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Activists call for clear minimum marriage age in draft child rights law

By San Yamin Aung

The Irrawaddy (4.12.2018) - <https://bit.ly/2GOG1j4> - Women's rights advocates have raised concerns over the absence of a clearly defined minimum age of marriage in the proposed Child Rights Law currently before Parliament.

The draft bill submitted by the Ministry of Social Welfare, Relief and Resettlement states that the minimum age at which boys and girls can marry shall be defined by both existing laws and customary laws. (Customary law refers to the traditional laws observed by the country's various religions and ethnicities.) A provision of the draft adds that in order for the marriage to be legally registered, those being married must be at least 18 years of age.

The Lower House's Bill Committee last week suggested removing the second part regarding the minimum age being 18.

Lower House lawmaker U Kyaw Soe Linn, who is also a secretary of the Bill Committee, said in Parliament that stating a marriageable age in the Child Rights Law would create inconsistencies with the country's various customary laws. He cited the Myanmar Buddhist Women's Special Marriage Law, the Christian Marriage Act and other ethnic groups' traditions relating to marriage, which prescribe different age minimums for marriage.

The Lower House voted in favor of the committee's suggestion on Nov. 28.

Lawyer and Legal Clinic Myanmar director Ma Hla Hla Yee voiced concern that the omission of a clearly stated minimum legal age for marriage from the proposed Child Rights Law would encourage child marriage.

"It is the same as allowing boys and girls to marry before they are ready under the Child Rights Law," the lawyer said.

She said that as the proposed Child Rights Law is a special law on children, it will have an influence on the interpretation of other laws. For that reason, the omission of a stated marriageable age could allow some people who commit offenses against children to escape prosecution under the Penal Code's Article 375, she said.

Article 375 defines the minimum age at which an individual can legally consent to sex with an adult as 16. Whether consensual or not, any adult who engages in sex with a minor below this age is guilty of rape under the law.

Prominent women's rights advocate Ma May Sabe Phyu, who is also a director of the Gender Equality Network, said removing the legal age for marriage and legally permitting children to marry under different customs and traditions would be in violation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), an international treaty that Myanmar signed in 1997.

As a signatory to the CEDAW, the government is obliged to enact laws that protect women and girls from being subject to harmful traditions and practices, Ma May Sabe Phyu said. The proposed Child Rights Law would do the exact opposite, she added.

Drafted by the ministry, the proposed Child Rights Law is a revision of the outdated 1993 Child Law. It would extend childhood status to the age of 18 in line with the UN Convention on the Rights of the Child (CRC), which the country signed in 1991, and provide improved protections for child rights and care.

"[Opponents of a defined age of marriage] would argue that we are seizing on one single issue in an otherwise perfect law. But that single issue is too important to ignore," Ma May Sabe Phyu said.

Legislation passed under a democratic government should comply with international conventions ratified by the country, she said.

During the Parliament session on Nov. 28, Lower House lawmaker Ma Aye Mya Mya Myo proposed a motion objecting to any omission of a minimum legal age for marriage in the legislation.

She pointed to the joint general recommendation made by the CEDAW and UN CRC committees in 2014. The committees called on the government to prevent and eliminate harmful practices frequently justified by invoking social or religious customs and values often embedded in patriarchal cultures and traditions.

"I would remind [lawmakers] that this is a special law for child rights," Ma Aye Mya Mya Myo said.

"Child marriage has many effects on girls' health, including underage pregnancy and maternal morality," she added.

Her motion was defeated, however. A total of 320 lawmakers in the male-dominated Parliament rejected it, versus 33 lawmakers who supported it.

The bill will be submitted to the Upper House for further discussion.

Lawyer Ma Hla Hla Yee called for the establishment of a minimum legal age for marriage in the Child Rights Law to prevent early and forced marriage being justified as protected traditional customs.

"It is really important that a minimum legal age for marriage be restored when the legislation is debated in the Upper House," she said.

From Myanmar to Singapore: Why the maid trafficking continues

Despite an official ban and widespread condemnation, the trade of underage girls from Myanmar to Singapore continues to thrive.

By Lynn Lee and James Leong

Al Jazeera (02.04.2018) - <https://bit.ly/2H7LeCx> - When we first heard about a 15-year-old domestic worker from [Myanmar](#) seeking help at a shelter in [Singapore](#) in 2016, we thought it was an isolated case. But at the shelter, we met three other teenage maids from Myanmar who'd also run away from their employers. One said she'd been physically abused; another fled after her male employer asked her to take a shower with him; a third told us she'd been raped.

Why were children working in Singapore? How did they even get here? We decided to investigate.

In our [2016 documentary](#), we uncovered a thriving trade in the trafficking of underage girls from Myanmar to Singapore. We discovered that this was happening despite laws in both countries designed to prevent the exploitation of vulnerable young women.

In 2014, Myanmar banned all female citizens from leaving to become domestic workers overseas. But we learned that, in villages across the country, recruiters were still telling impoverished families their lives would improve if they let their daughters go to Singapore.

What they didn't say, of course, was that doing so was illegal and that there would be risks involved. What the agents got in return was a cut of the hefty recruitment fees the girls were obliged to pay.

According to Singapore legislation, domestic workers in the wealthy island state must be at least 23 years old. However, agents regularly bribe officials in Myanmar's Immigration Department to alter birth dates on passports, allowing them to send underage girls into the country.

Some of the girls we met were barely out of their teens, but with fake documents, they were able to avoid detection in Singapore. They told us that before leaving Myanmar, their agents would instruct them to never tell anyone their real age.

The documentary went viral both in Singapore and Myanmar. But 18 months later, we discovered that very little changed. The trafficking continues.

Young, vulnerable and alone

In 2017, we heard of a series of incidents involving domestic workers from Myanmar falling from high-rise buildings in Singapore. When we investigated, we found out that at least two cases involved teenagers and realised that, despite widespread publicity, underage girls from Myanmar were still coming to Singapore.

Over six months, we visited Myanmar multiple times and tracked down the families of two girls who'd fallen from their employers' apartments. The first girl, Wain Wain, died less than a month after arriving in Singapore. We met her family, who were clearly grieving and in shock.

Ironically, their neighbours insisted that the agent who'd recruited Wain Wain was not to blame. The same recruiter had sent at least 60 village girls to Singapore and was seen as a "benefactor" who was helping lift the community out of poverty.

"Because of them, parents can earn money. Parents let them go as we are poor," says one of the villagers who sent two of her daughters to work in Singapore. "Let's say you're

an employer from Singapore; you can't come directly to us. Because of the agents, we can work there. So we are grateful to them."

The second girl, Zin Zin, was just 15 when she left for Singapore with high hopes to support her family. She returned home severely injured and will likely need long-term care.

She identified the man she said helped get her a passport with a fake date of birth as Louis Zung, a member of Myanmar's parliament and founder of a company called Myanmar Global Manpower Link, the same agency we exposed in 2016.

Zung denied he was involved in any wrongdoing. However, he confirmed he remained a director of the company until 2016, two years after the ban on recruiting women to work overseas.

I often think about Wain Wain and her mysterious death. She allegedly committed suicide after being in Singapore for just a few weeks. Her sister can't believe it.

"She's not the type of person. She wouldn't dare. Her intention after our father died was to give our mother her own house," Wain Wain's sister told us.

It's likely we'll never know for sure what led to the tragedy. She was young, vulnerable and alone. And now she's gone.

Human Rights Watch accuses Myanmar soldiers of 'systematic' sex abuse of Rohingya

By Esther Htusan

The Globe and Mail (06.02.2017) - <https://tgam.ca/2kwOR81> - A human rights group urged Myanmar's government on Monday to back an independent international investigation into alleged abuses by security forces against members of the Muslim Rohingya ethnic minority, including the reported systematic use of sexual violence.

U.S.-based Human Rights Watch said in a statement that soldiers and Border Guard Police took part in rape, gang rape, invasive body searches and sexual assaults while conducting counter-insurgency operations in the western state of Rakhine from October through mid-December.

The estimated 1 million Rohingya face official and social discrimination in Buddhist-majority Myanmar, also known as Burma. Most do not have citizenship and are regarded as illegal immigrants from Bangladesh, even when their families have lived in Myanmar for generations. Communal violence in 2012 forced many to flee their homes, and more than 100,000 still live in squalid refugee camps.

"The sexual violence did not appear to be random or opportunistic, but part of a coordinated and systematic attack against Rohingya, in part because of their ethnicity and religion," Human Rights Watch said.

"These horrific attacks on Rohingya women and girls by security forces add a new and brutal chapter to the Burmese military's long and sickening history of sexual violence against women," said Priyanka Motaparthy, the group's senior emergencies researcher. "Military and police commanders should be held responsible for these crimes if they did not do everything in their power to stop them or punish those involved."

Myanmar's military has long been accused of human rights abuses against members of the country's other ethnic minorities, often while conducting counterinsurgency operations.

The United Nations High Commissioner for Human Rights made similar allegations in a detailed report released Friday. Other human rights groups have also criticized the treatment of Rohingya civilians.

The U.N. agency report, based on interviews with more than 200 Rohingya who fled to neighbouring Bangladesh, said the violence against the Rohingya has been widespread and seemingly systematic, involving killings, enforced disappearances, torture, rape and other sexual violence, arbitrary detention and deportation, "indicating the very likely commission of crimes against humanity."

It said of the 101 women interviewed, "more than half reported having suffered rape or other forms of sexual violence."

Human Rights Watch said Myanmar authorities "have taken no evident steps to seriously investigate allegations of sexual violence or other abuses reported by non-governmental organizations" and has tried instead to discredit them.

"The government should stop contesting these rape allegations and instead provide survivors with access to necessary support, health care, and other services," Motaparthi said.

A spokesman for the Myanmar president's office could not be reached for comment. The government has consistently denied abuses and has blocked independent journalists and aid workers from visiting the military's operation zone in northern Rakhine.

The government launched what it called "area clearance operations" in northern Rakhine after attacks on border police killed nine officers. It blamed a little-known Muslim insurgent group for the attacks.

Friday's U.N. human rights report said the military operations launched in October "have likely resulted in several hundred deaths and have led to an estimated 66,000 people fleeing into Bangladesh and 22,000 being internally displaced."