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THE LEGALITY OF MARITAL RAPE AND CHILD MARRIAGE

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Executive Summary

The legal issue of marital rape is in essence a legislative undermining of consent. Section 375 of the Malaysian Penal Code clearly states what consent is and situations that disqualify consent i.e. a lack of sobriety, deceit and manipulation, duress, positions of authority and when the person in question is under the age of 16. Nevertheless, the matrimonial exception affixed to this section undermines these qualifications of consent, notably including, the very age of consent. Unfortunately, this brings together the legality of two major issues in Malaysia, marital rape and child marriage.

Despite requests by the United Nations for Malaysia to criminalise marital rape and the direct violation that the practice of child marriage has on Article 16(2) of the Universal Declaration of Human Rights, both issues have seen little to no progress and remain largely rampant disproportionately affecting vulnerable women and children across the country.

This paper will begin by analysing both issues independently, highlighting current legislation (or the lack thereof) and the problematic exceptions that have been put in place. Notably, in Malaysia, the minimum legal age for marriage is set at 18 for non-Muslims and Muslim males and 16 for Muslim females. However, an exception clause exists that allows for marriage below these ages provided an application is submitted to the respective governing body for approval of the marriage (the Chief Minister for non-muslims and the Syariah Court for the Muslim community). These approvals are found to be significantly high relative to the proportion of applicants and hence is the main contributing factor to the continuous child marriage problem in Malaysia.

Marital rape on the other hand is not considered a crime that is chargeable under the Rape Act but is viewed as domestic violence under the Domestic Violence Act when forcible aggression can be proven. This difference in legal definitions comes with a variation in sentencing with a perpetrator of the Rape Act potentially facing a punishment of imprisonment for a term of up to 20 years while a perpetrator under the Domestic Violence Act faces a potential sentence of only up to 5 years.

This paper aims to then analyse legislative changes that have been made in other countries across the world notably those that also utilise the Shariah Law. Based on these findings, recommendations have been proposed to comprehensively criminalise and prevent the ongoing prevalence of marital rape and child marriage in Malaysia.

The key takeaways of this policy paper are:

1. Marital Rape
   - Deleting the exception to Penal Code Section 375 that provides immunity to spouses.
   - Solidifying the sex education system in Malaysia to allow students to better understand the concept of consent.
2. Child Marriage
   - Considering the age gap between the groom and bride during the evaluation of the application for underage marriage.
   - Establishing a specific section on child marriage under the respective law in all states in Malaysia.
   - Solidifying the sex education framework in Malaysia to educate students regarding the consequences of unprotected and unsafe sex.

Increasing the minimum level of compulsory education to Form Five as an effort to increase access to education among Malaysian teenagers.

Literature Review

1. Marital Rape

Amendment on S375 Act

In 2006, the United Nations Committee on the Elimination of Discrimination Against Women had requested that Malaysia impose legislation on criminalising marital rape, with such rape defined based on the wife's lack of consent (United Nations Committee on the Elimination of Discrimination against Women, 2006).

In response to the request, instead of deleting the exception to Section 375, which states that:

> *"Sexual intercourse by a man with his own wife by a marriage which is valid under any written law for the time being in force, or is recognized in Malaysia as valid, is not rape"*

Malaysia introduced an amendment to Section 375 (known as section 375A) in which a married man who has sexual intercourse with his wife by use of force or fear of death to her or another is guilty of an offence. The amendments on Section 375 of Act 574 of the Penal Code, which was inserted in 2006 specifically reads:

> *Husband causing hurt in order to have sexual intercourse*
> *"Any husband, who during the subsistence of a valid marriage, causes* ***hurt or fear of death*** *or hurt to his wife or any other person in order to have sexual intercourse with his wife shall be punished with imprisonment for a term which may extend to 5 years."*

In addition, the United Nations Universal Second Periodic Report has also recommended that Malaysia criminalise marital rape to allow equal protection of the law. However, the recommendation was rejected on the grounds that the concept of marital rape is not recognised in the Malaysian legal system (Balasingam and Sabaruddin, 2015). This shows that Section 375A

does not address the protection to be given for this crime as opposed to assault despite the fact that the current law legitimises the offence of rape committed by a husband on his wife.

Following the recommendation by the United Nations Human Rights Council, Malaysia released a statement explaining how the pre-existing **Domestic Violence Act 1994 [Act 521]** (more below) already serves to deter the use of violence by a person against his/her spouse, as well as provides a platform for victims to seek not only justice but also protection (Balasingam and Sabaruddin, 2015). Act 521 was amended and gazetted in 2012, with further amendments being gazetted on 21 September 2017, which came into

enforcement on 1 January 2018 to broaden the definition of "domestic violence" to include emotional, mental and psychological abuses (Randawar and Jayabalan, 2018). Section 375A of the Penal Code, nonetheless, was enacted as deterrence for husbands from causing hurt or the fear of death to his wife in order to have sexual intercourse with them.

Domestic Violence Act 1994

Malaysia is the first Asian country to recognise domestic violence as an issue of public concern and introduced laws to protect domestic violence victims (Randawar and Jayabalan, 2018). The term 'domestic violence' is commonly used to refer to violence against women within a family. To curb the problem of domestic violence, the Domestic Violence Act 1994 (Act No. 521) (DVA 1994) was passed in 1994 by the Malaysian Parliament, aiming to support victims in these cases.

The amendments that have been introduced to the DVA 1994 (Malaysia, Act 521) includes the Domestic Violence (Amendment) Act 2012 (Malaysia, Act A1414) and the Domestic Violence (Amendment) Act 2017 (Act A1538) that particularly focused on dealing with the definition and meaning of domestic violence in Malaysia (Randawar and Jayabalan, 2018). Along with the other 7 subsections of the definition or aspects of domestic violence in Act 521 of Domestic Violence Act 1994, a reference to sexual act made without consent has been made in the act, which reads as follow:

> *"compelling the victim by force or threat to engage in any conduct or act, sexual or otherwise, from which the victim has a right to abstain;"*

Malaysian Law originally defines in Section 375 of the Penal Code that sexual intercourse between a man and his wife irrespective of her consent is valid and is **not rape.** However, Section 375A of the Penal Code recognises the offence of rape made by a married man or a husband to his wife **only when there is a use of force to cause harm or exertion of fear of death**.

Defining consent

Commission of rape in most jurisdictions rests upon one crucial indication – consent. This makes the definition of consent paramount in any analysis regarding sexual harassment and rape. However, Herring (2014) argues that consent is supposed to go beyond merely knowing whether the victim said "yes" or "no". The inquiry must rather examine the defendant's justifications, the context and most significantly the victim's "whole story" in order to understand her values, relationships and best interests. According to Herring, 'only such an approach can truly ensure effective consent'.

In England and Wales, the legal definition of consent is noted in s.74 of the Sexual Offences Act 2003 which states that 'a person consent if (s)he agrees to sexual activity by choice and has the freedom and capacity to make that choice' (Sexual Offences Act, 2003). Freedom to make that choice refers to the fact that they have not been 'forced, manipulated, threatened or pressured into sexual activity'. Capacity refers to the state that 'they are not drunk, asleep, drugged or unconscious'. If someone suspects or knows you do not give consent, the law requires them to stop (Rape Crisis England & Wales, 2021). **If you said 'yes' to something because you were scared for your life or safety, or for the life or safety of someone you care about, you didn't consent.**

However, the problem with consent is that it pays attention to the appearance of sexual experience and tries to judge it on the grounds of the terms "freedom" and "choice", which are open to interpretation and assumption (Brooks, 2019). In the same article, Brooks (2019) commented that coercion is often overlooked as a restriction on the freedom to consent. While a woman might have given consent to have sex, it may have been done only to "keep the peace" in

a relationship where she has been subjected to psychological and emotional abuse; and not because it was her genuine desire. This form of 'coercive control' has been recently regarded as a criminal offence, however, it can be indiscernible to the outside observer. That said, the defendant's "freedom" to consent can be frivolous (Brooks, 2019).

Countries that explicitly criminalises marital rape

Country	Marital rape law
Australia	The criminalisation of marital rape in all Australian jurisdictions began with a partial criminalisation in South Australia in 1976, followed by full criminalisation in the states of New South Wales and Victoria in 1981. Subsequently, marital rape was criminalised in Queensland in 1989, with the Northern Territory following in 1994. Marital immunity is abolished and legal protections are currently put in place (Featherstone, 2016).
Canada	Section 278 of the Criminal Code specifically identifies spouses who can be charged under the sexual assault provisions - it criminalises rape of men or women, including spousal rape, as sexual assault, and explicitly include marital rape. It also states that *'any form of penetration could be sufficient for a charge under the sexual assault provisions'* (Amnesty International, 2020).
Hong Kong	Section 117(1B) of the Crimes Ordinance, which was introduced in 2002, states that "unlawful sexual intercourse (非法性交、非法的性交) does not exclude sexual intercourse that a man has with his wife". (more below)
France	The law criminalises rape, including rape between spouses, resulted from the case-law of the Court of Cassation that authorised the prosecution of spouses for rape or sexual assault in 1990. Law No. 2006-399 was passed 4 April 2006, making rape by a partner an aggravating circumstance in prosecuting rape and is more severely punished than the rape of a stranger - carrying a penalty of 20 years imprisonment (GREVIO, 2019).
Philippines	Marital rape was explicitly criminalised by the Anti- Violence Against Women and Their Children Act of 2004, which mentions that physical, sexual and psychological

	violence against a wife is violence against women (Republic of the Philippines, 2004). Non-consensual sexual intercourse, conducted even within the realm of marriage, is considered rape (Republic of the Philippines, 2014).
Thailand	Under a new law passed by the National Legislative Assembly in 2007, marital rape is recognised as a crime and offenders shall be punished with 20 years of imprisonment. The law also carries a monetary fine of 40,000 baht ($1,156; £620) for raping their spouses - the same penalty that exists for non-marital rape (BBC News, 2007).

The Origin of the Marital Rape Exemption & Hong Kong's Legal Reformation

The origins of the 'marital rape exemption' traced back to the declaration made by Sir Matthew Hale in 1736, which stated that *'a husband obtains rights over his wife's body through a lawful marriage',* hence cannot be guilty of raping his 'lawful' wife for their 'mutual matrimonial consent' (Emerton, 2001). The statutory definition of rape in section 118(3) of the Crimes Ordinance (a law relating to certain consolidated penal enactments in Hong Kong) was introduced into the Ordinance in 1978, following the definition of rape introduced into section 1(1) of the Sexual Offences Act 1956 by the Sexual Offences (Amendment) Act 1976 in England (Emerton, 2001).

However, On 10 July 2001, the Statute Law (Miscellaneous Provisions) Bill 2001 (the "Bill") was introduced into the Hong Kong Legislative Council, in which Part V of the Bill sets out a number of amendments to Part XII (Sexual and Related Offences) of the Crimes Ordinance (Cap 200). The amendments are primarily intended to put an emphasis on marital rape as an offence while **ensuring that all other sexual offences apply to non-consensual intercourse between married persons as well** (Emerton, 2001).

Given the historical background of the law mentioned above, the proposition of amendment to the definition of rape in section 118(3) of the Crimes Ordinance was clearly a much welcomed and anticipated call of action. Emerton (2001) postulated that by removing the word "unlawful" from the phrase "unlawful sexual intercourse" in section 118, it would be made clear that the offence of rape applies notwithstanding the marital status of the parties—and that sexual intercourse

includes intercourse between a husband and wife. Emerton (2001) also noted that the proposed amendment is also a 'welcome affirmation' of society's condemnation of marital rape.

2. Child Marriage

A recent study has shown that mass migration from the rural to the cities for either work or education exposes youths to risky activities such as unprotected premarital sex, having multiple sexual partners and abusing drugs. This is due to parents being too occupied with work and have no spare time to supervise their children (Mohd Awal and Samuri, 2018, pp. 29- 30).

A survey was carried out and indicated an average of 18,000 teen girls are getting pregnant each year in Malaysia, and 25% are out of wedlock (Said, 2019). In one of the infamous cases in Malaysia, a 14-year-old girl who was neglected by her busy parents sought comfort and attention from her then-boyfriend. Due to her lack of knowledge in sex education, she thought the concept of "rape" was a way for her boyfriend to express his love for her (ibid). This case has clearly shown the importance of sex education in teenagers to ensure they are not deceived by potential perpetrators. Moreover, lower-income families tend to allow marriage between their children and their rapist as they believe that pregnancies out of wedlock bring shame to the family and should be hidden away from the public.

Thus, more governmental support must be given to victims as they should not sacrifice their future just to entertain their parent's ego.

Syariah Law on Marriage

Malaysia constituted a dual justice system that practices civil laws and Islamic laws better known as Syariah Law. There is also another law that exists in east Malaysia which are the customary laws under the Natives Court. According to Article 121 (1A) of the federal constitution, the civil courts have no jurisdiction in any matter within the jurisdiction of the Syariah courts (Tew, 2020, p. 163). Therefore, only the Syariah court oversees anything related to the Islamic laws. Syariah law in Malaysia is state-based which means each state's Syariah Law may differ from one another. Syariah law is only relevant to Muslims and publicly restricted to personal laws on marriage, divorce and inheritance. Hence, Muslim marriages are regulated and contracted under the Syariah law of each of the 13 states in Malaysia (Lai et al. 2018).

Syariah Law on Child Marriage

Under the Syariah law, the general minimum age of marriage is set as 18 years of age for males and 16 years of age for females. However, **there is an exception that allows a child under the age mentioned to marry** which is by receiving the consent from the Syariah Court to approve the child's marriage, and **there is no minimum age mentioned for the exception**. In addition, there is **no specific penalty given if such approval is not acquired**. The marriage would be a breach of the law thus, it will not be registered. However, if it is approved and in accordance with the Hukum Syarak, then the marriage will be registered. Section 8 of the Islamic Family Law (Federal Territory) Act 1984 (IFLA) mentions that:

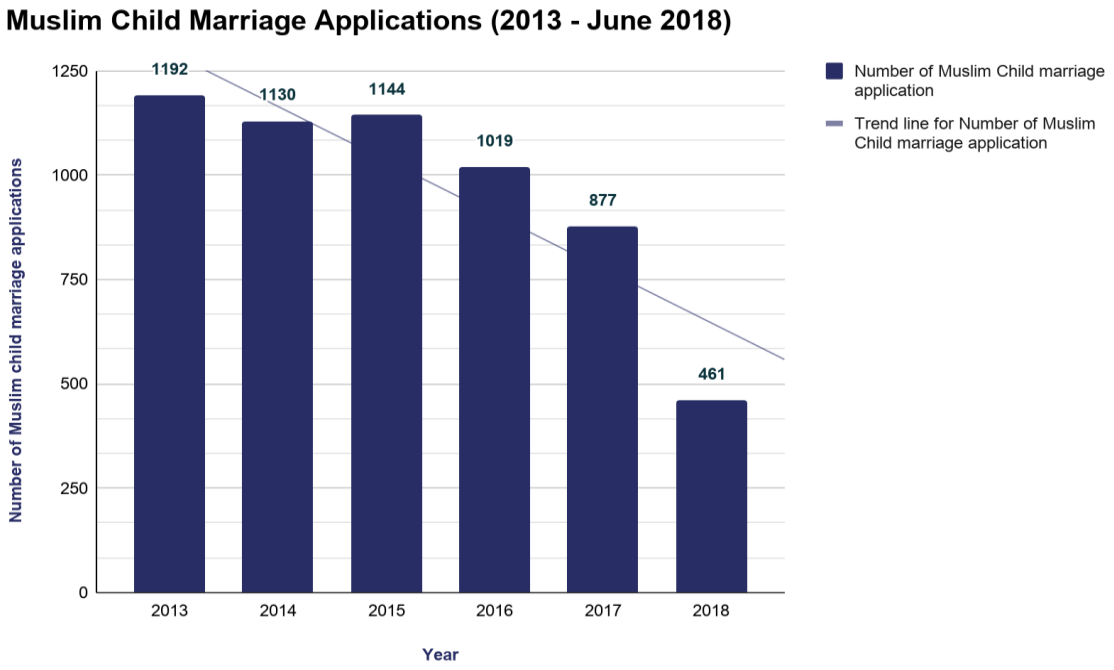
> *"No marriage may be solemnized under this Act where either the man is under the age of eighteen or the woman is under the age of sixteen except where the Syariah Judge has granted his permission in writing in certain circumstances" (The Commissioner of Law Revision Malaysia, 2006)*

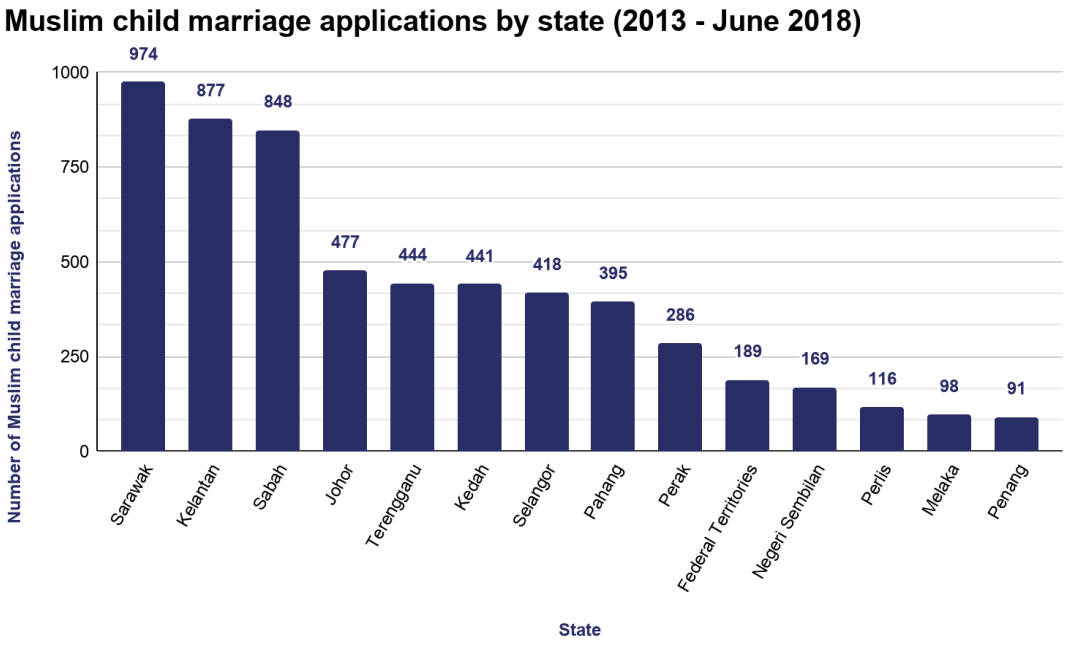
Observations that can be taken from the ruling of child marriage under the Syariah Law are mainly the exceptions and girls having a lower minimum age of marriage. Under the Syariah law, an exception is granted provided that the "Syariah Judge has given his permission in writing in certain circumstances''. Section 8 of the IFLA did not mention anything about the minimum age of the

exception and also did not justify what “certain circumstances" means. As for the minimum age of marriage for girls, it could be related to supporting the patriarchal nature of society in Malaysia which could be giving the boys a better opportunity towards finishing their education. According to The Star Online article in 2013, the data showed a majority of the applications on child marriage sent to Syariah Courts were approved. There were a total of 1,022 approvals out of 1,165 on child marriages applications which accumulated to an approximate 88% approval rate (Azizan, 2013). In conclusion, the marriage law under the Syariah courts has loopholes and unspecified reasoning towards the exceptions that are reaching a point where the approval rate is higher than anticipated which could encourage others to apply for child marriages.

According to the Women, Family and Community Development Ministry, in the first nine months of the year 2020 there was a record of 543 child marriages applications that were applied. The Syariah Judiciary Department Malaysia documented that there were 520 applications for underage marriages for Muslim couple from early January to September 2020 with the highest application being from Sarawak (83 applications) followed by Kelantan (7 applications) and Sabah (3 applications). The ministry, however, did not mention the number of applications that were approved (Annuar, 2019).

The trend of Muslim child marriage applications from 2013–June 2018 are shown below accordingly:





Both graphs are sourced from The Department of Syariah Judiciary of Malaysia (JKSM) (Annuar, 2019).

The federal government back in 2019 wanted to enforce the ban on child marriage under the Syariah law nationwide by making the minimum age of marriage of both sexes to 18 years of age. For this amendment on the minimum age for marriages to occur, they require all of the states in Malaysia to agree with the proposed amendments. As of 5th September 2018, **Selangor is the only state in Malaysia that has made amendments to the Islamic Family Law (State of Selangor) Enactment 2003 by establishing the minimum marriage age at 18 years of age for both sexes** (Anith & Ahmad, 2018). As for the other states, **Federal Territories was in the process of amending their laws and five other states which are Penang, Sabah, Johor, Melaka and Perak have agreed to amend the law mentioned.** The remaining 7 states which are Sarawak, Pahang, Terengganu, Perlis, Negeri Sembilan, Kedah and Kelantan disagreed with the legal amendment. Hence, the federal government was not able to make amendments to the law nationwide due to the disagreement from the seven states mentioned.

In a statement regarding child marriages by the former Federal Territories mufti and current de facto Islamic Affairs Minister Zulkifli Mohamad Al-Bakri, he justified that underage marriage is not "al-tsawabit" (fixed and permanent) in Islamic jurisprudence but "al-mutaghayyirat" (changeable) in accordance with the situation, time and locality. **The law that can be amended or changed is subjected to "waqi'" or the present reality which often refers to the contemporary values of the culture, tradition or "'urf" (custom) as well as the need of a certain community in a specific locality**. The amendment is intended to look after the welfare or benefit of the wider population in accordance with the purpose of the Syariah being revealed (Man, n.d.). The minister also mentioned that Islamic ruling on underage marriage should follow the law set by the country so if the law prohibits child marriage, the law must be followed by Muslims (The Malaysian Insight, 2020).

Standard Operating Procedure ("SOP") on approval of child marriage application

A standard operating procedure (SOP) for giving approval for underage marriage applications under the Syariah Court has been established as mentioned by the Women, Family and Community Development Minister's political secretary Rodziah Ismail on 11 July 2018 (The Star, 2018). The SOP established is to be used as a guideline for all states when it came to giving approval for child marriages under the Syariah Court. Before the SOP was manifested, there was no specified SOP for all the states to follow as there were only guidelines that may have differed from each state's Syariah Court. The execution of the SOP came preceding a public outcry in 2018 over a child marriage case between a 41-year-old man and an 11-year-old girl in Kelantan. However, the government did not disclose information regarding the SOP mentioned to the general public. The information that the public received about the SOP is that a Syariah judge is authorised to contact their own state Welfare Department and Health and state police to submit a social, health and police report regarding the underage marriage applicant if they find it necessary for consideration (The Star/Asia News Network, 2018). These reports are meant to aid the Syariah judge to know the applicant's background and come to a decision that will protect the underage child involved in the marriage. However, the SOP established is only a short-term measure to restrict child marriages' provisions as mentioned by Minister in the Prime Minister's Department Datuk Dr Mujahid Yusof Rawa. He also mentioned that as the end result, the government is hoping to officially end child marriages nationwide (Rahim & Sivanandam, 2018). In summary, **an SOP currently exists; however, it has not done much to eradicate child marriages across the country as application numbers continue to remain high even amid the pandemic and lockdowns**. Nevertheless, the hope is that more restrictions in the short term can lead to a complete legislative change to ban child marriages altogether.

Policy Recommendation

1. Marital Rape

a. Deletion to the Exception to Penal Code Section 375

The exception to Section 375 states that:

> *"Sexual intercourse by a man with his own wife by a marriage which is valid under any written law for the time being in force, or is recognized in Malaysia as valid, is not rape."* (The Commissioner of Law Revision, Malaysia, 2018).

This exemption to Penal Code Section 375 above as with many laws in Malaysia is essentially a colonial holdover adopted directly from the British Penal Code. In 1736, Chief Justice Matthew Hale, in the History of the Pleas of the Crown wrote that *"...the husband cannot be guilty of rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given herself up in this kind unto her husband which she cannot retract."* (Hannah Tan Su Ki, 2018)

However, many countries that inherited the enactment of British rape laws have **revoked this particular section** over the past few decades, including the UK itself. **The position of British law has changed** from the previous view that "a husband obtains rights over his wife's body through a lawful marriage, but the consent of the wife to marital intercourse can be revoked via another process of law, such as a court order" **to the current position of dismissing the marital exemption to rape entirely** (Hannah Tan Su Ki, 2018).

This exception in section 375, which is based on British law's historical background, is clearly archaic and irrelevant and **should be made null and void**. In 2006, the United Nations Committee on the Elimination of Discrimination Against Women requested that Malaysia imposed legislation to criminalize marital rape. Malaysia's response to this, instead of repealing the exception, was to introduce an amendment to this section i.e. section 375A that reads:

> *"Any husband, who during the subsistence of a valid marriage, causes* ***hurt or fear of death or hurt*** *to his wife or any other person in order to have sexual intercourse with his wife shall be punished with imprisonment for a term which may extend to 5 years."*

This amendment is found to be gravely insufficient as it hinges on the necessity of physical harm or the fear of death in order for the perpetrator to be punished and is not based solely on the fact that non-consensual sexual intercourse is rape. Additionally, questions should be raised on the huge discrepancy between the maximum sentence prescribed in 375A above, *up to 5 years*, and the sentence for rape in all other cases not involving spouses in section 376 that states clearly that *whoever commits rape shall be punished with imprisonment for a term which* ***may extend to twenty years***, and specifically when the perpetrator causes hurt or the fear of death he *"shall be punished with imprisonment for a term of* ***not less than ten years and not more than thirty years*** *and shall also be liable to whipping".* This further reiterates that the current legislation exudes that rape is somehow a less serious issue when the perpetrator and the victim are in a *valid marriage.*

As such, this brief recommends the strong approach adopted by Hong Kong concerning their marital rape law, whereby an amendment was made to the definition of rape in section 118(3) of the Crimes Ordinance. Hong Kong took the bold action to revise the interpretation of the word "unlawful" in Section 118 that states,

A man commits rape if—

(a) *he has unlawful sexual intercourse with a woman who at the time of the intercourse does not consent to it;*

through an additional provision in Section 117(1B) of the Crimes Ordinance that states that: *unlawful sexual intercourse (非法性交、非法的性交) does not exclude sexual intercourse that a man has with his wife. (Added 23 of 2002 s. 11)* which made it absolutely clear **that the offence of rape is held relevant irrespective of the marital status of the parties.**

Therefore, it is paramount that Malaysia repeals this marital rape exception and goes a step further to ensure as in the case of Hong Kong that legislation is clear that spouses aren't offered any immunity when rape is involved.

b. Sex Education & Teaching Consent in Schools

The legal issue of marital rape at its core is an issue of the legislative undermining of consent. Section 375 of the Penal Code clearly states what consent is and situations that disqualify consent i.e. a lack of sobriety, deceit and manipulation, duress, positions of authority and when the person in question is under the age of 16. Nevertheless, the matrimonial exception as aforementioned undermines these qualifications of consent including the very age of consent as in the subsequent issue discussed - child marriage (Marital Rape and Child Marriage: Two Sides Of The Same Coin, 2017). The lack of substantive sex education in schools in Malaysia is a major issue as students, teenagers & young adults are not formally taught what consent is and hence may not fully understand what entails unsolicited sexual advances and intercourse (including how to ask for consent, how to ensure there are consent and their own rights to not consent.) Therefore, in addition to repealing the exception to 375, it is vital that the concept of consent as detailed in Section 375 is taught in schools both as a means of prevention and protection. The subsequent section on child marriage expands further on sex education and recommends frameworks to be adopted in Malaysia.

2. Child Marriage

a. Syariah Law Approach on Child Marriage

i) Consider the age gap between each spouse when it comes to child marriage application

The standard operating system (SOP) for child marriage applications was established as a short-term resolution towards child marriages cases in Malaysia. The information regarding this SOP is mostly about getting reports from respective authorities to know their applicants. Another SOP that should be considered when approving underage marriage is the age gap between the groom and the bride.

An age gap between the spouse and bride is significant to consider as it could affect the child's future. Most of the high-profile cases in Malaysia that involve child marriages under the Syariah court usually involve an adolescent girl and a much older man. Not only that but these cases were approved by the respective state's Syariah court to allow the marriage to be contracted. The association of the age gap between partners in child marriages is that the girls are usually younger, and the men that marry the child bride are more likely to be older than men who marry adult women. The underlying problem of this is that the child is not mature enough to commit as a wife and most likely will listen to their spouses more than their own thinking like a child listening to their parents. These girls with older husbands are less likely to be able to negotiate or decide on household decisions which could increase the likelihood that they will experience domestic violence and abuse (Jain & Kurz, 2007).

In Islam, there is no verdict that says anything about marriageable age or age differences between partners. However, the National Fatwa Committee in 2014 mentioned that child marriage can be allowed if it's for the best interest of the child (Ahmed, 2018). Moreover, the mufti's opinion on the matter is that the child should only get married if they are capable of taking responsibilities that tie together with the marriage contract and that they must also understand the consequences of marriage (Peguam Syarie Faiz Adnan Associates, 2018).

According to the official portal of the United Arab Emirates (UAE) Government, their key legal requirement for Muslim marriages states that:

"A spouse's age should not be twice the other; otherwise, the judge's approval is sought" (UAE Government, 2021)

Besides that, in Saudi Arabia, one of the conditions to receive approval from the Syariah court for child marriage consideration is that the **age of the groom should not be more than double of the bride** (Toumim, 2017). This demonstrates that **countries under the Syariah law legal system do take into consideration the age differences between partners before giving any approvals towards the marriage**.

With this in mind, the Malaysian Syariah court should further investigate the effects of approved child marriages with big age differences between partners and seek to implement a restriction to the maximum age difference between the bride and the groom. This restriction on child marriage applications will effectively act as a short-term stopgap to reduce marriage cases involving elderly men and young girls.

ii) Establishing Section 8A from the Islamic family law (state of Selangor) to all states in Malaysia

After the minimum age of marriage was approved to change in the bill, Section 8A was introduced in the bill enactment to amend the Islamic Family (State of Selangor) Enactment 2003. Section 8A explains the application process to marry a man or woman under the age of 18. Only Selangor has section 8A in their Islamic Family Law (IFLA) regarding their underage marriage application whereas, other states in Malaysia does not have a specific section in their IFLA bill regarding the matter.

The key highlights that are mentioned in section 8A are;

- The notice of the application must be placed by either their mother/father/guardian together with the affidavit of their mother/father/guardian and also the affidavit of the man/woman to be wedded to the woman/man.
- It also explains what the affidavit must contain to apply for the application which includes health stage, grounds for the proposed marriage, criminal offence and means of the man/woman under 18 to provide maintenance to the woman/man to be wed

- It mentions what happens after the court receives the application. The court shall order the man/woman under the age of 18 to undergo health examination (mental, physical and psychological health stage) in any government hospital, government healthcare centre or other government health institutions. Moreover, the court shall order any Social Welfare Officer to issue a social report regarding the socio-economic background of the underage applicant and the Royal Malaysia Police to issue a report on the criminal record of the underage applicant.
- After the court receives all the reports, they bring the man/ woman for the proposed marriage and their parents or guardian to come to court to inquire the underage applicant on their readiness of the parties towards the proposed marriage.
- Lastly, the court before making any decision will prioritise the welfare of the underage child to ensure the marriage will not cause harm to them (Government of Selangor, 2018).

More details on section 8A of IFLA (State of Selangor) can be found in Warta Kerajaan Negeri Selangor. These detailed explanations and SOPs in section 8A are clearly better than other states that don't offer similar restrictions and safeguards to ensure the child's welfare.

Current applications for a child marriage can be filled online at Malaysia.gov.com. The online application is available for applicants in the state of Negeri Sembilan, Melaka, Perlis, Kedah, Perak and Wilayah Persekutuan. While approval from the Syariah Court is still necessary to finalise the marriage, the accessibility to applying for child marriages should raise questions, especially after the government launched the 5-year plan to address causes behind underage marriage.
In conclusion, the Islamic Family Law in other states in Malaysia should establish a similar section to Section 8A in Selangor's State Law. This allows the public to have a better view of how child marriage applications work in their state and through the added restrictions, disincentivise child marriages and safeguard the welfare of the children.

b. Solidifying Sex Education Framework in Malaysia

One of the most infamous cases in Malaysia that elucidates the implications of lack of sex education locally is the case of a 14-year old girl who sought 'affection' from her then-boyfriend due to her parents' negligence (Said, 2019). At that time, she was not aware of the concept of

"rape" and allowed her boyfriend to express his love through the act of rape and since then, she was traumatised by the experience. This case has exhibited the importance of sex education among the younger generation so that they won't be deceived by their perpetrators.

A survey was carried out and indicated that on average, 18,000 teen girls are getting pregnant each year and 4,500 of them are out of wedlock (ibid). Families in the lower-income group would allow their daughters to marry their rapists as they believe pregnancy out of wedlock would bring shame to the family and should not be known to the public (Mohd Awal and Samuri, 2018, p. 13). Hence, with a solid sex education system, young girls would better understand the concept of sexual intercourse and would not have to be forced into child marriage as teenage pregnancies will be reduced with better apprehension of the consequences of unsafe sex.

There is a general consensus in Malaysia that formal education on Sexual and Reproductive Health (SRH) and sexuality is required for youths in the country. There has in fact been a programme in the secondary school curriculum since 1989 called 'Reproductive Health and Social Education' (PEERS) where students are taught about SRH topics through the teaching of other subjects such as Science, Biology, Religious and Moral Education, Physical Education and more. However, the **PEERS approach has been focused on enforcing abstinence while only briefly touching on pregnancy prevention**. PEERS has faced many obstacles especially in terms of the policy, curriculum implementation, content, scheduling and teachers' inability to teach the content. Malaysia currently has sufficient policies targeting the general health of youths but they are unclear in regards to sex education (Mohd Awal and Samuri, 2018, pp. 33- 34). A recent survey (Talib, Mamat, Ibrahim, and Mohamad, 2012, pp. 340-348) conducted by the Universiti Kebangsaan Malaysia shows that **85% of students had received sex-related education through exam-based textbooks that lacks clarity and fails to serve as a source for them to understand SRH**.

In identifying models in other countries, the United Kingdom (UK) has solidified their sex education by making it a compulsory part of the curriculum for both private and public schools in 2019. Based on the 2000 Guidance, all schools must at least teach STI and HIV prevention with the option to explore different SRH topics if they have the capacity. In the UK, there is no formal training programme for teachers in teaching sex education. However, NGOs play an essential role in providing materials, resources and training for teachers. NGOs such as 'Brook' provide lessons in

schools, while Family Planning Association (FPA) provides training and resources for teachers, youth workers and other professionals (Ketting and Ivanova, 2018, pp. 174-179).

On the other hand, Finland's sex education system starts from primary school throughout secondary school as they want to familiarise youths, in an age-appropriate manner, with sexuality, different aspects of sexual health and diversity of sexual development. Unlike the UK, Finland has more compulsory topics that students are exposed to such as contraception, HIV and STI prevention, online media and sexuality, pregnancy and birth. Sex education training is provided for all teachers in Finland as it serves as one of the core subjects in the university teacher-training programme. The Finnish government has also introduced an initiative that enables students to work with professionals to identify topics and areas in sex education that they would like to understand more (Ketting and Ivanova, 2018, pp. 84-89).

Although the current Malaysian curriculum does include components of SRH, they should be enforced further on the school administration while also ensuring that the curriculum is being updated based on the current scientific progress and relevant issues. Vital topics such as STI and HIV prevention should be taught in greater detail as to what has been adopted in the UK and Finland's model, beyond just a couple of pages that currently exist in Malaysian textbooks. To ensure that these sex education topics are delivered well, current teachers should be provided with training on how to carry out these classes, especially considering the fact that it involves subjects that are considered "taboo" in our cultural context. Sex education training should be made compulsory for future teachers as part of the Malaysian teacher training programme to ensure that all school teachers are equipped with the know-how to have conversations with students surrounding these issues in a safe way if they ever arise. Conclusively, Malaysia should incorporate models from the United Kingdom and Finland that allows students to understand sex education in greater depth.

Therefore, through solidifying the sex education system in Malaysia, teenage girls would better understand their rights and make safe and informed decisions about their bodies and health. Thus, they will be able to protect themselves from unwanted adolescent pregnancies that may lead to forced child marriage as a way to uphold their family's honour.

c. Support for pregnant children

Out of many teen pregnancy cases in Malaysia, pregnant teens will normally have to drop out of school due to the social stigma that will further complicate their future especially if they become a divorcee as they lack the minimum education required to obtain a job that will sustain their expenses (Mohd Awal and Samuri, 2018, p. 15-17).

In 2010, a state-funded boarding school called Sekolah Harapan in Malacca opened its door to pregnant schoolgirls to provide them with the support they needed. As of 2015, they have enrolled 275 girls from across the country and provided them with counselling and skills training (Jo-Lyn, 2017).

It can be clearly seen that teen pregnancy is a major issue in Malaysia with around 14 in every 1,000 teenage girls getting pregnant every year (Said, 2019). Hence, the government should further invest in more initiatives that provide support for pregnant teens by equipping them with the necessary skills. Furthermore, the government should explore life skills programmes targeting pregnant teens by providing them with evening or part-time formal schooling and vocational training opportunities.

d. Increasing the minimum level of education

One of the main causes of child marriage is the lack of access to education (Nestel, Banham, Greene and Petroni, 2018, pp. 1-2). Hence, the previous government, Pakatan Harapan has decided to raise the minimum age of compulsory education to 17, ensuring that all adolescents would have to take the Sijil Pelajaran Malaysia (SPM) as an initiative to curb child marriage.

In 1997, Zambia carried out a national-level return to school policy for pregnant girls. During a census review in 2010, it was shown that after the implementation of the policy, the rates of pregnancy has declined among girls with more than six years of education (Nestel, Banham, Greene and Petroni, 2018, p. 5).

Besides that, Bangladesh ran a national level programme from 2006 to 2013 called the Basic Education for Hard to Reach Urban Working Children that teaches children life skills including

puberty and early marriage. A survey found that girls who participated were less likely to marry than those who had not joined the programme (Nestel, Banham, Greene and Petroni, 2018, p. 6). Policy and programmes done by both Zambia and Bangladesh further solidify the argument that with more access to education, teen girls are less likely to marry at a young age that will jeopardize their future.

Hence, the Perikatan Nasional government should continue with the National Strategic Plan for Addressing the Causes of Underage Marriage done by the previous government and increase the minimum age of compulsory education to 17.

Conclusion and Recommendations

Our analysis of the current literature from the historical and legal perspective of the issues has revealed that the current law in regard to marital rape and child marriage is insufficient in addressing the public's concerns and protecting the liberties and rights of the vulnerable groups involved. Our review of the literature led to the recommendation of deleting the exception to Penal Code Section 375 to invalidate the immunity offered to spouses as well as ensuring that students are equipped with sufficient formal knowledge on consent as defined by the law.

As for the issue of child marriages, given the existence of disparity in the states' Syariah laws, it is advisable that our country enhances the stringency and coherency of the law in firmly addressing the issue of underage marriage. In general, the government should implement stricter procedures for child marriage to discourage family members from forcing a union on their children for the reason of financial stability or honouring their family. The approach in policy and procedures that we would recommend in terms of the states' Syariah law based on our research is as follows:

1. Take the age gap between the groom and the bride into consideration in evaluating the application of marriage below the legal age
2. Establish a specific and distinct section on child marriage (as has been done by the state of Selangor - Section 8A of the Islamic family law) under the respective law in all states in Malaysia

In addition, the findings from our analysis also point to three recommendations for the Malaysian government in regard to the issue of child marriage:

1. Solidify the sex education framework in Malaysia to provide the younger generations with a better comprehension of the consequences of unprotected and unsafe sex
2. Provide post-pregnancy support to ensure that pregnant teens will not be deprived of their education and can still slowly adapt to society
3. Increase the minimum level of compulsory education by making it mandatory for Malaysian students to complete schooling from Primary One to Form Five as a step in increasing access to education among Malaysian teenagers across all backgrounds.

Bibliography

1. Ahmed, A. (2018). 'Is Child marriage Actually in Malaysia?'. *Ask Legal* [Online]. Available at: https://asklegal.my/p/adults-marry-children-minor-underage-marriage-malaysia-law (Accessed: 16 February 2021)
2. Amnesty International (2020). *Criminalisation and Prosecution of Rape in Canada.* [online] Available at: https://www.amnesty.org/download/Documents/AMR2024222020ENGLISH.pdf (Accessed: 27 February 2021)
3. Anith, A. & Ahmad, S. (2018). 'Selangor's minimum age of marriage is now 18'. *Malay mail.* 5 September [Online]. Available at: https://www.malaymail.com/news/malaysia/2018/09/05/selangors-minimum-age-of-marriage-now-18/1669656 (Accessed: 12 February 2021)
4. Annuar, A. (2019). 'DPM: Seven states won't ban child marriage'.*Malay mail*. 19 November [Online]. Available at: https://www.malaymail.com/news/malaysia/2019/11/19/dpm-seven-states-wont-ban-child-marriage/1811186 (Accessed: 12 February 2021)
5. Azizan, H. (2013). 'Child Marriage on the rise'. *The Star Online.* 6 October [Online] Available at: <https://www.thestar.com.my/news/nation/2013/10/06/child-marriages-on-the-rise-1022-applications-approved-in-2012-compared-to-900-in-2011/> [Accessed 12 March 2021].
6. Balasingam, U., Sabaruddin, J. S. (2015). 'Section 375 Exception, Explanations and Section 375A Malaysian Penal Code –Legitimising Rape within Marriage: A Call for Reform'. *Jurnal Undang-Undang, p. 71* [online]. Available at: https://ejournal.um.edu.my/index.php/JMCL/article/download/14262/8760/ (Accessed: 19 January 2021)
7. Brooks, V. (2019). 'Why the legal definition of consent fails victims'. *The Conversation,* 26 October. Available at: https://theconversation.com/why-the-legal-definition-of-consent-fails-victims-124033
8. Emerton, R. (2001). MARITAL RAPE AND RELATED SEXUAL OFFENCES: A REVIEW OF THE PROPOSED AMENDMENTS TO PART XII OF THE CRIMES ORDINANCE. *Hong Kong Law Journal (HKLJ 2001)* [online]. Available at:

https://hub.hku.hk/bitstream/10722/133099/2/content.pdf?accept=1 (Accessed 7 February 2021)

9. European Women's Lobby. *NATIONAL ANALYSIS France*. [online] Available at: https://www.womenlobby.org/IMG/pdf/2714_france_lr.pdf (Accessed: 27 February 2021)
10. Featherstone, L. (2016). 'Rape in marriage: Why was it so hard to criminalise sexual violence?' [Blog] *Australian Women's History Network*. Available at: http://www.auswhn.org.au/blog/marital-rape/#:~:text=In%20the%20end%2C%20marital%20rape,Wales%20and%20Victoria%20in%201981 (Accessed: 27 February 2021)
11. Government of Selangor (2018). *Warta Kerajaan Negeri Selangor.* [Online]. Available at : https://www.jakess.gov.my/pdffile/ENAKMEN/Enakmen-enakmen%20negeri%20Selangor/Enakmen%20Keluarga/RUU%20UNDANG-UNDANG%20KELUARGA%20ISLAM%20%28NEGERI%20SELANGOR%29%20%28PINDAAN%29%202018.pdf. (Accessed: 16 February 2021)
12. Group of Experts on Action against Violence against Women and Domestic Violence (2019). *GREVIO Baseline Evaluation Report France (Istanbul Convention)* [online]. Available at: https://rm.coe.int/grevio-inf-2019-16/168098c61a (Accessed: 27 February 2021)
13. Hannah Tan Su Ki (2018). 'Marital Rape: What You Need To Know'. *University Malaya Law Review*, 21 November [online]. Available at: https://www.umlawreview.com/lex-omnibus/marital-rape-what-you-need-to-know (Accessed 26 January 2021)
14. Herring, J. (2014). 'RAPE AND THE DEFINITION OF CONSENT'. *National Law School of India Review, 26(1), pp. 62-76.* [online] Available at: https://www.jstor.org/stable/44283782?seq=1 (Accessed: 2 February 2021)
15. Jain, S. & Kurz, K. (2007). *New insight on Preventing Child Marriage.* [Online] US. Available at: https://issuu.com/strategicpartnerships/docs/rutgers_new-insights-on-preventing-/59. (Accessed: 15 February 2021)
16. Jo-Lyn, N. (2017). *Sekolah Harapan is the first school for pregnant teenage students in Malacca*. [online] CILISOS - Current Issues Tambah Pedas!. Available at: https://cilisos.my/sabah-teen-gave-birth-in-a-toilet-to-her-parents-shock-but-how-could-they-not-have-known/. (Accessed: 23 February 2021)

17. Ketting, E. and Ivanova, O. (2018). *Sexuality Education in Europe and Central Asia*. [ebook] Federal Centre for Health Education. Available at: https://www.ippfen.org/sites/ippfen/files/2018-05/Comprehensive%20Country%20Report%20on%20CSE%20in%20Europe%20and%20Central%20Asia_0.pdf. (Accessed: 23 February 2021)
18. Lai, V, Mohd Sheriff, S, Mohammad Jodi, SA & Bandy, AS. (2018). *Child Marriage: Its Relationship with Religion, Culture and Patriarchy*. [online] Sisters in Islam (SIS) & Asian-Pacific Resource and Research Centre for Women (ARROW) Available at: https://arrow.org.my/wp-content/uploads/2018/03/National-Report-Child-Marriage.pdf (Accessed: 7 February 2021)
19. Lawphil.net. (2004). Republic of the Philippines. [online] Available at: <https://www.lawphil.net/statutes/repacts/ra2004/ra_9262_2004.html> [Accessed 12 March 2021].
20. Man, S. *FIQH SEMASA: KONSEP DAN APLIKASINYA.* Jabatan Agama Islam Selangor. Available at: https://www.jais.gov.my/userfiles/user/Artikel/ARTIKEL_FIQH_SEMASA.pdf (Accessed 25th February 2021)
21. Mohd Awal, N. and Samuri, M. (2018). *Child Marriage in Malaysia*. [online] Unicef.org. Available at: https://www.unicef.org/malaysia/media/711/file/Child%20marriage%20in%20Malaysia.pdf. (Accessed: 28 February 2021)
22. Mohd Awal, N. and Samuri, M. (2018). *Child Marriage in Malaysia*. [online] Unicef.org. Available at: https://www.unicef.org/malaysia/media/711/file/Child%20marriage%20in%20Malaysia.pdf (Accessed: 28 February 2021)
23. Nestel, Y., Banham, L., Greene, M. and Petroni, S. (2018). *Addressing child marriage through education: What the evidence shows*. [online] Girlsnotbrides.org. Available at: https://www.girlsnotbrides.org/wp-content/uploads/2018/01/Addressing-child-marriage-through-education-what-the-evidence-shows-knowledge-summary.pdf. (Accessed: 28 February 2021)
24. Peguam Syarie Faiz Adnan Associates. (2018). 'Child Marriage: From the Legal and Syariah Points of View'. *Peguam Syarie* [Online]. Available at:

https://peguamsyariefas.com.my/child-marriage-legal-syariah-points-view/ (Accessed: 15 February 2021)

25. Rahim, R. & Sivanandam, H. (2018). 'Child marriage SOP just short-term solution, ban under consideration'. *The Star.* 25 July [Online]. Available at: https://www.thestar.com.my/news/nation/2018/07/25/child-marriage-sop-just-short-term-solution-ban-under-consideration (Accessed: 15 February 2021)
26. Randawar, D.K., Jayabalan, S. (2018). 'The Definition of Domestic Violence in Malaysia: A Cross-National Comparison'. *Akademika 88(3), pp. 77-89* [online]. Available at: https://ejournal.ukm.my/akademika/article/view/20928/8556 (Accessed: 19 January 2021)
27. Rape Crisis England & Wales (2021). 'About sexual violence: sexual consent' [online]. Available at: https://rapecrisis.org.uk/get-informed/about-sexual-violence/sexual-consent/ (Accessed: 2 February 2021)
28. Republic of the Philippines. (2004). 'Anti- Violence Against Women and Their Children Act'. *Congress of the Philippines, Twelfth Congress, Third Regular Session* [online]. Available at: https://www.officialgazette.gov.ph/2004/03/08/republic-act-no-9262-s-2004/ (Accessed: 28 February 2021)
29. Republic of the Philippines. (2014). 'G.R. No. 187495'. *Supreme Court, First Division* [online]. Available at: https://www.lawphil.net/judjuris/juri2014/apr2014/gr_187495_2014.html (Accessed: 28 February 2021)
30. Said, S. (2019). *BERNAMA.com Health* -. [online] Teenage Pregnancy: Who Is To Blame?. Available at: http://health.bernama.com/news.php?id=1679119 (Accessed: 28 February 2021)
31. Sexual Offences Act 2003. *UK Public General Acts, 2003 c. 42, Part 1: Supplementary and general, Section 74* [online]. Available at: https://www.legislation.gov.uk/ukpga/2003/42/section/74 (Accessed: 27 February 2021)
32. Talib, J., Mamat, M., Ibrahim, M. and Mohamad, Z. (2012). Analysis on Sex Education in Schools Across Malaysia. *Procedia - Social and Behavioral Sciences*, 59, pp. 340-348.
33. Tew, Y. (2020). *Constitutional Statecraft in Asian Courts*. p. 163 [ebook] Oxford University Press. Available at:

https://books.google.com.my/books?id=iSrtDwAAQBAJ&pg=PA163&dq=article+121+(1a)+federal+constitution+malaysia&hl=en&sa=X&ved=2ahUKEwj9kauUz9XuAhX_4zgGHYMsAgwQ6AEwBHoECAQQAg#v=onepage&q=article%20121%20(1a)%20federal%20constitution%20malaysia&f=false (Accessed: 7 February 2021)

34. The Commissioner of Law Revision, Malaysia (2006). *Act 303 Islamic Family Law (Federal Territories) Act 1984.* [online] Percetakan Nasional Malaysia BHD. Available at: http://jafbase.fr/docAsie/Malaisie/FamilleIslamique.PDF (Accessed: 10 February 2021)
35. The Commissioner of Law Revision, Malaysia (2012). 'Part 1: Preliminary. Section: Interpretation.' *Laws of Malaysia (Online Version of Updated Text of Reprint) Act 521. Domestic Violence Act 1994.*
36. The Commissioner of Law Revision, Malaysia (2018). 'Section 375: Rape'. *Laws of Malaysia (Reprint) Act 574 Penal Code, pp. 190-191*. [online] Available at: http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Penal%20Code%2018%20Dis%202018.pdf (Accessed 23 January 2021)
37. The Commissioner of Law Revision, Malaysia (2018). 'Section 375: Rape'. *Laws of Malaysia (Reprint) Act 574 Penal Code, pp. 190-191* [online]. Available at: http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Penal%20Code%2018%20Dis%202018.pdf (Accessed 23 January 2021)
38. The Malaysian Insight (2020). Hannah Yeoh's right to raise concern on child marriage [Online]. Available at: https://www.themalaysianinsight.com/s/255044. (Accessed: 10 February 2021)
39. The Star/Asia News Network (2018). 'Malaysia to allow child marriages to go on, but with tighter enforcement'. 15 November [Online]. Available at: https://www.asiaone.com/malaysia/malaysia-allow-child-marriages-go-tighter-enforcement. (Accessed: 15 February 2020)
40. The Star (2018). 'Child marriages remain legal, just follow the SOP?'. 11 July [Online]. Available at: https://www.thestar.com.my/news/nation/2018/07/11/ministry-sets-up-sop-on-child-marriages-under-syariah-court/. (Accessed: 15 February 2021)
41. The Wire. (2017). *Marital Rape and Child Marriage: Two Sides Of The Same Coin*. [online] Available at: <https://thewire.in/gender/marital-rape-and-child-marriage-two-sides-of-the-same-coin> [Accessed 9 March 2021].

42. Toumim, H. (2017). *Saudi Shura tightens rules on early marriages.* World Gulf [Online]. Available at: https://gulfnews.com/world/gulf/saudi/saudi-shura-tightens-rules-on-early-marriages-1.2062961. (Accessed: 15 February 2021)
43. UAE Government. (2021). *Marriage*. The Official Portal of the UAE Government [Online]. Available at: https://u.ae/en/information-and-services/social-affairs/marriage (Accessed: 15 February 2021)
44. 'Concluding comments of the Committee on the Elimination of Discrimination against Women: Malaysia Combined Initial and Second Periodic Report', *United Nations Committee on the Elimination of Discrimination against Women Thirty-Fifth Session, 15 May 2006 – 2 June 2006. Excerpted from: Supplement No. 38 (A/61/38) para 39* [online]. Available at: https://www.un.org/womenwatch/daw/cedaw/cedaw25years/content/english/CONCLUDING_COMMENTS/Malaysia/Malaysia-CO-1-2.pdf (Accessed: 19 January 2021)
45. 'Part XII Sexual and Related Offences: ss 117(1B), 118(3)'. *Hong Kong Crimes Ordinance 1972.* [online]. Available at: https://www.elegislation.gov.hk/hk/cap200?xpid=ID_1438402823144_001 (Accessed: 9 March 2021)
46. 'Part XII Sexual and Related Offences: ss 117(1B), 118(3)'. *Hong Kong Crimes Ordinance 1972.* [online]. Available at: https://www.elegislation.gov.hk/hk/cap200?xpid=ID_1438402823144_001 (Accessed: 9 March 2021)
47. 'Thailand passes marital rape bill'. *BBC News*, 21 June 2017. Available at: http://news.bbc.co.uk/2/hi/asia-pacific/6225872.stm (Accessed 27 February 2021)