**Report on child, early and forced marriage in humanitarian settings,**

**pursuant to the resolution 35/16 of the Human Rights Council**

**Submitted 10 September 2018**

The Convention on the Rights of the Child (CRC) Coalition of Thailand is composed of 44

civil society organizations and international non-governmental organizations working to

promote the implementation of the Convention of the Rights of the Child in Thailand:

Centre for the Protection of Children’s Right Foundation (CPCR), Save the Children International,

Plan International Thailand, Childline Thailand Foundation (CTF), Holt Sahathai Foundation,

Foundation for Child Development (FCD), Fight Against Child Exploitation (FACE),

Foundation of Child Understanding (FOCUS), ECPAT Foundation, The Life Skills

Development Foundation (TLSDF), Labour Right Promotion Network Foundation (LPN),

Alliance Anti Trafic (AAT), Foundation for Children with Disability (FCD), Gabfai Community

Theatre Group (GCT), World Vision Foundation of Thailand (WVFT), Pippala Scholaship

Foundation, Hill Area and Community Development Foundation (HADF), Right To Play

Thailand Foundation (RTP), Internet foundation for the Development of Thailand, Highland

People Taskforce (HPT), Friends International Thailand, Ethnic People Development

Foundation (EPDF), Starfish Country Home School Foundation (SCHSF), Highland People

Education and Development Foundation (HPDEF), Childrens Home Chiangrai, Raks Thai

Foundation, School House, School of Hope Foundation, LifePrep Foundation, One Sky

Foundation, Center for Girls, Duang prateep Foundation, Siam-Care Foundation, Haven

Children’s Home, Hearty Support Group, Cross Cultural Foundation, National Catholic

Commission on Migration (NCCM), Terre Des Hommes (TDH), Step Ahead Foundation, A 21

Foundation, Help Without Frontier, Promjai Development Foundation, MAP Foundation, and

Inter Mountain Peoples’ Education and Culture in Thailand Association (IMPECT)

Base on the Research by Plan International Thailand on “**Gender Norms as an Influencing Factor of Early Marriage and Adolescent Pregnancy among Ethnic Minorities in Chiang Mai and Chiang Rai,”** which aims to examine the connection between gender norms and its impact on early marriage and adolescent pregnancy in ethnic minorities, the most recent cases happened in 2017 in Lahu and Hmong communities, where a number of females aged between 14-16 had married after the new year celebrations. Significantly, the result suggests that the age of ethnic children entering to married life and experiencing pregnancy tends to be lower than 18. In this regard, the survey discovered that the lowest age at the first marriage of the respondents is 11 years old

Similar to the situation of early marriage, the information from Vieng Haeng Health Promotion Hospital shows that the lowest age of female received antenatal care is 12. Although, the statistic of adolescent pregnancy in Chiang Mai and Chiang Rai seems to be lower than the average rate set by the Ministry of Public Health, the repeated pregnancies rate among adolescent aged between 15-19 is still high in comparison to the average rate. In this regard, the ethnic adolescents make up a significant portion of the adolescents with repeated pregnancies. With regard to the factors of early marriage and adolescent pregnancy, the research found various key elements causing to the emergence of early marriage and adolescent pregnancy in the ethnic groups. Particularly, gender norms, cultural belief, and traditional practices have been playing a key role to the increase of the issues.

In Thailand, the Section 1448 of the Civil and Commercial Code B.E. 2519 states that the legal age of marriage is 17. However, a person aged 17 years old is considered as a minor based on the Section 19 of the Civil and Commercial Code, therefore, having a marriage at the age of 17 has to be consented by their legal guardian. Looking at the number of early married people, the survey found that 66 out of 350 survey population have been married or in union. Among the number, 11 respondents are currently aged below 18-year-old. As we explore the number in greater detail, we found 35 respondents (among 66 married respondents), accounting for 55 per cent have been married or in union before the age of 18.

The research reveals that women tend to get married or in union earlier than men. The findings show that the lowest age at first marriage or in union for female respondents is 11-year-old, while males’ is 14. The highest age at the first marriage for females and males is also slightly different because the highest age of females’ marriage is 22 and males’ is 25. This is consistent with qualitative data discovered in the interview that girls/young women are expected to married at young age. Some girls respondents are expected to marry at the age of 12 by their family, while the majority of them are expected to marry at the age of 20.

Once we investigate more on the situation of early marriage in ethnic groups, it can be seen that Lahu has a highest number of early marriage cases. For example, at the beginning of this year, there were 3 young Lahu girls aged around 14 had been married/in union after Lahu New Year. Hmong has high degree of problem contributed by cultural belief and harmful traditional practices, such as bride kidnapping that is still being practiced in some communities. The research found 3 women cases in Hmong communities in Chiang Mai, who had an experience of being a victim of bride kidnapping and some of them had become married couples at young age. Most recently, in late 2017, two girls aged 13 and 14 have been kidnapped by their boyfriends.

The perception towards early marriage among the survey population is interesting. The research found that 58.9 per cent of the survey population perceive that early marriage is acceptable, while 41.1 per cent thought that it is unacceptable.

Gender norms play significant role contributing to child marriage and adolescent pregnancy. This has been confirmed through the survey which reveals that 16 per cent of the survey population stating culture, tradition, and social norms are the key influential factors of early marriage and adolescent pregnancy. Hmong, Lahu, Lisu, and Akha shared a similar culture and traditional belief that serve as foundation for gender bias in their societies. One of the most outstanding common norms is the belief in male supremacy which is reflected in every aspect of life of the ethnic people interviewed in this research. The notion of male supremacy has established a distinctive gender roles and responsibilities in the ethnic groups and it has to be followed by every people in the societies. Another gender norms which is seen as a significant element contributing to these issues is the belief that women are seen as the important household labour. Based on the interview with key informants, some women had been married to be household labour in males’ clans, which considering child exploitation.

In additional to that, approximately 14 per cent indicates that forced marriage and sexual harassment are the factors driving young people to enter to married life and experience in pregnancy. The research found that forced marriage in the ethnic society is linked with gender norms due to the notion of keeping ancestor’s reputation. In some ethnic groups, i.e. Hmong and Lisu, all family members have to keep their ancestral pride by following gender norms set by their society.

About 14 per cent of the respondents mentioned that lack of knowledge on the delay of marrying and pregnancy have led young people to become adolescent mothers. Moreover, based on the interview with the key informants, the changes of socio-economic situation have led some ethnic children aged below 18 entering to married life and become adolescents with pregnancy.

**It is recommendation** that the state should raise the minimum legal age of marriage to be 18 to an internationally acceptable age and in no circumstances below the age of 18 years, including Islamic law used in the country. The state should also awareness-raising and develop child-protection mechanism among populations, especially, ethnic minorities groups and Muslim in the south also within the country by developing a child-friendly gender responsive program at the local level by providing information on the prevention of early marriage and adolescent pregnancy in their own language as well as providing counselling service to those who are at risk of entering to married life, conducting advocacy activities among ethnic families on the impact of early marriage and adolescent pregnancy, establishing a family network or watchdog group who are trained on child rights and child protection, to monitor and provide assistance to children and adolescent affected by gender norms and culture, and creating awareness among school teachers on the impact of cultural difference that causes children become out-of-school children and Collaborate with the ethnic women leaders, community leaders, and spiritual leaders in order to identify the feasible solutions that can be used as an initial step to address the issues.

**The situation of child marriage also occurs in the south of Thailand** where most population are Muslim and there are four provinces that use Islamic law. The marriage of an 11-year old Thai girl to a 41-year-old Malaysian man in Narathiwat Province, the border province between Thai-Malaysian has sparked uproar in Malaysia. The wedding has reignited a debate around underage marriage in a country where there have reportedly been thousands of recent such cases. The girl's Thai parents, who work on a rubber plantation, said they consented for her to become the third wife of a wealthy Malaysian trader, who apparently already has two wives and six children, so long as she could remain at their home until she was 16. The parents state that poverty is the main reason to force the child to marriage a wealthy man to be beneficial to the family.

The wedding of an 11-year-old Thai girl and a 41-year-old Malaysian man who is an employer of the father and mother family. Parents have been working in the rubber plantations in Kelantan for over 20 years, with men claiming to have wanted to marry the girl since she was seven.

The man name is Che Abdul Karimal ready has two wives and six children aged between five and 18. His new bride’s parents are said to have agreed to the marriage - provided she lives with them until she turns 16. The girl never go to school and the girl's elder brother was grappling with juvenile problems.

We have the meeting on child marriage was held in the south on July 11, 2018, and a joint working agreement was reached between Malaysia and the Thai Working Group on Protection of Children.

* From the examination of the marriage certificate cited by the Malaysian man as issued by the Islamic Central Commission of Narathiwat Province. The document was found to be a fake document, with neither a record nor a seal from the Islamic Central Commission of Narathiwat. By the way, the president has confirmed that in Islamic law, the marriage is invalid. And the punishment of that imam.
* After the incident, an Imam inquiry commission was set up, and religious leaders and staff at the mosque and all the mosques in the province were ordered. Pattani has strict age for marry is 18, and Narathiwas is 16.
* At present, the situation of Thai girls aged 11 A 41-year-old Malaysian man has been accepted and supported by the Shariah court of Kelantan, referring to counterfeit documents from the Thai side. The Malaysian Child Protection Commission will then proceed to prosecute the marriage under Kelantan law.
* The Malaysian Child Protection Commission still wants the Thai government to act on a Malaysian male lawsuit. 41 According to the Child Protection Act of the Kingdom of Thailand to help and separate the 11-year-old girl out to rehabilitate and enter the education system

From the Thai side. There are further proposals to find a way to help illegally father a girl in Malaysia and a minor brother and a lawyer in Kelantan, as well as mothers who, despite their legal status in Malaysia But the whole family remained under the influence and reliant on Malaysian men in economic terms to return to Thailand freely and prevent repeated violations.

* Both the Malaysian Child Protection Commission will send the girls' physical examination papers to the Thai government to help the girls in two to four weeks.
* The situation was closely monitored by the Government of Malaysia on July 18, 2018 that we has meeting at Putrajaya with Wan asisah team and talk about:
* Officials from the Ministry of Social Development and Human Security will meet and visit the children and their families with the Thai consulate in Kelantan on July 26, 2018 with a multidisciplinary team (Dr. Phet Dao). The Ministry of Development and Human Security has met this family twice in Su-ngai Kolok. But the mother of the child expressed dissatisfaction and said that everyone makes her family difficult. She gave her child a wedding to protect the children from drug addiction and thought that this man was ready to take care of his daughter.

A process from the Thai side.

* The well-being of children and families on their return to Thailand. Will the child have a guardian and if the parent is back, can he or she be able to pursue a career?
* Preparation of intergovernmental consultations on the prevention of long-term marriages of cross-border marriages by the adoption of Malaysian law by Malaysian marriages in Thailand, whether married to Malays or Thai nationals.
* The implementation of the revised Islamic Law and Domestic Law to prevent child marriage.
* Malaysia's operational side.

Short period

* Continue to send children back to Thailand without repeatedly attacking their children, thus assessing the readiness of all parties to support such measures.
* Thailand is waiting for children to return to Thailand at the border by the Ministry of Social Development and Human Security.
* Preparation for the promotion of the quality of life for children and families in the event of the return of the whole family.

In the long run

* Strict permission for the age verification of persons to be married according to religious principles.
* Age determination can be taken at the age of 16-18.
* The process of examining the work of an imam who conducts marriage to a spouse. Such as work checks Document Inspection The imposition of sanctions on the imam in case of non-compliance.
* In cases where a father or a person can be a virgin without the imam, the Ninak must have a community measure to monitor, such as a village headman or a state mechanism to conduct a marriage check on a person. Village Notify the concerned person.

The problem is:

* In the first viral showed the girl face.
* We found that local official from the ministry of Social Development and human security launched banner that have the girl detail.
* Officials from the Ministry of Social Development and Human Security want to bring children back to Thailand by illegal process like Tom yam kung or Pa kon krab ban case. It will made story silence and can not solve the problem in long term. Eventhrough she is the key person who work for child protection in southernmost of Thailand.
* The principle of Islam that people accept child marriage like Nabe Muhammad and Asisa.
* Muslim women accept polygamy and child marriage.

We are proposing four demands to the government and Islamic council.

First we urge the governor of Naratiwat as the chair of provincial child protection committee to file the complaint to the local police for investigation of sexual exploitation against the child and further steps to protection the child including cooperate with Malaysia to bring perpetrator to justice.

Second, we urge the Islamic council of Naratiwat to clarify on the fake document and unauthorized Nikkah performed by unauthorized imam so that dignity of Islamic council can be restored.

Third we urge every Islamic council to protect women and children by ensuring there will be no compulsion in marriage and strict age verification of couple wishing to get married. A man wishing to marry more than one wife must be scrutinized for their his pass record, behavior and financial and moral ability to ensure justice in the family. Wife/ves must be consulted. islamic committees of every province are also urged to resort to Islamic remedy for socioeconomic justice for long term remedy.

Last to improve the law to ensure zero tolerance to child marriage and coordinate with Malaysian government to bridge the gap and ensure same standard of the laws to prevent exploitation of any possible legal loopholes.

Updates on plan for action:

1. On Thursday 26 July, Dr. Petchdao and MSDHS will meet with the Konsular to discuss child protection.
2. The Malaysian Police will be meeting with the religious leaders in Naratiwat this week for find evidence.
3. The ministry of foreign affairs of the two countries are coordinating the meeting on this case. The date has yet to be confirmed.
4. The submission of the statement to the relevant authorities e.g. Governor of Naratiwat, the Chair of Islamic Committee of Naratiwat, SBPAC and MSDHS will be strategic. The journalists such as Prachatai and Deep South Journalists will be invited to cover the news at the press conference with relevant religious and government bodies.
5. The local CSOs in the South sit and strategize the plan for actions. In the press conference/submission of the statement should be attended by diverse representatives of CSOs. This will be strength of the movement

Dear The Office of the United Nations High Commissioner for Human Rights

Sorry for the delay, but CRC Coalition Thailand would like to submit a report on child, early and forced marriage situation in Thailand.

CRC Coalition Thailand is a coalition of 44 members of NGO working related on child right in Thailand and collecting information on child right issues as same as developing UNCRC alternative report.

Please feel free to let me know if you’d like to have any further information regarding on the issues.

Best Regards,

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CRC Coalition Thailand secretary

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