutions' to the situation in Myanmar. But so far these efforts have been in vain and we call on the Malaysian government to step up its commitment to protecting populations like the Rohingya and call to account the awful atrocities committed by the Myanmar military. Meanwhile, the rest of us need to be aware of any opportunity to support this and to support those working for a safe, inclusive and respectful homeland environment which of course would be the best of all long-term solutions.

Ditto for the situation relating to what is happening in the refugee camps in Bangladesh. Again, we know that there are very many parties involved in trying to find ways of tackling the immense challenges of the camps, not least to provide at least minimum security. It is proving to be an uphill battle, with the situation already dire and deteriorating. The fact is that this is why refugees are increasingly choosing to send their daughters to a perceived 'safer' place, because the security and options for their daughters' future in the camps are almost at the point of non-existent. This includes being prepared to send their daughters on a journey which people know is fraught with danger and where their daughters and others may be at the mercy of human traffickers. The fact that this is still a choice tells us a huge amount about the desperation.

Some of us will have connection to those hard at work on these major issues (which includes human trafficking). It is not suggested that we collectively devote our own valuable time and energy into this when there are already major players at work. But we can share any experience of advocacy at this level and could feed in our data, reports and our concerns to whatever forum/group is appropriate, given the strong connection between these situations in Myanmar and in the Bangladesh camps with the incidence of child marriage in the refugee community in Malaysia.

STRATEGY RESPONSE 1: RECOGNISE AND ADDRESS THE WIDER CONTEXTS /contd

WHAT ARE WE ASKING FOR? A legal and administrative status for refugees in Malaysia



IDEAL

The Malaysian Government to recognise a legal and administrative framework for refugees

The Malaysian Government to include refugees centrally in SDG efforts, to 'leave no one behind'.

Many groups and individuals have been lobbying for decades for some basic legal or administrative status for refugees in this country.

Without any such status, women, children, youth and men in all refugee communities in Malaysia remain without protection, have no right to access education or employment, and are utterly vulnerable to harassment, extortion, vilification, arrest and detention.

Is it any wonder that some families seek to provide 'safe' spaces for their children, not least their daughters, given that the public environment is so unsafe and unsupportive?

We know the challenges and obstacles, but without any change in the status of refugees in this country, which would include protection and opportunity for younger women and girls, it will be a steep uphill struggle to find a lasting solution to child marriage as for any issue in the refugee community here.

It would be good to share where we think we are up to with this.

Perhaps it is timely to organise a roundtable in KL to bring together all the relevant stakeholders, including of course refugees themselves, to share experiences and best ways forward in this advocacy.

We are not starting from scratch. We will be able to share what has been done in the past; who key targets are and might be; what sort of messaging needs to be delivered; and what sort of targets we can or should realistically set for ourselves. Incidentally, there are several reports documenting the benefit to a nation of giving refugees a stake in the country; these might be better mobilised.

Advocacy at this national level is demanding, we know that. But we have to recognise its importance to tackling issues like child marriage in the refugee community, given that tackling so many of the factors explaining the incidence of child marriage depend on this fundamental issue of status.



XENOPHOBIA does not help

The lack of legal status makes everyone in the refugee community vulnerable to all sorts of abuses and exploitation. This is made even worse by xenophobia, whereby local people are stirred up to hate refugees and other foreigners. In 2023 the Rohingya in Penang were particularly targeted by certain elements.

The fact that these elements were allowed to promote vitriolic hate both on social media and through persistent, nasty, violent attacks on unsuspecting refugee women, men, youth and children has been shocking and sad.

The effect is to further marginalise the community and to further reduce the chances of a safe, protective and supportive environment which would allow women, girls, boys and men to at least have some choices in their lives. Without this, parents and families will continue to choose what for them are the best options for basic survival, including for their daughters.



STRATEGY RESPONSE 1: RECOGNISE AND ADDRESS THE WIDER CONTEXTS /contd

WHAT ARE WE ASKING FOR?

Link the incidence of child marriage in the refugee community in Malaysia to the wider context of child marriage in Malaysia as a whole

Link to and support the lobby to implement the Malaysian “National Strategy Addressing Factors of Underage Marriage in Malaysia”

It is vital that we make important wider links if we are to adequately address the issues relating to child marriage in the refugee community in Malaysia.

Added to the overall situation facing refugees in Malaysia and in Arakan state and in the refugee camps in Bangladesh, and the situation facing refugees once arrived in Malaysia, a further link we must make is to the existence and legitimacy of child marriage in Malaysia as a whole.

Here, we need to realise that every community in Malaysia experiences child marriage because there is no law stipulating that the legal age for marriage as 18. All communities experience child marriage because in every community there are legitimate ways of getting a child marriage allowed and registered.

This situation led to the point where the Malaysian government, at that time under Pakatan Harapan, launched a National Strategy in 2019 to address the issues of child marriage in Malaysia.

This National Strategy is still ‘on the books’, and there have been recent efforts to re-activate it to the point that its provisions are implemented. All of us need to support those involved with this, encouraging and pooling ideas of how to move the process ever forward.



Of course, we need to note the complication that *syariah* law is the province of state Islamic bodies, but Wan Azizah and her Ministry had made some headway by early 2020 in getting a number of Malaysian states to move towards a commitment to 18 being the ideal minimum age for marriage.

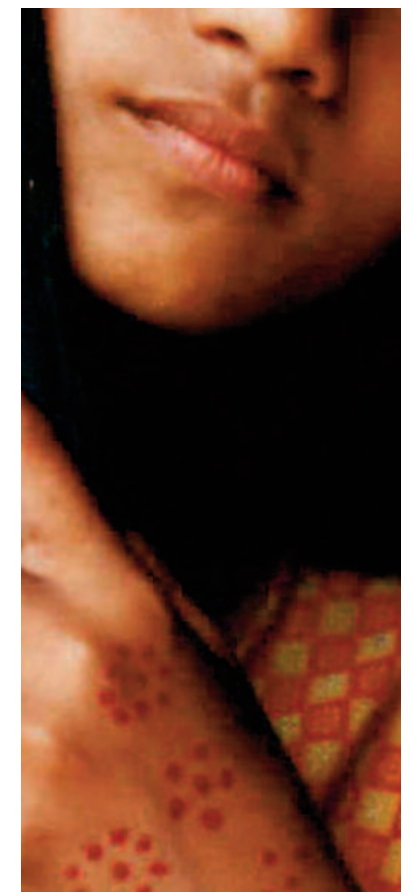
It is important to note that the Islamic authorities in some Malaysian states have pushed forward with this and there may be good lessons and pathways to learn from their efforts.

If by any chance the law was changed in Malaysia to make 18 the minimum legal age of marriage, child marriage in the refugee community, as in other communities, would dramatically reduce to the point of stopping.

We can note that when such a law was introduced in Myanmar, communities like the Rohingya had no difficulty following it.

It is important that the factors and potential responses to child marriage in the Rohingya refugee community is reported to those involved in the activation of the Malaysian strategy. Awareness of the links and the shared challenges will be mutually reinforcing and positive.

Again, ensuring the central involvement of refugee representatives in this discussion is basic.



STRATEGY RESPONSE 2: RECOGNISE AND ADDRESS MORE SPECIFIC CONTEXTS

Without fundamental changes in the wider factors and contexts described in the pages above, it is unlikely that there can be major impact on prevention of child marriage in the refugee community in Malaysia.

But there are some things that may be more within our control, which may at least make some difference.

These are outlined below and if we can pool our experience and ideas and resources, these are things on which we might be able to make headway.



WHAT ARE WE ASKING FOR?

A review of the process whereby child marriages in the Rohingya refugee community can be relatively easily and successfully registered

One of the areas that may benefit from exploration is the relative ease by which refugees can register a child marriage. At the moment this is easy enough, through their own local religious persons.

In Malaysia, there have been discussions by state *syariah* religious authorities around the issue of child marriage. Several states have indicated their willingness to consider the age of marriage at 18, allowing for registration of under-age marriage only in exceptional circumstances. In Kedah and Selangor, it is understood that steps have been taken to implement this; Penang has indicated it is considering doing so.

It is therefore timely that we explore the possibility of working with these state Islamic authorities to explore the possible benefits of extending the policies and protocols which these state *syariah* authorities (which are autonomous in Malaysia) are implementing, to communities like refugees.

In addition, this Strategy asks whether it is possible to find sanctions against those registering child marriages so easily within the refugee community, and indeed for those brokering child marriages. Does UNHCR have the possibility to advertise sanctions to dissuade such practices, including operating a blacklist for resettlement? Can we work closer with Malaysian and refugee religious persons to identify penalties against those registering child marriages without questions?



WHAT ARE WE ASKING FOR?

As speedy a process of registration of refugees in Malaysia as possible

Given that refugees have no legal and administrative status within the Malaysian law, the only 'protection' they have is the UNHCR refugee card. Yet there are thousands of refugees who await registration, and thousands more awaiting updates and registration of family members, including daughters.

UNHCR clearly would prefer not to have to play the role of registering, looking after and resettling refugees in Malaysia, but that is the situation. And there may be good reasons why these backlogs persist. But they do have major consequence on the 'protection' and vulnerability of refugees, including children, including young and teenage girls.

Clearing the backlog for those waiting for registration and those waiting for updates to their and their families' situation would help provide at least the protection a UNHCR Card provides as well as providing the benefit of significantly reduced health costs which the UNHCR card provides.

Clearing the backlog would also avoid the situation where UNHCR needs to devise pathways for registration referral where situations are deemed urgent. Where these have for example given priority to teenage pregnancies, it may well be that there would be unintended consequences especially in a situation where age verification can be challenging. Data relating to child marriage may then become skewed.

So this Strategy suggests it is timely to re-visit again the whole issue of registration and backlogs, and for UNHCR to engage especially with those in the refugee community to listen to their suggestions, concerns, and capacity to help find solutions. There will be plenty of ideas to improve the situations.



STRATEGY RESPONSE 2: RECOGNISE AND ADDRESS MORE SPECIFIC CONTEXTS /contd

WHAT ARE WE ASKING FOR?

Support for the articulation of refugee experience, through respecting and listening to refugee voices so that refugees can share their experiences of child marriage, what the factors are, and what the appropriate solutions might be, from their point of view

As for all issues, it is imperative that the refugee community are at the centre of the discussions of child marriage as it affects their community.

This may seem obvious but is far from being practiced.

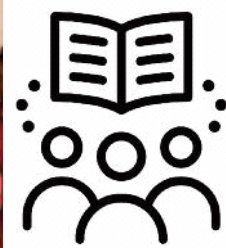
This support can be done through

- a) promoting and ensuring refugee involvement in any discussion/ event related to refugees and/or child marriage in the refugee community
- b) providing resources, especially finance, to support refugee-designed and refugee-led initiatives related to this issue, not least in providing information and discussion for other refugee women, girls, youth and men, about child development, sexual and reproductive health (SRH) and other factors relevant to child marriage.



We should not have to emphasise yet again that it is refugee women, youth, children and men who everyday face the challenges of being a refugee in Malaysia.

They are the ones who know the realities, know the situations in Bangladesh and Myanmar. They are the ones who have considerable insight into the factors and the potential 'solutions' for issues including child marriage.



There are very many refugee groups active for many years delivering programmes geared to women, girls, youth and men in their community, about child marriage and related issues, including the wider protection issues facing the community. Their experience and wisdom sadly is mostly ignored: they are rarely invited to present to local or regional forums. We might wonder: why is this?

This can be reversed immediately if all those holding seminars, workshops, and other discussion events made sure they invited refugee representatives to present the refugee experience and the suggestions from the refugee community of what needs to be done.



This strategy is a chance to affirm that we will support the refugee community to be at the forefront of initiatives around child marriage at the community level.

We can be much more proactive in identifying those refugee groups who are already designing, delivering and evaluating community-based and community-driven programmes whereby information and discussion about child protection, child marriage, parenting and other related issues are being encouraged within the wider refugee community. This is one response to the factor highlighted earlier about the lack of awareness which exists within the community about issues around child development, including child marriage.

Those of us outside the refugee community should do whatever is in our power to promote and prioritise funding and resources to support women, youth and men within the refugee community who are delivering programmes.

At the same time, we should not overexaggerate the potential impact of these programmes. They are one part of a strategy, but cannot be THE answer. Building community awareness and engagement takes time, especially in a situation where the refugee community face such deprivation and lack of options. So we need to support the consistent delivery of community-led community-targeted talks, social media initiatives and other information-sharing and discussion-enhancing activities knowing that the impact will be gradual, but crucially important.

STRATEGY RESPONSE 2: RECOGNISE AND ADDRESS MORE SPECIFIC CONTEXTS /contd

WHAT ARE WE ASKING FOR?

Assessing the relevance of a case management approach *fully involving the refugee community in the exploration of the above*

There are considerable resources being invested in promoting a ‘case management’ approach to the issues of child protection, including child marriage, including in the refugee communities in Malaysia.

This is despite the divide being consistently reported by refugee voices, whereby few in the community are involved in such discussions and few in the community understand the concept and basis for defining a child or a family as a ‘case’ that needs managing.

This can be immediately helped by making sure that the refugee community is seen as an absolutely essential partner in such discussions and there is full involvement of those from the refugee community at every level of discussion. Not only will this allow mutual understanding of what is presumed or expected from the community in implementing this approach, but will also support the possibility for finding community-based alternatives suggested by persons in the community.



This latter is important, because it is not always clear what we think the basis for ‘case’ intervention is, and what the options are if a child is to be ‘rescued’ from a situation. Where can she or he be placed? How will this help the refugee child? The refugee family? The refugee community? What is the risk of further trauma and insecurity and disorientation? We already know the challenges and shortcomings that already exist in the system with regard to Malaysian children at risk, so what more for refugee children and families.

Having persons from the community fully involved in the discussions will give support to potential suggestions coming from the community itself, which may be vital in providing a reasonable alternative for refugee children at risk.

Of course, there are no easy answers. But otherwise, there will continue to be a major gap and any initiative taken ‘in the best interests of the child’ may well cause mayhem, trauma and disbelief amongst the immediately affected parties in the refugee community and the community at large.



WHAT ARE WE ASKING FOR?

Better collection and circulation of data, directly involving refugees in the process

There is always much speculation and claims made about the extent and existence of an issue like child marriage, in our case in the refugee community in Malaysia.

But it is probably realised that there is an absence of definitive data. What data does exist in this case may also be in need of some scrutiny given that information sources may be uncertain and data possibly unreliable.

For example, agencies like UNHCR are well aware that accurate recording of birthdates may be difficult for a number of understandable reasons. This may apply to other data from and related to the refugee community in Malaysia.

So it may be timely as part of this Strategy to revisit the issue of data and to highlight data needs with a view to identifying ways of getting the sort of data which we might see as necessary. It might be argued that without good, shared data, we invite speculation, assumption, and guesswork on issues such as child marriage.

And, to emphasise a point again, the need for data design, collection and analysis provides an excellent opportunity to involve refugee groups and teams directly in the work, building capacity and resources within the community.



ADDITIONAL OBSERVATION

Child Marriage and HUMAN TRAFFICKING



Our 2020 report carried a section about the connection between human trafficking and child marriage. In it, we reported that

“desperation to escape the conditions in the camps in Bangladesh may drive an increase in the number of boats: there certainly is a potential increase in the number of persons wanting to make the journey, any journey, away from the refugee camps in Bangladesh.

“This makes it even more imperative that there is strong commitment (backed by the necessary resources and actions) to bring to justice those involved in human trafficking; that refugee communities are brought into the discussions and initiatives related both to human trafficking and the issue of child marriage and the mainstream of Malaysian laws and penalties; and that the practice of child marriage is comprehensively tackled.”

As described in earlier sections, there has been an increase in children and child brides making the journey away from the camps in Bangladesh and from Myanmar. So the sentiments above still hold very true.

At the same time, our 2020 report cautioned against assuming that all journeys were ‘trafficked’ journeys. It drew attention to the difference between people smuggling and human trafficking, and noted that the transport of many brides/daughters from Bangladesh or Myanmar to be married in countries like Malaysia to an already arranged bridegroom would be ‘smuggling’ rather than ‘human trafficking’.

But it was also noted that many syndicates arranging the transport may be both smugglers and human traffickers, and there are many instances where what started out as a voluntary agreement between the parents/guardian and the smuggler turns into a situation of trafficking.

This is where the transaction is proven to be a falsehood and there is no husband waiting, or when the child is held pending further payments from parents or relatives, or when the child is simply sold off to a different buyer. This most certainly happens.

And of course it is also very possible that the child may be abused by the smuggler or by others during the perilous journey.



Further, there may be a significant number of children making the journey who do not have parents or relatives. A consequence of the genocide against the Rohingya and the mass exodus of people to the Bangladesh camps is the significantly high number of orphans and single children who have been part of this.

Thousands of Rohingya girls and boys are in a terrible situation, are unlikely to have had opportunity for education or skill acquisition, and are struggling to identify any future. Inevitably these children many of whom are teenagers are highly vulnerable to the promises and lure of human traffickers.

This makes it even more imperative that ***there is strong commitment by the Malaysian government*** and its ASEAN and other counterparts (backed by the necessary resources and actions) **to pursue, arrest, prosecute and bring to justice those involved in human trafficking.**

And refugee communities must be brought into the discussions and initiatives related both to human trafficking and the issue of child marriage.

And that the practice of child marriage is comprehensively tackled.



PENANG REFUGEE NETWORK: who we are

The Penang Refugee Network is a group of women, youth and men refugees committed to working together to address and articulate issues within the refugee community in Penang and Malaysia.

It came out of the consistent work begun in 2012 by the Penang Stop Human Trafficking Campaign, which supported the work in the refugee community based on its Core Principles, stressing refugee empowerment.

The Network, through its community workers and leaders and its teams of women, youth and men, have undertaken a wide range of initiatives across a range of issues, including on UNHCR-related matters, health, protection issues generally and child protection issues specifically.

We are also committed to working together with other agencies and organisations, including with members of the Penang Working Group.

