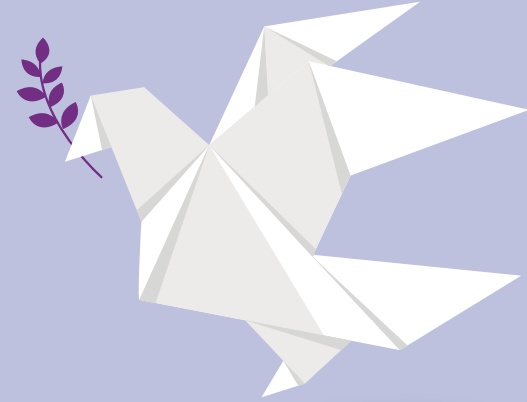


sisler in islam

TELENISA

STATISTICS
& FINDINGS 2021



TELENISA



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Executive Director's Note

Assalamualaikum to all,

This is the sixth year that Sisters in Islam (SIS) is releasing our annual Telenisa Statistics & Findings gathered from the data of our Telenisa Legal Clinic, which SIS has been operating since 2003.

The three key highlights I found from 2021's Telenisa Statistics & Findings are:

- 1 Telenisa is a critical service that provides information about legal rights in marriage to women in the B40 group. An increase to 75% of Telenisa clients are those from the B40 group (lower-income tier), as compared to 60% in 2020.
- 2 The top reason for divorce is communication breakdown at 25%. Domestic violence remains one of the leading causes of marriage breakdown during the pandemic at 23% in both 2020 and 2021.
- 3 Telenisa had observed 2021 as the year with the highest matrimonial property claims since 2018. The percentage stood at 27% in 2018, which dropped to 20% in 2019 and further declined to 17% in 2020. In 2021, matrimonial property claims had risen to 30%.

I don't think all of us in Malaysia have yet to fully comprehend the impact of the pandemic on family life and relations. The data and information we collected have shown us that families have endured strained and stressful relationships. The impact on economy and livelihood has possibly raised awareness of a wife's rights to matrimonial property.

Many years ago, Sisters in Islam (SIS) had successfully raised awareness on the rights of a wife to have additional ta'liq. Additional ta'liq by the wife is recognised both in existing law and Islamic legal tradition. It has been reported that there is reluctance on the part of the authorities to include these additional ta'liq for the wife. It is most likely the couple would be informed of complicated procedures to have this done. The concerned authorities are either ignorant or uncertain that additional ta'liq is recognised and allowed. Or they are just wilfully denying women of their rights.

I hope you will find the data and information here helpful in your understanding regarding the need for continuous reform and improvements on women's rights in the family. I also hope you will continue supporting and being part of this journey to advocate for these changes.

Finally, I would like to thank the team in Telenisa for their commitment and dedication in serving the community during the most trying of times. This work would not have been possible without you and the rest of the colleagues in the organisation. If there is anything the pandemic has taught us is that we needed each other more than we will ever know.



ROZANA ISA
Executive Director
Sisters in Islam

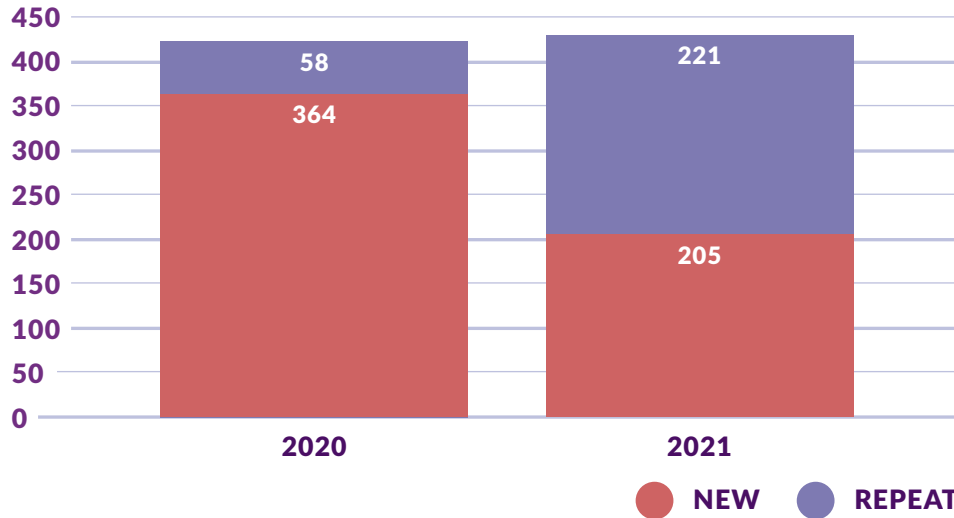
The background is a light blue gradient. At the top, there are stylized clouds in shades of orange and white. At the bottom, there are stylized clouds in shades of dark purple and white. In the center, a large, dark purple cloud contains the text "Our Clients". Surrounding this central cloud are several white paper birds in flight, some holding small purple branches. The overall style is clean and modern.

Our Clients

Our Clients

In 2021, Telenisa had served a total of 426 clients with 221 of them returning to acquire our services as repeat clients. This is an increase from 2020 with 422 clients, in which 58 of them were repeat clients. The increase in repeat clients occurred because more of them had contacted Telenisa for follow-up advice due to the resumption of Syariah Courts operations in 2021.

New & Repeat Clients 2020 & 2021

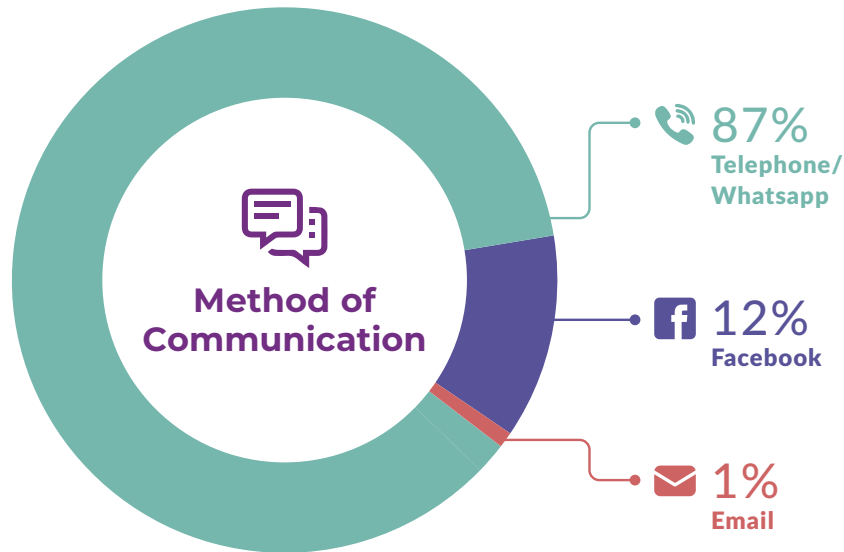


A majority of 392 clients (92%) were women and only 34 clients (8%) consisted of men.

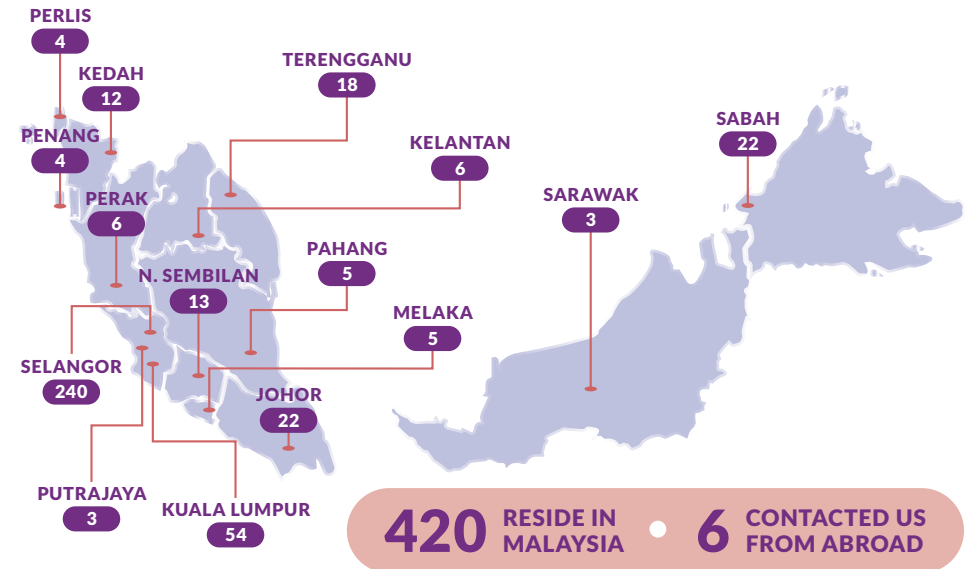


METHOD OF COMMUNICATION

In 2021, 369 clients (87%) communicated with us by telephone which includes text messaging via Whatsapp, followed by Facebook with 52 clients (12%) and 5 clients communicated with us via email (1%). There were no face-to-face consultations in 2021.



Client's Location (2021)



LOCATION

The location data we have collected specifies that 99% (420) of our clients resided in Malaysia, while a remaining 6 clients (1%) contacted us from abroad. Up to 72% (297) of our clients were located in Klang Valley, in which 240 of those clients hailed from Selangor, followed by Kuala Lumpur with 54 clients and Putrajaya with 3 clients.

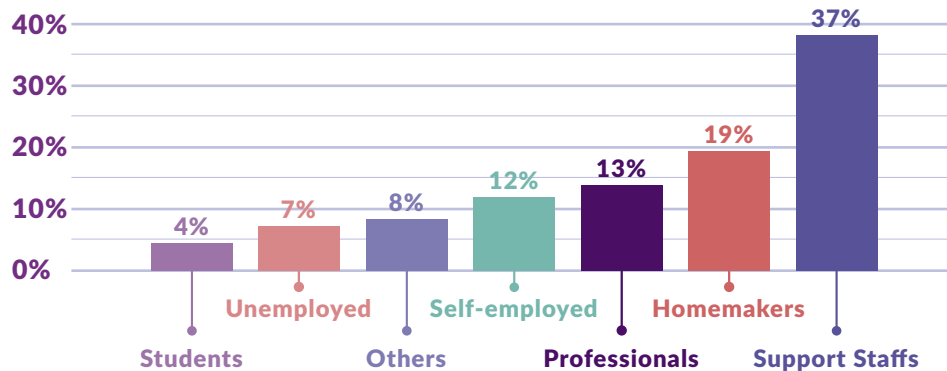
The remaining 30% (129) of Telenisa clients were scattered throughout the many states in Malaysia, and also abroad. We had the state of Johor with 22 clients, Terengganu with 18 clients, Negeri Sembilan with 13 clients, Kedah with 12 clients and Pahang with 8 clients. Both Perak and Kelantan with 6 clients respectively, Melaka with 5 clients, Pulau Pinang and Perlis with 4 clients respectively and a remaining 6 clients had contacted us from abroad. Telenisa also received 25 clients from East Malaysia—Sabah with 22 clients and Sarawak with 3 clients.

OCCUPATION & HOUSEHOLD INCOME

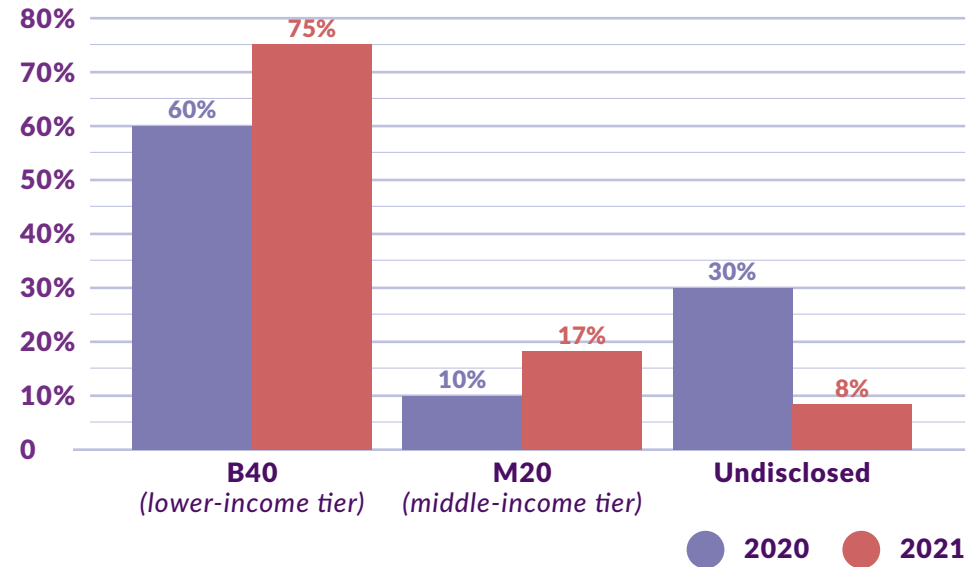
Of the 429 Telenisa clients in 2021, 37% consisted of support staff, followed by homemakers at 19%, career professionals at 13%, self-employed at 12%, various other occupations at 8%, unemployed at 7% and students at 4%.

Based on our findings in 2021, 75% of our clients consisted of those from the B40 group (lower-income tier), which has increased from 60% in 2020. The official income figure for the B40 group is recognised as not receiving more than RM4,850 per month. As much as 38% of our clients from this group earned within RM2,500.01-RM5,000.00, while 27% earned RM1,001.00-RM2,500.00, and 10% of our clients earned less than RM1,000.00.

Occupations



House Income Classification (2020-2021)

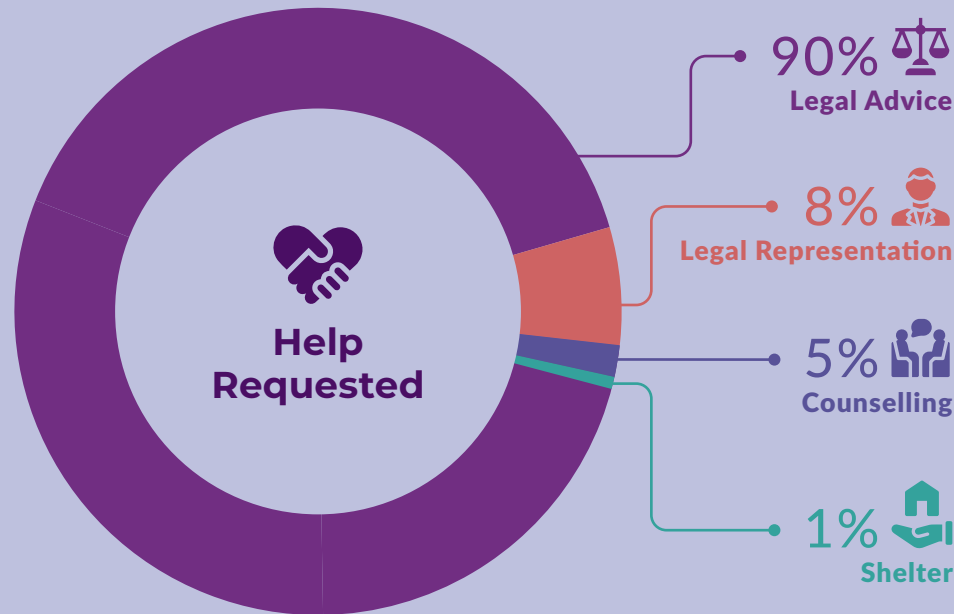


In 2021, there was an increase of 17% of our clients as compared to only 10% in 2020 of those who belonged in the M40 group (middle-income tier) that earned a monthly income between RM4,851-RM10,970. For middle-class income clients of M40, 5% of our clients earned within the RM5,001.00-RM7,500.00 bracket and 12% of our clients belonged in the upper M40 bracket earning more than RM7,500.00 per month. A minor 8% of our clients did not disclose their household income.

ASSISTANCE REQUESTED – ACCESS TO JUSTICE

Up to 90% of our clients requested legal advice as assistance while 5% sought legal representation, 4% was seeking counselling and 1% was looking for safe shelter.

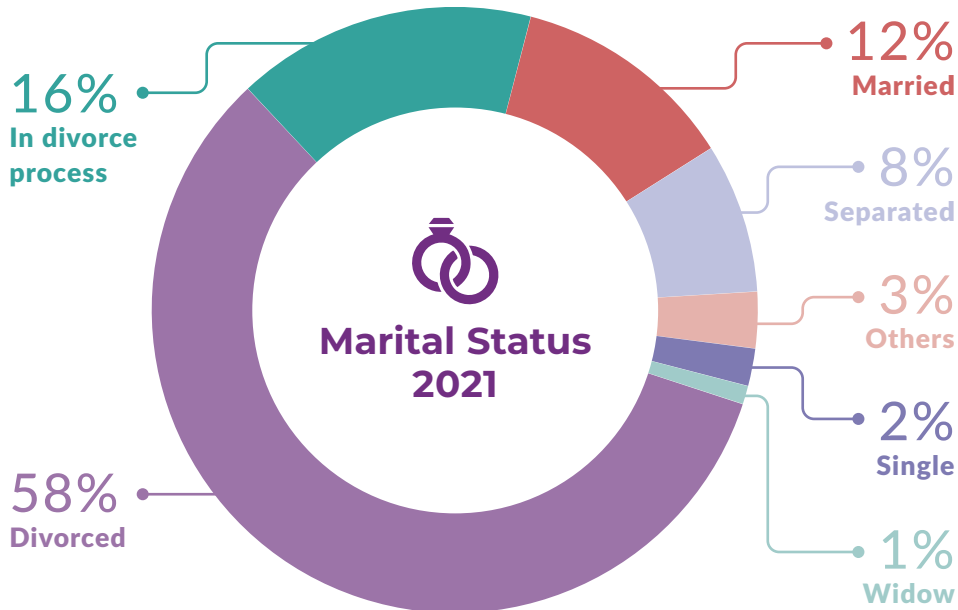
Although the majority of our clients (98%) had not appointed any lawyers, only 8% of our clients were actually seeking legal representation.



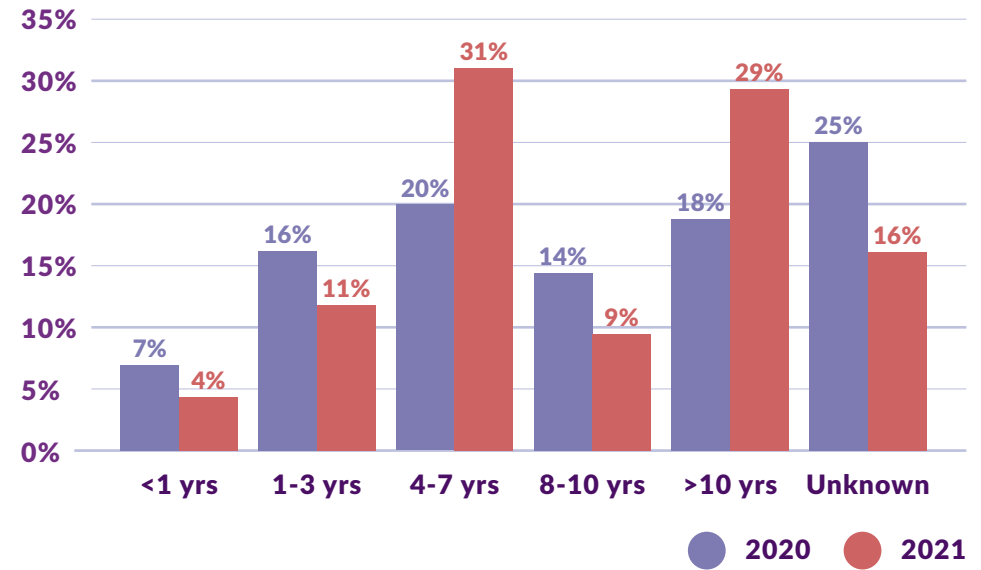
A total 56% of our clients consisted of support staff and homemakers, who also belonged in the B40 group (lower-income tier). They find it difficult to afford the legal fees, as the fees are not regulated and are usually too expensive for them. In this instance, Telenisa would introduce clients to the Legal Aid Department Malaysia (JBG) under the Prime Minister's Office or The Bar Council Legal Aid Centre under the National Legal Aid Foundation (YBGK). Due to a long waiting list or the urgency of the case at hand, our clients would often resort to self-representation in the Syariah Court, which is allowed. However, this would usually bring our clients to a disadvantage as they are not well-versed or they do not have the experience with court procedures and applicable laws. Although access to justice seems apparent, there are still barriers to overcome in ensuring a fair and just legal system.

MARITAL STATUS & LENGTH OF MARRIAGE

The Telenisa data we collected in 2021 had also noted down the marital status of our clients. A majority 58% of our clients were divorced, followed by 16% who were going through the process of divorce. We found 12% of our clients were still married and 8% were separated. Clients who identified in the categories of others are tallied at 3%, those who were single at 2% and widowed at 1%.



Length of Marriage (2020-2021)



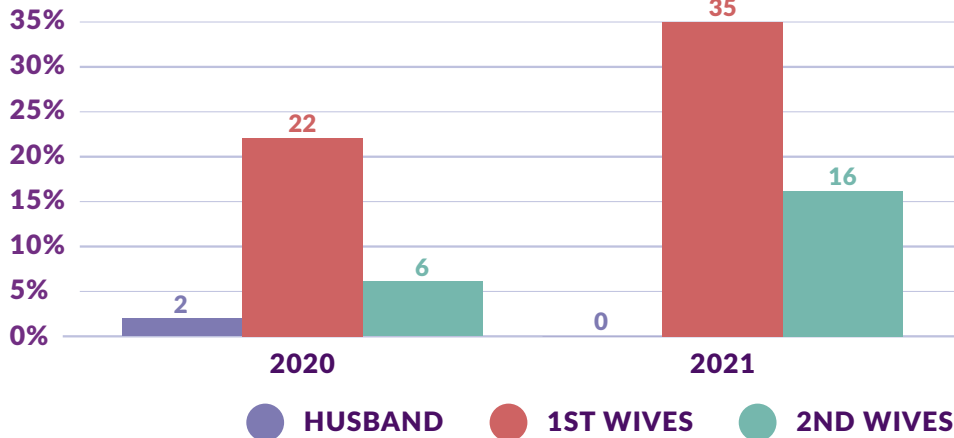
In 2021, 31% of our clients were married between the lengths of 4 to 7 years, closely followed by those who have been married for more than 10 years at 29%. Up to 16% of our clients decided not to reveal the longevity of their marriages and 11% were married between 1 to 3 years. Clients with the length of marriages between 8 to 10 years is tallied at 9% and those who were married for less than a year stands at 4%.

INVOLVEMENT & CONCERNS IN POLYGAMOUS MARRIAGE

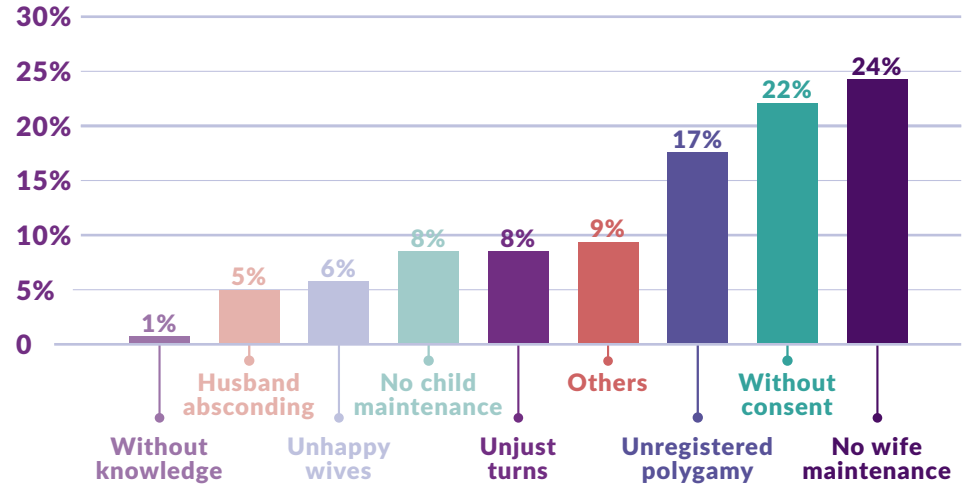
In 2021, a total of 51 clients (12%) were involved in polygamous marriages, with 35 clients (8%) as first wives and 16 clients (4%) as second wives. This is an increase from the year 2020, with a total of 30 clients (7%) who were involved in a polygamous marriage, with 22 clients (5%) as first wives, 6 clients (1%) as second wives while 2 other clients (0.5%) were husbands. None of our clients were third or fourth wives in a polygamous marriage.

The top two concerns raised by our clients in their polygamous marriage stated that their husbands did not provide maintenance (24%), and their husbands had committed to polygamous marriage without their permission or consent (22%). The third most recurring issue was unregistered polygamy (17%). Other issues stand at 9%. Both issues of unjust overnight turn and husbands who did not provide child maintenance are tallied at 8% respectively.

Involved in Polygamous Marriage



Issues in Polygamous Marriage



Other recorded issues in polygamous marriage were unhappy wives at 6%, husbands absconding at 5% and polygamous marriage without the knowledge of the wives at 1%.

Inquiries received by Telenisa on polygamy include, among others, questions on how to verify their husbands' marriage status or involvement in polygamy. Questions were also raised on the court's procedures in allowing polygamy when first wives were not notified of the application made in court, which includes cases of unlawful polygamy. Clients also inquired as to why the consent or permission of the first wife was not taken into consideration in the application for polygamy. There were also questions on the rights of a wife to claim matrimonial property in a polygamous marriage.



The Rights of a Wife

The Rights of a Wife

DIVORCE INQUIRIES & REASONS FOR DIVORCE

The top three divorce inquiries for the year 2021 were fasakh, ta'liq and talaq. Inquiries on fasakh were the most received at 58%, although this figure has dropped from 68% in 2020. Inquiries on ta'liq were tallied at 16% and talaq (in court) at 15%. Telenisa has compared the three main grounds for divorce from the year 2020 to 2021.

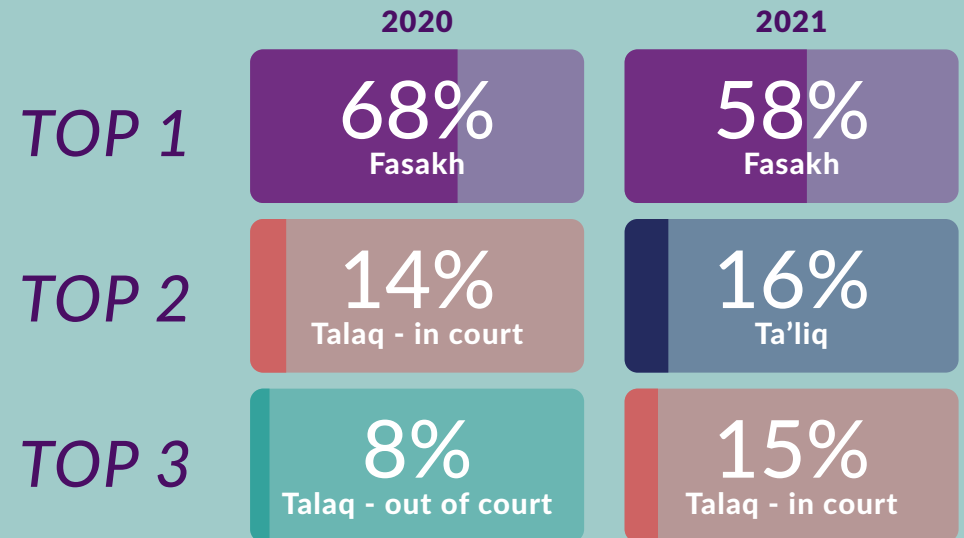
Fasakh remains as the highest number of inquiries regarding divorce since 2016. Fasakh is a method of divorce prompted by the wife, particularly when the husband refuses to grant divorce to the wife through talaq.

Divorce by ta'liq takes place when the husband violates the ta'liq conditions i.e. the husband abandons the wife on her own yet does not provide maintenance for more than 4 months, thus the wife may report and file an application for divorce to the Syariah Court.

Divorce by way of talaq can happen in two situations: talaq that is pronounced out of court and talaq that is pronounced in court. Pronouncing talaq out of court, i.e. at home or over the phone, is an offence under Section 124 (*Divorce out of Court and without leave of Court*) of the Islamic Family Law (Federal Territories) Act 1984. This offence is punishable with a fine not exceeding one thousand ringgit or imprisonment not exceeding six months, or both fine and imprisonment. An application to verify talaq that is pronounced out of court must be made to the Syariah Court.

As for the pronouncement of talaq in court, it is done in front of a Syarie judge. This procedure usually takes place when both parties mutually agree to the divorce or when the husband insists on a divorce.

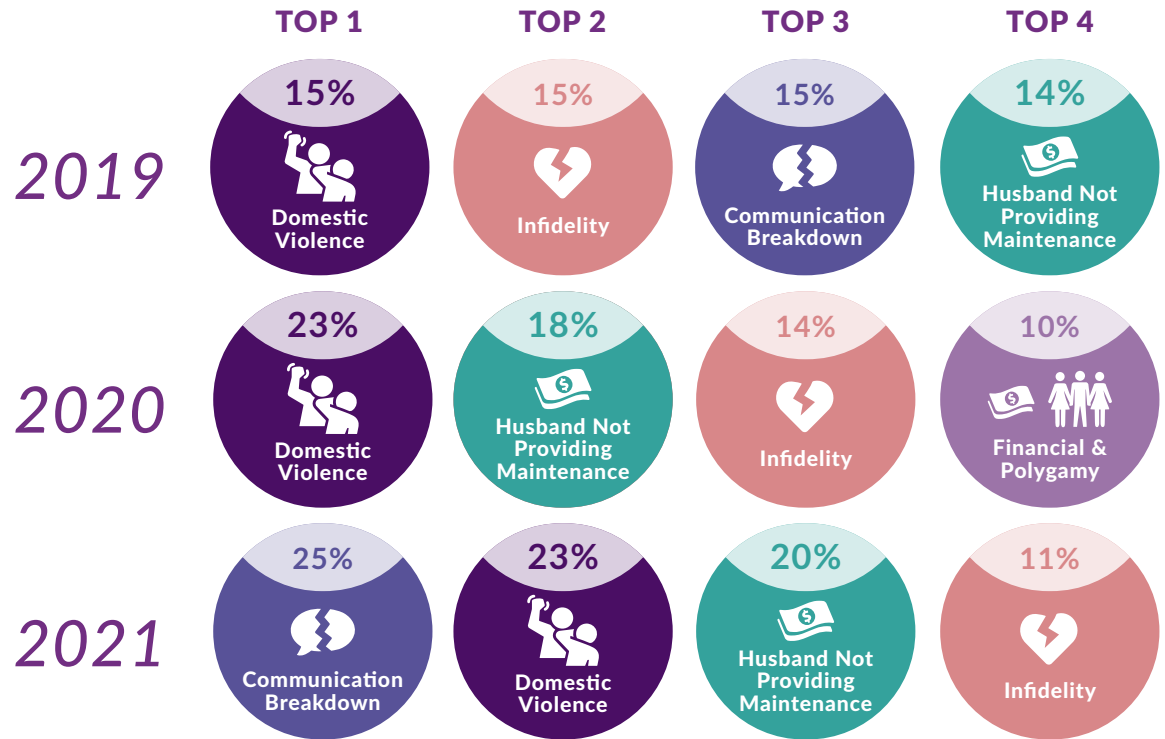
Top 3 Grounds for Divorce (2020-2021)

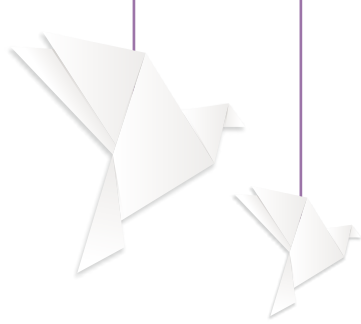


Top 4 Reasons for Marriage Breakdown (2019-2021)

DIVORCE INQUIRIES & REASONS FOR DIVORCE

Communication breakdown was the most stated reason for divorce recorded at 25%. Domestic violence fell as the second most reason for divorce in 2021 at 23%, and it has remained as the top four recorded reasons for seeking divorce since 2018. The third most recorded reason for divorce in 2021 at 20% was a situation when the husband fails to provide maintenance, an increase from 18% in 2020. Infidelity was the fourth most recorded reason at 11%, followed by polygamy at 8%. Telenisa has compared the four main causes of marriage breakdown from the year 2019 to 2021.

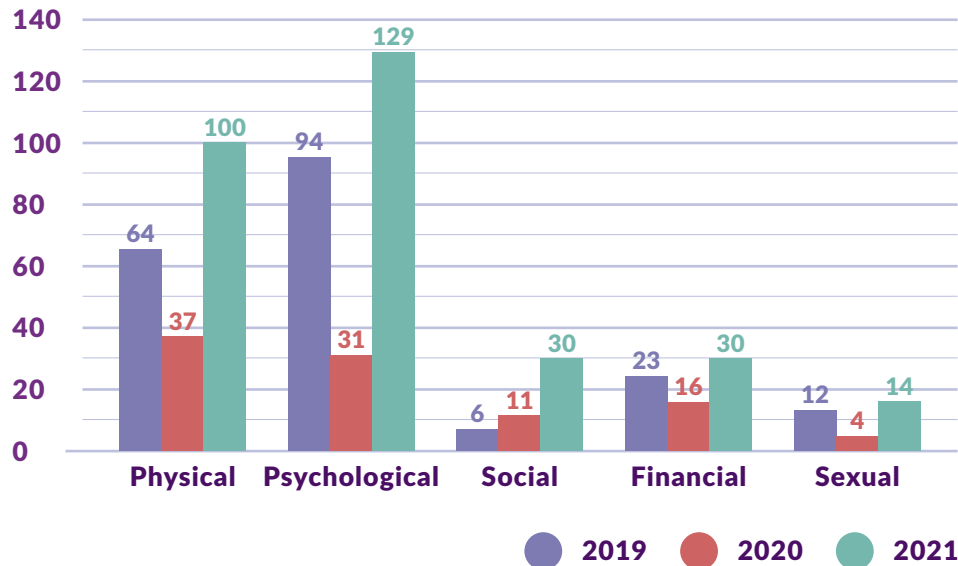




TYPES OF VIOLENCE WOMEN FACE

In 2021, Telenisa had recorded the most number of domestic violence reports with 303 cases, the highest since 2019. Psychological or emotional abuse was the most recorded form of abuse with 129 cases, followed by physical abuse with 100 cases. Social abuse and financial abuse with 30 cases each, and sexual abuse with 14 cases. Telenisa has compared the varying types of violence recorded from the year 2019 to 2021.

Types of Violence (2019-2021)



Based on Telenisa's observation, most of the psychological abuses inflicted upon our clients were forms of intimidation, insults, guilt trips, gaslighting and manipulation. Our clients also shared with us how facing these psychological abuses had made them feel scared, stressed, depressed and anxious. More often than not, our clients admitted that these abuses have been going on for a few years until they decided to seek help.

Usually, clients who had to face psychological abuse would most likely encounter other types of domestic violence like physical abuse, sexual abuse, social abuse or financial abuse. However, there were also cases where psychological abuse was the only form of domestic violence our clients had to endure.

Among their concerns in filing for divorce was the difficulty to prove that they had endured psychological abuse to the Syariah Court. Some common inquiries Telenisa had received were questions and keenness to know what kind of documents they would need to prove psychological or emotional abuse in court. Or what is the likelihood for the Syariah Court to allow divorce on psychological or emotional abuse? Would proving psychological abuse for divorce affect their custody (hadhanah) claim? If the court rejects their application and claims of psychological abuse, would that mean they are still married to their abuser? Would that also mean they have to go back living in the same house as their abuser? These are some of the questions our clients wanted to resolve.

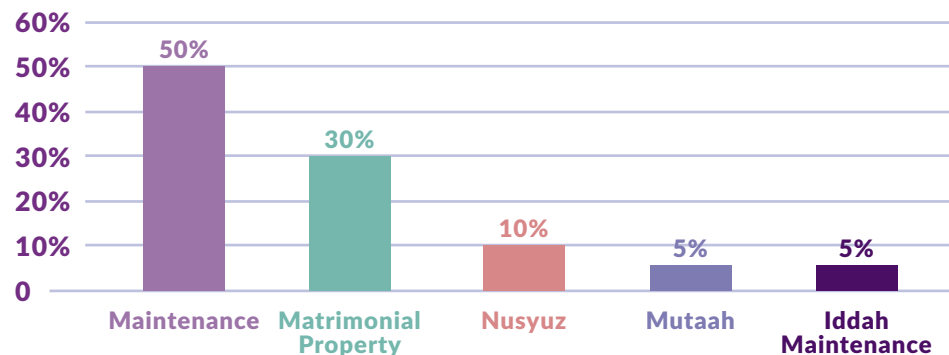
One of the most important documents to provide the court is a medical report by a psychiatrist from a government hospital. Claiming psychological abuse for divorce would not affect custody claims unless it can be shown that the abuse had caused irreversible damage to the mother to an extent that she would be unable to care for her child. In evaluating the likelihood of allowing divorce on the grounds of psychological or emotional abuse, no laws are dependable, only the opinion of the judge is. If the court rejects the divorce application, it does mean the woman is still married to the abuser. This is why it is important for the woman to lodge police reports on every abusive incident and to apply for an Interim Protection Order (IPO) or Emergency Protection Order (EPO). These documents will then support claims of abuse put forth in court.

It is a common misconception within our community that violence only takes the form of physical hurt. It is time to educate our society to identify and recognise other forms of violence such as psychological or emotional abuse, including marital sexual abuse between husband and wife.

ISSUES AFFECTING WIVES

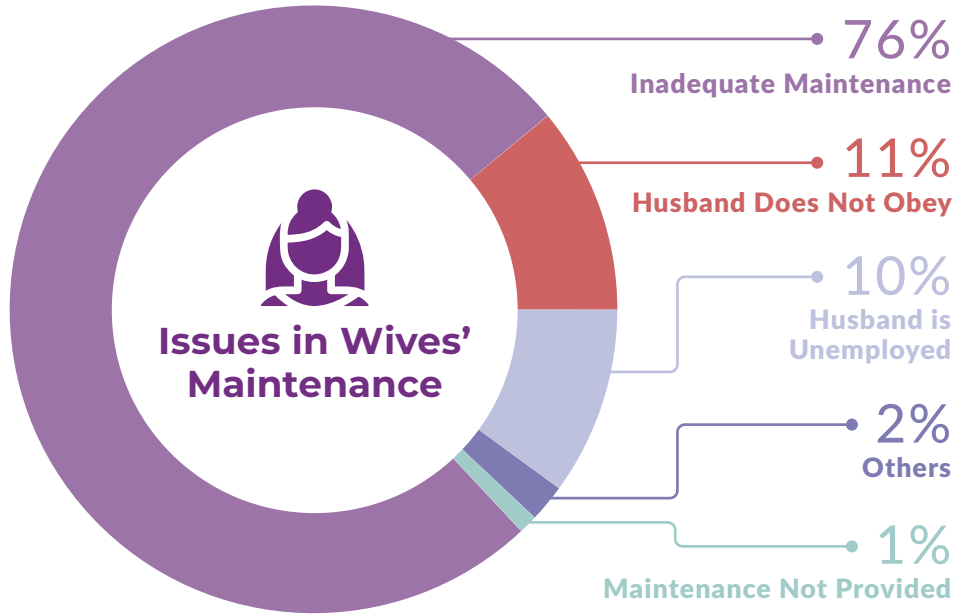
Our clients are more informed of their rights during marriage and after the dissolution of marriage. The leading issue constantly raised by our clients was concerning their rights to maintenance (50%). The second highest issue was regarding matrimonial property (30%), followed by nusyuz (10%). Nusyuz is often associated with the act of disobedience and refusal by the wife towards

Issues Affecting Wives

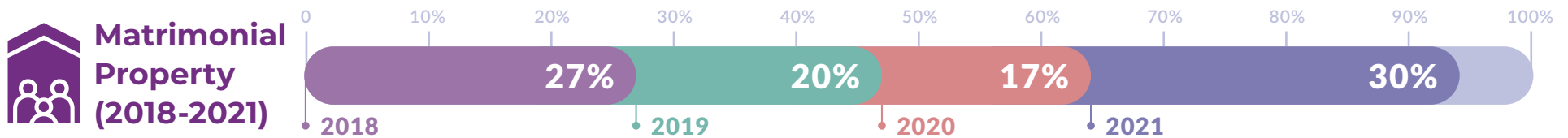


her husband's request or order. Often, wives are intimidated by their husbands who control, guilt-trip or threaten them by claiming nusyuz as a way to ensure she would fail in her maintenance (nafkah) and custody (hadhanah) claims. A wife is expected to not leave her home without her husband's permission. Even if a wife leaves the house to seek help or refuge, she would deem to be nusyuz. Issues of muta'ah and iddah maintenance are also of concern, tallied at 5% each.

In 2021, most wives struggled to deal with maintenance issues. As much as 76% of our clients reported that their husband gave inadequate maintenance and expected the wife to manage with what little amount was provided. They were also expected to cover any excess costs needed for the household, regardless whether she is working or a homemaker. The second problem women had to face was violations of court orders by their husband or ex-husband on the issue of maintenance (11%). The third highest issue reported was husbands who were unemployed (10%).



Telenisa had observed 2021 as the year with the highest matrimonial property claims for over four years since 2018. Telenisa noted that more women have knowledge on their rights as a wife and in knowing so, they are claiming their right to matrimonial property. The percentage stood at 27% in 2018, which dropped to 20% in 2019, and further declined to 17% in 2020. However in 2021, matrimonial property claims had risen up to 30%.



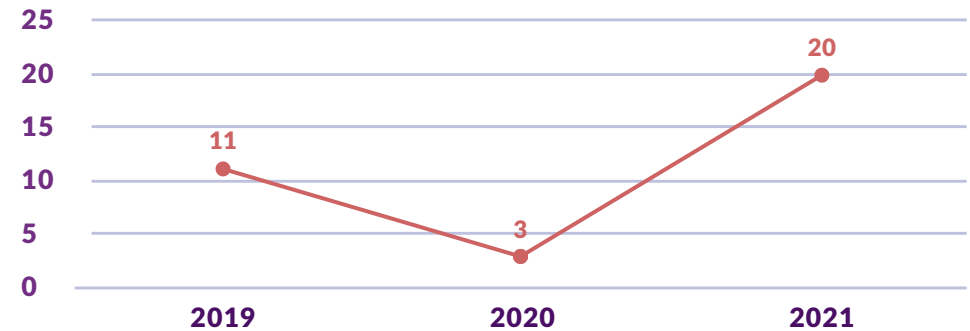
ADDITIONAL TA'LIQ IS MUSLIM WOMEN'S RIGHT

Ta'liq is an agreement made by the husband after entering into a marriage. In Malaysia, ta'liq is recited by the husband immediately after Akad is pronounced. This ta'liq will be recorded in the Ta'liq Certificate printed on the back of the Marriage Certificate. In the event of a violation of ta'liq, the wife may issue a complaint to the Religious Department and file for divorce in the Syariah Court based on the agreed ta'liq recorded in the Marriage Certificate.

Based on the standard ta'liq text, for all states in Malaysia, a wife may file a complaint and an application for divorce whenever:

- 1 Her husband mistreats her, leaves her for a period of four consecutive Hijrah months or more, whether voluntarily or by force;
- 2 Her husband or his representative does not provide maintenance for four consecutive Hijrah months, and the Syariah Court does not declare her as disobedient (nusyuz) or;
- 3 Her husband causes harm to her body, abuses her or committed any form of abuse according to the Syariah Law

Inquiries on Ta'liq Tambahan



From 2019 until 2021, Telenisa received 34 inquiries on Additional Ta'liq. Based on Telenisa's observation through our yearly statistics and interactions on social media, women are now becoming more aware of their rights to include additional ta'liq provisions to their standard ta'liq.

The 2 (two) most common additional provisions demanded by women are;

- 1 The husband shall not enter into a polygamous marriage without the wife's knowledge and consent, and
- 2 The husband shall not hinder the wife's right to continue her education or to work.

However, women have come out to say that the many times they have approached the Marriage Registrar or the religious authority officers to register their additional ta'liq, their requests were ridiculed and denied. Even after the bride and groom themselves have agreed to the additional ta'liq provisions, the Marriage Registrar often refuses to include the additional ta'liq provisions into their ta'liq certificate and to only maintain the standardised provisions. The Marriage Registrar or the religious authority officers would insinuate that there are complicated procedures for this to be done, i.e. it needs to get approval and registration from the Syariah Court. The truth is, there is no such requirement under the law for such application to be done

first prior to the registration of additional ta'liq. It is clear under the law that the Marriage Registrar has a duty to register any other additional provisions that are already agreed by both bride and groom.

Islam and Islamic Family Laws in Malaysia allow for additional ta'liq. Under Section 22 (*Entry in the Marriage Register*) of Islamic Family Law (State Of Selangor) Enactment 2003 states that immediately after the solemnisation of a marriage, the Registrar shall enter the prescribed particulars and the prescribed ta'liq or other ta'liq of the marriage in the Marriage Register. The entry shall then be attested to by the parties to the marriage, by the wali, and by two witnesses other than the Registrar, present at the time the marriage is solemnised. Lastly, the entry shall then be signed by the Registrar. Furthermore, Section 26 (*Marriage certificate and ta'liq certificate*) of Islamic Family Law (State Of Selangor) Enactment 2003 states that upon registering any marriage and upon payment to him of the prescribed fees, the Registrar shall issue marriage certificates in the prescribed form to both parties to the marriage. The Registrar shall also, upon payment of the prescribed fees, issue a ta'liq certificate in the prescribed form to each of the parties to the marriage.



It is a misconception in our society that to include additional ta'liq provisions that forbid polygamous marriage is wrong or not allowed in Islam. Sukaynah binti Husein, the great-granddaughter of Prophet Muhammad SAW herself had laid down one of the conditions for her hands in marriage that her husband could not enter into a polygamous marriage. More women are recognising and exercising additional ta'liq to secure their rights in marriage, hence Telenisa urges that additional ta'liq must be registered and should not be prohibited or hindered without just cause.



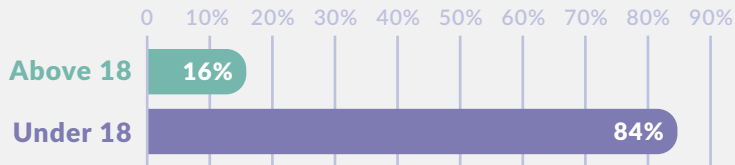
The Rights of a Child

The Rights of a Child

ISSUES SURROUNDING CHILDREN

In 2021, there were a total of 282 children whose lives were affected by their parents' unresolved issues. A majority of 236 children were below the age of 18 and 46 children were above 18 years old.

Age of Children Involved



The issue of child maintenance still commands the highest percentage at 50%. The second highest issue surrounding children is the issue of custody (hadhanah) at 34%, followed by issues of illegitimate children at 14%, adoption at 3% and guardianship at 1%.

The reasons for these difficulties occurred in child maintenance were due to fathers who failed to provide adequate maintenance (64%), followed by fathers who were not working (16%), fathers who did not provide maintenance at all (14%), and fathers who disobeyed the court's order on maintenance (6%).

34%
Custody

50%
Maintenance

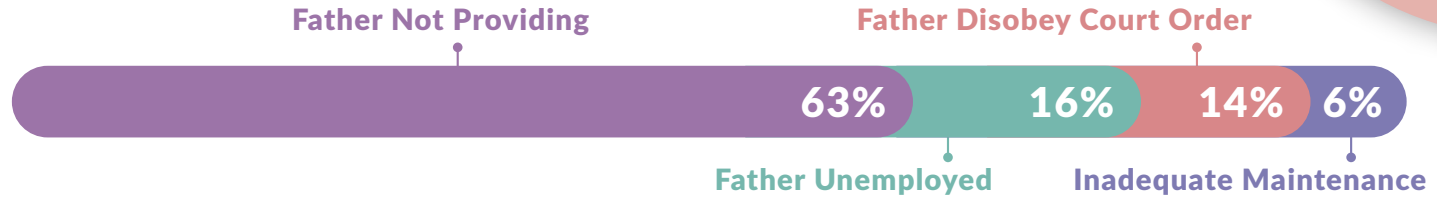
12%
Illegitimate
Child

3%
Adoption

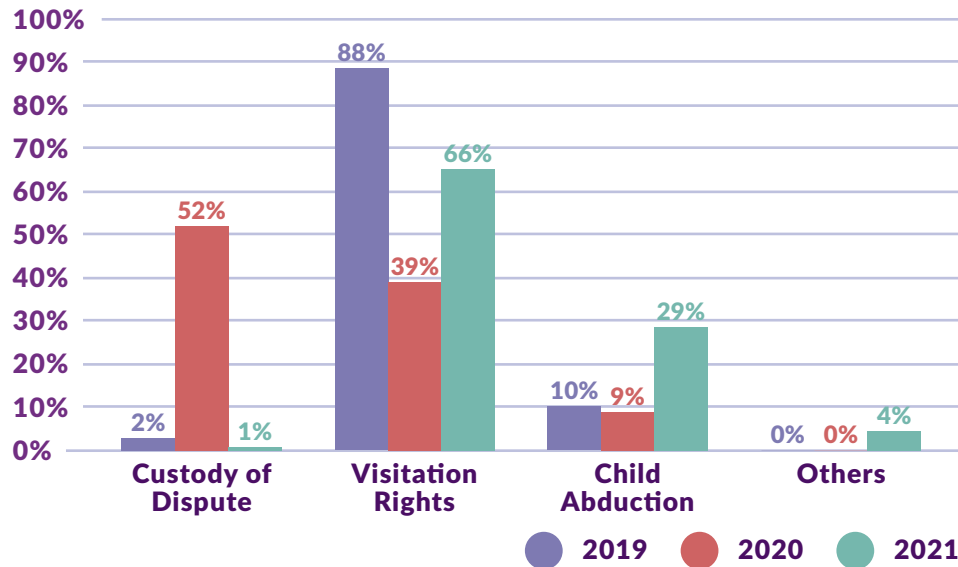
1%
Guardianship

Issues
Surrounding
Children

Issues in Child Maintenance



Issues in Child Custody (2019-2021)



The issues of child custody have shifted over the years. In 2019, the prominent issue was visitation rights at 88%. However, as the pandemic restricts and limits our movement, visitation rights have become more difficult for parents to implement. Issues of custody disputes had risen up significantly to 52% in 2020 when compared to 2% in 2019. For the year 2021, we observed a significant decline in custody disputes which plunged to 1%.

It is worrisome to observe issues regarding child abduction which increased from 9% to 29% in one year. Due to financial burden and time constraints to take matters to court, many parents are desperate for immediate action when it comes to their children. They often take matters into their own hands by resorting to abducting their own child and separating them completely from the other parent. Desperation like this affects visitation by cutting off communication between the child and the opposing parent. This behaviour is severely affecting the child's upbringing and emotional growth. Shared parenting should be learned and understood by both parents to avoid children becoming victims of adults' unresolved issues.

It is also important to note that in 2021, a minor 4% of our clients had brought up a new issue in child custody that was recorded for the first time since 2018. It was the concern regarding the registration of a child's nationality and how it would affect the parent's custody claim.

Child Marriage and Its Direction in Malaysia

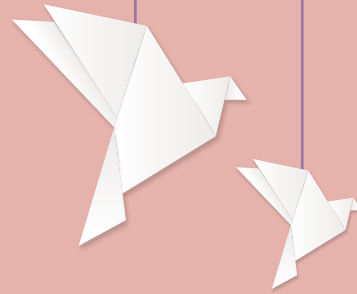


CHILD MARRIAGE LEGAL FRAMEWORK UNDER THE SYARIAH COURT JURISDICTION

Child marriage is still legal in the Malaysian legal framework. In March 2021, SUHAKAM Children's Commissioner presented a report based on the statistics from JKSM (Jabatan Kehakiman Syariah Malaysia) that 692 child marriage applications were submitted in 2020, of which 451 were allowed. Thus, 65.2% of applications for child marriage was approved.

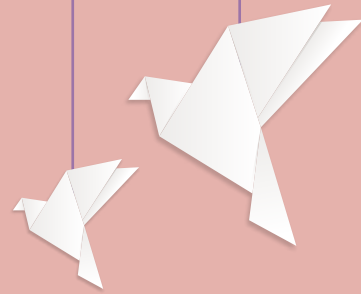
A Standard Operating Procedure (SOP) formulated by JKSM¹ in 2018 highlights the requirements and factors that judges must consider in order to allow the application of child marriage. The application is divided into three parts: case registration, case hearing and decision by the courts. The first part of the application focuses on the proper documentation of the applicant. This also includes a case mentioning whereby the registrar will hear the applicant's application and will decide if a date for the hearing of the case should be set.

1 https://www.mahsyariahmelaka.gov.my/msnmfiles/Pekeliling_ArahanKHS/2018/Arahan%20KHS%20MSNM%20Bil.1-2018.pdf



The second part of the application is managed by the judges through court hearings. A judge, during the hearing process, will question the underage applicant alone and in chambers. There are a few factors that the judge will evaluate in the applicant's application for child marriage. They are:

- 1 Grounds for marriage that include reasons for the marriage, whether there are threats or profit to be gained by the family or the guardian for consenting the marriage and the willingness of the parties to marry;
- 2 The applicant's family background will be taken into consideration. This background information may include the applicant's place of residence, number of siblings, parents' marital status, occupation and income;
- 3 The background of the respondents will be assessed. This assessment includes the marital status of the respondent's parents, place of residence, occupation and the marital status of the potential/future husband.
- 4 An assessment will be conducted on how the marriage would affect the life of the applicants after marriage, such as the applicant's education, means, personal character, as well as health. In the assessment, the judge will also consider the sexual and reproductive background, including the applicant's understanding of what a marriage would entail, such as the responsibilities, duties and cost of living as married couples.
- 5 Compatibility and other reports prepared by government agencies, including a report from the Social Welfare Department and a medical report from the Ministry of Health will be assessed and evaluated. A police report from the Royal Malaysian Police will be requested, if necessary.



RECOMMENDATIONS ON CHILD MARRIAGE

The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. At the core are the 17 Sustainable Development Goals (SDGs), an urgent call for action by all countries in a global partnership. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and encourage economic growth.

The third and final part of an application of child marriage rests upon the judge's decision. After the consideration and the evaluation based on the above-mentioned factors, the judge will then make a decision together with a 'Grounds of Judgement'.

In conclusion, it remains to be seen how the SOP provided by JKSM would be effective in reducing the number of child marriages since the data released by JKSM merely highlights the number of applications. However, reasons as to why an application is approved or rejected by the Syariah Courts are not disclosed.



Women's equality and empowerment is one of the 17 Sustainable Development Goals, which is integral to all dimensions of inclusive and sustainable development. Women and girls, everywhere, must have equal rights and opportunities, and be able to live free of violence and discrimination. In short, all of the other SDGs are dependent on the achievement of Goal 5, which is gender equality.

In 2020, the Ministry of Women, Family and Community Development launched a five-year "National Strategy Plan in Handling the Causes of Child Marriage", which comprises of short, medium and long-term actions involving government agencies, civil society and communities from 2020 to 2025. This is part of Malaysia's commitment to SDG 5 which is to achieve gender equality and to empower all women and girls. One of the targets is to eliminate all harmful practices, such as child marriage, early marriage and forced marriage.

This provides an opportunity for the government and all stakeholders to renew our commitment in addressing child marriage together through the implementation of the National Strategy Plan and other strategic, targeted and sustained efforts. In addition, the National Strategy Plan recognises that enactment of laws alone is insufficient to combat child marriage effectively however, this is not a reason to not proceed with legal reform and increase the minimum age of marriage. The plan should be supplemented with a comprehensive set of measures to facilitate their implementation and enforcement, along with a follow-up, monitoring and evaluation of the results achieved.

The following is a set of measures to tackle issues of child marriage:

- 1 Increase the effectiveness of social protection and assign support (household living aid) to B40 households.
- 2 Ensure teenagers gain access to Sexual Reproductive Health (SRH) education and health services, in order to understand the importance of protecting themselves from activities that would cause teenage pregnancy.
- 3 Increase access to education and attendance to schools through policies, legislation, programmes and advocacy.
- 4 Provide mechanism and platform to discuss social norms and stigmas for various parties concerning child marriage.
- 5 Ensure the current laws are in line with the government's policies in preventing marriage under the age of 18, including actions towards increasing the minimum age of marriage for females under the Islamic Family Laws.
- 6 Coordinate marriage and divorce statistics in Malaysia, including that of under the age of 18.

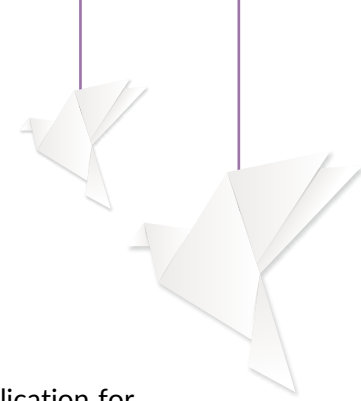
MINIMUM AGE OF MARRIAGE

~~16 YEARS OLD~~
18 YEARS OLD



These measures are comprehensive and they are necessary towards ending child marriage in Malaysia. SIS remains committed to ending child marriage in Malaysia, which goes in line with the target set forth by the United Nations under SDG 5. SIS is of the opinion that raising the minimum age of marriage from 16 to 18 for women in Malaysia, without exceptions, through amendment of both state and federal laws is critical.

In 2018, an amendment to raise the minimum age of marriage from 16 to 18 for women was made by the state of Selangor. The amendments were made to the Islamic Family Law (State of Selangor) Enactment 2003 and Syariah Court Civil Procedure Enactment (Selangor) 2003. These amendments show the possibility that the minimum age of marriage can be raised through legislative amendments throughout Malaysia. However, amending the law itself is not adequate. A comprehensive set of measures must be taken to facilitate the implementation and enforcement of the laws. Continuous monitoring of those in charge of marriage registration and ceremony, such as registrars and officiants, must also be conducted to ensure that the targeted results towards the total abolishment of child marriage can be achieved. It is also important to make compulsory attendance to secondary school education in order to provide equal opportunities to all children in Malaysia.



SIS recommends two measures to strengthen the existing procedures currently used by the Syariah Courts in considering the application for child marriages. It must be noted that these measures would only work if all parties would come to it with a mutual mentality that these are only temporary measures towards ending child marriages in Malaysia within a specific timeframe.

1 Strengthen the relationship between judiciary bodies with government agencies and non-governmental organisations. This is a vital step because government agencies are policymakers, and policies can influence and positively impact children. Non-governmental organisations may assist and provide consultation to government agencies through continuous engagement to implement new policies as they have the expertise due to their work experience at ground level. This collaboration would ensure that the procedures for child marriage are more stringent.

2 Annual statistics on the application of child marriage and the grounds of judgement made by Syariah Court judges for approving and rejecting child marriage should be collected by the Syariah Courts, published by the Department of Statistics Malaysia and reported in every Parliamentary session in order to identify and report on the possible trends of child marriage. From these statistics, an analysis can be done to find the correlation to the numbers of child marriage applications, including the factors that contribute to child marriage. A repository for the data on child marriages must be set up as to allow the information to be shared and further built upon.

Conclusion



Child marriage is a complex issue that affects communities in Malaysia. The efforts to end child marriage require coordination across all sectors including education, healthcare, justice, social welfare, religious authorities, and law enforcement at the local, national and regional level.

What You Can Do To Help?

Contributions can be channelled to:
SIS Forum (Malaysia) - 5641 8240 5457 (Maybank)



Organisations That Help & Support Women

Telenisa Helpline   012-812 3424 <i>Free legal advice on Islamic Family Law & Syariah Criminal Offences</i>	Sarawak Women for Women Society (SWWS) 082-368 853 <i>Counselling & free legal advice</i>	Sabah Women's Action Resource Group (SAWO) 088-269 291 <i>Counselling & free legal advice</i>	Women Centre for Change (WCC) Seberang Prai 04-398 8340 <i>Counselling & free legal advice</i>	Women Centre for Change (WCC) Penang 04-228 0342 <i>Counselling & free legal advice</i>	Legal Aid Centre (Selangor) 03-5510 7007 <i>Free legal representation</i>
Talian NUR 15999 <i>Domestic violence & child abuse</i>	All Women's Action Society (AWAM) 03-7877 4221 <i>Counselling, sexual harassment & rape</i>	Women's Aid Organisation (WAO) 03- 3000 8858 <i>Counselling & shelter for violence against women</i>	Perak Women for Women (PWW) 05-546 9715 <i>Counselling</i>	Legal Aid Department Malaysia 03-88851827 (Civil) 03-88851094 (Syariah) <i>Free legal advice & legal aid</i>	Legal Aid Centre (Kuala Lumpur) 03-2691 1121 <i>Free legal representation</i>



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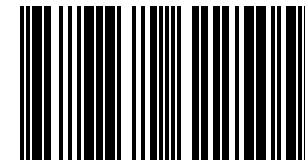


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