

# The Beijing +25 CSO Parallel Report Malaysia 2019



## NCWO

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## FOREWORD

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As the year 2020 marks the 25<sup>th</sup> anniversary of the Beijing Declaration and Platform for Action (BPFA), it presents an opportunity to take independent stock of the national progress for the advancement of women and girls as against the commitments of the Government of Malaysia for the implementation of the Beijing Declaration and Platform for Action (BPFA) 1995. The National Council of Women's Organization (NCWO) Malaysia feels it is most appropriate to undertake the coordination of the writing of this report as NCWO played a pivotal role in the negotiations and drafting of the BPFA more than 25 years ago.

Puan Sri Prof Dr Fatimah Hamidon, a renowned academic, who was the Chair of NCWO's Education Commission at that time, was appointed the Head of Delegation by the Government in all the BFPFA preparatory conferences (prepcoms) from 1993-1995 at the UN in New York. She stood out in the international arena of negotiations by her grasp and conviction of international standards for women's human rights and her eloquence and clarity in debating these issues. An Asia Pacific regional prepcom was held in Jakarta in 1993 by ESCAP.

NCWO had a few of its members participating and active on the Malaysian Government Delegation in the Fourth World Conference in Beijing and all the preparatory meetings. The Fourth World Conference in Beijing 4-15 September, 1995, and the government delegation was led by Tun Dr Siti Hasmah Mohd Ali.

I was a member of the delegation and was responsible for the negotiations on the Health chapter. Other NCWO members include Shanthi Dairiam, Dato Ramani Gurusamy and Prof Emeritus Nik Safiah who contributed to the long and contentious process of the drafting as members of the Government Delegation and the NGO processes throughout the preparatory processes globally and regionally.

Malaysia has come a long way since 1995. Women now have the benefit of the Constitutional guarantee for equality and non-discrimination and have legal protection against domestic violence, the latter being a first in the Asia Pacific region. But an honest assessment of equality of outcomes needs to take place at the 25<sup>th</sup> anniversary of the BPFA.

In Beijing in 1995, we pledged to advance the status of women when we adopted the Beijing Platform for Action. Although there were certain reservations expressed on specific issues, the adoption of the BPFA was however unanimous. We expressed commitment to remove, or lessen all the obstacles in the way of women's advancement in all spheres - political, social, economic, human rights and decision-making. The 25<sup>th</sup> anniversary of the BPFA is an opportune moment for Malaysia to assess the fulfilment of this commitment.

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The first draft of the report was circulated on the listserv of the Joint Action Group for Gender Equality (JAG4E). Feed back from WAO and EMPOWER is appreciated. Elaborate feedback was given on the section on Environment by Sunitha Bishan representing ENGENDER Consultancy.

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## SECTION 1: PRIORITIES, ACHIEVEMENTS, CHALLENGES AND SETBACKS

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### 1. Most important achievements, challenges and setbacks in progress towards gender equality and the empowerment of women over the past 5 years

1.1 Over the last five years, Malaysia has continued to make incremental gains in relation to gender equality and women's empowerment. These have mainly been around legislative and policy reforms to address gender-based violence, economic opportunities and ensuring better representation of women in public life, including as national leaders and decision-makers.

1.2 For example, the Domestic Violence Act (DVA) 1994 was amended for a second time in 2017 to improve protection for survivors of abuse.<sup>1</sup> Amongst the changes were an expanded definition of domestic violence; greater clarity in what constituted psychological and emotional trauma (e.g. threats, insulting the "modesty" of the victim, etc.) such that abuses of this nature would no longer be disregarded when reported to the police. The introduction of an Emergency Protection Order (EPO) which social welfare officers could issue without a police report or court hearing, thus providing speedier relief to a victim. In addition, a strengthened Interim Protection Order (IPO) that could act as a restraining order and allow the police to act before the violence escalated; and enhanced provisions on counselling were among the changes made to the DVA.<sup>2</sup>

1.3 Prior to this in 2015, the Government, working in collaboration with civil society, had also adopted the Guidelines on Handling of Domestic Violence, a comprehensive framework spelling out the roles and procedures of each government agency as mandated under the DVA.<sup>3</sup> In the same year, to help standardise the quality of services provided to survivors of sexual violence who came through the One Stop Crisis Centres at public hospitals across the country, it published a handbook outlining the policy and guidelines of these centres.

1.4 The protection of girls has been boosted through the enactment of the Sexual Offences against Children (SOAC) Act 2017. This comprehensive legislation was introduced to plug some of the gaps related to sexual offences against children. It covers both online and offline sexual abuse, and criminalises the making, possession or distribution of child pornography, as well as child grooming. It also imposes hefty penalties — jail time, whipping, fines — on those found guilty of such activities.<sup>4</sup>

1.5 Following the passage of the SOAC law, the Government established a Sexual Offences against Children Court in the administrative capital, Putrajaya. Equipped with specialised judicial and legal officials and child-friendly facilities to expedite the hearing of such cases,<sup>5</sup> this court began

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<sup>1</sup> It was first amended in 2011 to widen the definition of domestic violence to cover emotional, mental and psychological forms of violence

<sup>2</sup> The Star Online, 21 July 2017.

<sup>3</sup> Women's Aid Organisation (WAO) and the Joint Action Group for Gender Equality (JAG) (2019), 363.

<sup>4</sup> Malay Mail, 7 July 2017.

<sup>5</sup> Government of Malaysia, 2018b, 12.

operations in June 2018 and by November 2018, had processed 431 cases.<sup>6</sup> Said to be the first of its kind in the region, the original plan was to set up similar courts in every State by the end of 2018<sup>7</sup> but to date, this has only transpired in Kuching, Sarawak.<sup>8</sup> The implementation of this law is being monitored to make it more victim centred

1.6 The historic 14th General Election (GE14) on 9 May 2018, which saw a change in Government<sup>9</sup> for the first time in over 60 years also, brought with it a notable increase in the representation of women in leadership and decision-making positions. For one, the share of women voted into Parliament, although still very small at 14.4%, was the largest yet, thanks primarily to efforts by women politicians and women's NGOs to raise the number of women candidates at the polls.

1.7 The subsequent appointment of women into key decision-making positions in Government, however, was also unprecedented. For the first time, the country has a female Deputy Prime Minister. It has also seen its first woman Chief Justice, and women taking over important governance bodies like the Parliamentary Public Accounts Committee and the Malaysian Anti-Corruption Commission.<sup>10</sup> There has also been a significant increase in women heading statutory bodies and government-linked companies.

1.8 Their appointments to the nation's highest decision-making posts are important in a society that as a whole, still tends to view women as having a 'natural' place at home. These women's visibility as role models helps challenge gender stereotypes that reinforce misconceptions that all men are rational, smart, and strong, and hence natural leaders, whilst all women are emotional, obedient and weak, and therefore best suited to being followers. The period under review, there was no shortage of Government pronouncements about advancing women and gender equality in the country. In 2017, then Prime Minister Najib Razak even declared 2018 as the Women's Empowerment Year.<sup>11</sup> Beyond the rhetoric and fanfare, however, it is highly debatable how much changed in the last five years given that little was done to address the root causes of gender inequality, including structures that enable and perpetuate discrimination against women and girls.

1.9 Importantly, the constitutional guarantee of equality remained inadequate because there was no legal framework to guarantee an equality of outcomes. Discrimination was not defined anywhere in the law<sup>12</sup> either even though Article 8.2 of the Federal Constitution was amended in 2001 to prohibit gender-based discrimination. This continued to give rise to inconsistencies in the interpretation of discrimination. For example, in *AirAsia Bhd vs Rafizah Shima Mohamed Aris [2014]*<sup>13</sup> the Court of Appeal held that the constitutional safeguard in the right to gender equality did not apply to private entities.

1.10 As shown later in this report, the Government has offered numerous initiatives and opportunities for women's empowerment in the economic sphere. Some awareness raising around women's rights

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<sup>6</sup> Website of Office of the Chief Registrar, Federal Court of Malaysia.

<sup>7</sup> Malay Mail, 11 December 2017.

<sup>8</sup> Office of the Chief Registrar, Federal Court of Malaysia Press Statement 18 April 2018

<sup>9</sup> We now have a coalition government called Pakatan Harapan

<sup>10</sup> For an elaboration of other female appointments, see Section 19.

<sup>11</sup> The loss of Barisan Nasional (BN) at GE14 brought a premature close to this programme.

<sup>12</sup> These are CEDAW standards for equality and non-discrimination, not yet incorporated into the domestic legal order.

<sup>13</sup> See MLJU 606.



took place through legal literacy trainings but very little social or political empowerment emerged out of these. The resulting disconnect between these three spheres has often meant that even as some women became successful entrepreneurs, their ability to influence decisions that affected their lives remained marginal.

1.11 These programmes were largely confined to certain groups of women and little was done to reach out to others despite the Eleventh Malaysia Plan professing the adoption of a more inclusive approach. Regardless, as elaborated in Section 9, even within these targeted groups, the skills training and income generation programmes produced questionable results.

1.12 There are various reasons why these empowerment programmes were ineffectual. Taking the example of programmes for poor women in rural areas, this related to how these were formulated, essentially as a series of activities that served a short-term goal of turning these women into ‘productive’ agents, i.e. successful entrepreneurs. Tied to the Government’s broader development model, which views citizens (and non-citizens) — including women — chiefly as contributors to the country’s national income, this narrow approach has made it difficult to meet the goals of equality and non-discrimination that are key to women’s wellbeing.

1.13 At a more basic level, these programmes have been challenged by a fundamental lack of understanding amongst Government officials, particularly policy makers and those implementing them, about the concepts of gender, gender equality and women’s empowerment. The absence of clarity is not only reflected in the content of what is offered but also in the choice of indicators — usually numerical targets — to measure the effectiveness of a programme.

1.14 A serious impediment was the absence of a minimum standard of gender expertise in the formulation of schemes for women. This raises the question of the seriousness of the support for gender equality.

1.15 Another serious impediment to advancing the agenda of gender equality has been the politicisation of ethnicity and religion. In November 2018, the strength of those able to claim that Malay rights would be undermined if Malaysia ratified the International Covenant on the Elimination of All Forms of Racial Discrimination was enough to compel the Government to reverse its plans to do so.

1.16 From the late 1990s, Islam has also been routinely invoked to deny women’s rights. In 2014, for instance, a Muslim women’s NGO, Sisters in Islam, was issued a *fatwa* declaring them as deviant for subscribing to liberalism and religious pluralism, and for straying from the teachings of Islam.<sup>14</sup> In 2018, two women were caned in public for the first time in the nation’s history for violating a State *syariah* enactment that prohibits attempts to have lesbian sex. An International Women’s Day rally in 2019 was censured and portrayed as a ‘threat’ to Islam because it reportedly promoted LGBT rights. Hate crimes towards those perceived as challenging official Islam were consistently visible

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<sup>14</sup> The Star Online, 27 August 2019.

during this period, with those with non-normative sexual and gender identities enduring the most of this unwanted attention.<sup>15</sup>

1.17 Credit must be given to the Judiciary which made a landmark judgment in the case of unilateral child conversion<sup>16</sup>. This decision unfortunately is hampered by lack of effective enforcement.

1.18 The new Pakatan Harapan (PH) Government, while bringing about a degree of improvements in rights and freedoms enjoyed has yet to demonstrate how it will tackle the politicisation of ethnicity and religion and its manifestations of intolerance and hatred, especially given the potency of this phenomenon — and the multifarious web of actors involved — in undermining its political survival.

1.19 As well, the new Government heads into the Beijing+25 national review with a long pending list of laws to be enacted or amended to strengthen the rights of women and girls, which it inherited from the previous administration. At the top of the list is the Gender Equality Act that aspires to be CEDAW compliant, that the Government started to look into as early as 2010, and which continues to be deliberated on. Similarly with the Sexual Harassment Act and amendments to employment laws that amongst others, may extend 90 days of maternity leave and three days of paternity leave to those in the private sector<sup>17</sup>. Promises have also been made to enact a law against stalking, as well as to introduce legislation for a minimum age of marriage. Civil society has pressed for other reforms such as a domestic workers law and the introduction of temporary special measures to enhance women's participation in public and political life but to no avail.

## **2. Top five priorities for accelerating progress for women and girls over the past 5 years**

2.1 The Malaysian Government's top five priorities over the past five years have been:

- Improving women's right to work, as seen in its efforts to increase the female labour force participation rate;
- Related to this are measures to promote 'work-life' balance for women in the form of better access to childcare services and flexible work arrangements;
- Raising the involvement of women (especially those who are poor and single) in the economy by steering them into becoming entrepreneurs;
- Strengthening social protection for women, specifically those who are housewives from the B40 income group; and
- Increasing women's representation as key decision-makers in the country.

2.2 Details of what it has done with each of these are provided in Part Two of this report.

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<sup>15</sup> See for example New Straits Times, 17 December 2018.

<sup>16</sup> Indira Gandhi

<sup>17</sup> Budget 2020 has included 90 days maternity leave in the private sector

### **3. Specific measures over the last 5 years to prevent discrimination and promote the rights of women and girls experiencing multiple and intersectional discrimination**

3.1 On the whole, official understanding and recognition of the multiple and intersectional discrimination faced by women and girls in Malaysia is cursory.<sup>18</sup> This is evinced in the preponderance of policies and programmes, which adopt a ‘one-size-fits-all’ approach that do not recognise the different needs of different groups of women and girls.

3.2 Of the options given, the only category of women and girls experiencing multiple and intersectional discrimination who may have benefited from any kind of Government intervention are those living in rural, and to a lesser extent, remote areas, because they have been identified as among those who are the most vulnerable and in need of support.

3.3 It is important to note because the Government sees women as socially and economically (but not politically) disadvantaged, its efforts have been framed more towards providing this targeted group with basic skills and opportunities to become economically self-sufficient. As pointed out, this is related to the Government’s pursuit of ‘development’, which sees every person as a potential contributor to economic growth and the nation’s prosperity.

### **4. Has increasing number of humanitarian crises caused by conflict, extreme weather, and other events affected the implementation of the BPFA?**

4.1 Malaysia is not a country that has experienced the scale of humanitarian crisis experienced elsewhere in the world. The closest to such experiences are severe floods and displacement brought on by a combination of extreme weather, indiscriminate building and environmental degradation.

4.2 Regardless, the Government is generally prepared for such events and has a dedicated section under the Ministry of Women, Family and Community Development (MWFCD) dealing with flood relief.

4.3 Given this, the impact of humanitarian crises per se on the advancement of women and girls — there is no official BPFA implementation per se in this area. But studies conducted in Kelantan by academics show that there are still gender gaps in flood disaster responses and in the existing disaster management plan. Enough attention was not paid to women and children whose husbands were away and who have to survive independently. Therefore, Disaster Risk Reduction (DRR) planning could be more gender-sensitive<sup>19</sup>

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<sup>18</sup> The report of the Mid-Term Review of the Eleventh Malaysia Plan for example, attributes the rise in incidents of abuse and rape of women and children to “poor moral and religious values as well as lack of community support”, not discrimination or inequality between men and women.

<sup>19</sup> Farah Syazwani Hayrol Aziz et al. Women, Gender, and Disaster: A Case Study of Flood Victims in Kota Bharu, Kelantan. 3rd Kanita Postgraduate International Conference On Gender Studies 16 –17 November 2016. Universiti Sains Malaysia, Penang.

## 5. Top 5 priorities for accelerating progress for women and girls for coming 5 years

5.1 In its GE14 Election Manifesto, the PH Government pledged to strengthen gender equality by ensuring the following:

- A national economic system that advances the interests of women
- Women's health and social security
- A national education system that provides the foundation for women to do well in life
- A legal system that protects women's rights and dignity
- A democratised political system to create more female leaders

5.2 Since winning the elections, the ruling coalition has given mixed signals as to whether or not it intends to fulfil these promises. What is clearer is how its measures for women and girls to date resemble a business-as-usual approach, which differs little from that of its predecessor's. This is despite conducting a thorough review of the National Policy on Women and having a ready-made set of recommendations for what to do next.<sup>20</sup>

5.3 Besides political will, one of the key determinants for securing the progress of any agenda for gender equality and women's empowerment is the strength of the national women's machinery. As suggested throughout this report, this is one area that needs urgent attention in the next five years. Efforts to mainstream gender, which started in the early 2000s, came to a near halt under the last administration, which appeared to prioritise high-visibility — and arguably, vote harnessing — activities for women instead, often couched in the name of women's empowerment.

5.4 To its credit, the new Government has focused less on large-scale generic women's empowerment programmes, possibly also due to budget cuts that have been imposed across the board. Nevertheless, the advancement of women and girls can only occur with a commitment of sufficient resources, financial and human, and a commitment to strengthen the capacity of policymakers, elected or otherwise, to have a minimum level of gender perspective. This will go a long way towards sustaining a positive outcome from efforts to mainstream gender in development.

5.5 It is also significant that the new Government has reaffirmed the importance of ensuring that economic growth also benefits “the people” and “building a better standard of living for everyone” especially since unchecked disparity “will create tension and hostility, and eventually lead to confrontations”.<sup>21</sup>

5.6 In this regard, it is not only important to strengthen workers' rights<sup>22</sup> including paying workers better as Prime Minister Mahathir Mohamad himself has acknowledged but also ensure that there is

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<sup>20</sup> This review was part of a project commissioned by the Ministry for Women, Family and Community Development (MWFCD) and the United Nations Development Programme that commenced in late 2017 as part of a four-output project to strengthen and enhance the inclusiveness of women under the Eleventh Malaysia Plan.

<sup>21</sup> Tun Mahathir Mohammad, (Prime Minister of Malaysia) 19 March 2019

<sup>22</sup> Bernama, 1 August 2019

equal protection for those who work in the informal economy where many women are situated and perform laborious jobs under extremely exploitative and vulnerable conditions.

5.7 In August 2019, the Government announced that 2020 would see an “exponential” increase in funding for women’s sports. While it’s main objective is to encourage more women in this field, their involvement in this male-dominated sphere will contribute to raising the overall visibility of women and girls in public spaces. Under the same initiative, “Women 2020”, funding will also be provided to develop more young women civil society leaders.<sup>23</sup>

5.8 Both these represent important steps towards the promotion of gender equality. To ensure long-term outcomes, however, they need to be supported by not only targets but also temporary special measures such as quotas and other enabling conditions, alongside improved access to training and other such opportunities.

5.9 Importantly, efforts to improve women’s participation in public life must also reach all segments of the population, cutting across women’s multiple identities and realities.

5.10 Critical in supporting measures to accelerate progress for women and girls is changing negative social norms and gender stereotypes. The introduction of gender awareness curriculum in schools alongside a sustained and concerted nationwide public education campaign are essential steps forward.

## **SECTION 2: PROGRESS ACROSS THE 12 CRITICAL AREAS OF CONCERN**

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### **INCLUSIVE DEVELOPMENT, SHARED PROSPERITY AND DECENT WORK**

#### **6. Actions taken in the last 5 years to advance gender equality in relation to women’s role in paid work and employment.**

6.1 Official efforts to advance gender equality in the realm of work have revolved around raising the country’s female labour force participation rate (FLFPR).<sup>24</sup> This had persistently hovered under the 50% mark for many years, well below the male rate of around 80%.

6.2 Having hit the 50% mark in 2012, the FLFPR has made slow progress upwards in the last five years, moving from 53.6% in 2014 to 55.2% in 2018 (Table 1).<sup>25</sup> At this pace, the Government target of reaching a FLFPR of 59% by 2020 is unlikely to be met.

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<sup>23</sup> Malaysiakini, 20 August 2019.

<sup>24</sup> The 2018 Mid-Term Review of the Eleventh Malaysia Plan indicated that this would remain a priority area for the remaining period of this plan, i.e. until 2020.

<sup>25</sup> This was after the spurt recorded for the previous five years, from a FLFPR of 47.1% (2014) to 53.6% (2014).

<b>Table 1: Labour Force Participation Rate in Malaysia (by sex) (%)</b>					
	2014	2015	2016	2017	2018
Female labour force participation rate	53.6	54.1	54.3	54.7	55.2
Male labour force participation rate	80.6	80.7	80.2	80.1	80.4
Source: Department of Statistics Malaysia (various years)					

6.3 Since the late 1980s, the Government has acknowledged the importance of ‘including’ women in development, and viewed the low FLFPR as indicative of “underutilised potential human capital”,<sup>26</sup> with adverse effects on national income.<sup>27</sup>

6.4 In 2018, just under 50% of women of working age were not employed or actively seeking employment versus around 20% of men. These figures become starker when one takes into account how almost 90% of the prime age population outside the labour force is female; and how of those outside the labour force, there were twice as many women than men with Higher School Certificate (STPM) qualifications. In short, prime aged women who are more qualified are not in the workforce.<sup>28</sup>

6.5 Productivity concerns aside, addressing the low, FLFPR is important given its implications on the gender gap in employment. The Malaysian trend shows women leaving the workforce primarily to start families and/or perform care work, and not returning after this. As already suggested, one consequence is the relative absence of women in the older age cohorts of the workforce, which in turn diminishes the pool of those who can be appointed to senior-level posts.<sup>29</sup>

6.6 Women who choose to return to work after an extended period often pay the cost of leaving even if this is to engage in reproductive work, which is crucial in ensuring a productive economy. Having missed out on the career trajectory compared to others who remain employed, it is common for these women to end up being paid less when they return to work.<sup>30</sup>

<sup>26</sup> Government of Malaysia, 2018, 4-10.

<sup>27</sup> This can be seen in the 1989 National Policy on Women, and later in the Sixth Malaysia Plan (1991-1995).

<sup>28</sup> This represented 670,000 women versus 317,000 men (Khazanah Research Institute, 2018, 90).

<sup>29</sup> Khazanah Research Institute, 2019, 11.

<sup>30</sup> Women are not only the majority of those with degrees but are also paid 23.3% less than men with the same qualifications. There are other factors contributing to the gender wage gap including occupational segregation (Khazanah Research Institute, 2018, 110).

6.7 Recognising that bearing children and care work (i.e. housework, caring for children, sick or older family members, managing a household) are the main reasons why women opt out of the workforce,<sup>31</sup> the Government has continued to pursue measures to encourage them to return and remain employed.

6.8 In this regard, the 11th Malaysia Plan reinforced the Government's earlier efforts to create a more conducive work environment by extending flexible work arrangements (FWA) and improving access to and quality of early childcare and childhood education services.<sup>32</sup> During the period under review as well, the Government committed to legislating a Sexual Harassment Act by 2019.<sup>33</sup>

6.9 In 2015, the MWFCD offered its staff the option of flexi-work (i.e. working from home, flexible work hours or a modified compressed workweek).<sup>34</sup> In April 2019, the Government announced that the progressive extension of this FWA scheme to other Federal and State ministries was underway.<sup>35</sup>

6.10 To attract women to return to the job market, it introduced the Career Comeback Programme in 2015. This offered employers incentives to recruit and retain women who had been on career breaks. Budget 2018 also gave women who had been away from work for at least two years a 12-month tax exemption if they re-joined the labour force.<sup>36</sup>

6.11 Despite these measures, the FLFPR was 55.2% in 2018. The Government has attributed this low figure to the reluctance of employers to invest resources to provide a better working environment for women, particularly in the form of childcare services and FWA. It also recognises family responsibilities and a "traditional mind set of the gender role" as barriers.<sup>37</sup>

6.12 Recognition of these limitations, however, does not appear to have been followed by a review of existing policies or contemplation of new approaches. The FWA scheme, for example, had little uptake in its initial phase but apart from stating that it would now be open to both men and women employees, it is unclear how much this programme has been changed to facilitate greater impact through its extension to other Government bodies.

6.13 Likewise, the Career Comeback Programme website shows that 820 women have successfully returned to the workforce since 2015. Since there is scant information about the effectiveness of this programme beyond this figure, there is a need for an independent and comprehensive assessment before the Government continues this programme.

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<sup>31</sup> This can be seen in the Government's previous progress report on the implementation of the Beijing Declaration and Platform for Action, which highlighted efforts to improve the accessibility and provision of childcare services.

<sup>32</sup> A fuller discussion on childcare services' provisions and parental leave is dealt with in Section 7.

<sup>33</sup> As of July 2019, it appears that the bill will not be adopted this year. No new timeline has been provided (Joint Action Group for Gender Equality, 17 July 2019). A taskforce is currently fine-tuning the Bill.

<sup>34</sup> MWFCD Annual Report 2015, 37

<sup>35</sup> Reply by the Minister of Women, Family and Community Development to Parliamentary Oral Question no. 18, 3 April 2019.

<sup>36</sup> New Straits Times, 27 October 2017.

<sup>37</sup> Government of Malaysia, 2018, 2-16.

6.14 The Government's almost single-minded focus on the FLFPR appears to have been at the expense of other issues confronting women and paid work. For example, little has been done to ensure that all women have access to decent work or that they receive a living wage. Likewise, much more remains to be done to ensure that wider issues, which affect women and work (e.g. gender-based violence, health, and transportation) have not been adequately addressed either.

6.15 Those who work in the informal economy have had even lesser chance of enjoying these rights. If anything, the majority of them work in jobs with little security and protection hence rendering them most vulnerable to exploitation. This situation is further exacerbated for women from marginalised populations who face intersectional discrimination.<sup>38</sup>

6.16 There are ongoing discussions between the Government, employers and civil society to amend the Employment Act 1955. If adopted, this will afford protection against discrimination for employees and job seekers; establish 90 days of maternity and three days paternity leave; give all workers the opportunity to request for FWA; strengthen sexual harassment policy at the workplace; widen the definition of 'employee' to those who are contract workers; and offer one rest day per week for domestic workers. When and to what extent these provisions will be in the final law, is unclear.<sup>39</sup>

## **7. Actions taken to recognise, reduce and/or redistribute unpaid care and domestic work and promote work-family conciliation in the last 5 years**

7.1 In 2017, 58% or 2.6 million women in Malaysia did not seek work because of housework and family responsibilities. In contrast, 3.2% of men (69,800) said the same.<sup>40</sup>

7.2 This result affirmed what the Malaysian Government has long understood as the main reasons holding back women from actively being in or seeking to be part of the labour force.

7.3 Having previously adopted different measures to foster a more enabling environment for women to return to and stay as part of the formal labour force, the Government continued to build on these efforts during the period under review.

7.4 For example, like its past allocation of RM240, 000 (USD60, 000) per ministry or agency to establish childcare centres at the workplace,<sup>41</sup> in 2019, the Government allocated another RM10 million to produce 50 such facilities<sup>42</sup> so that more of its employees had access to these services.

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<sup>38</sup> See Thambiah and Tan (2019). See also sections 9 and 10 for details of the challenges facing women from marginalised groups.

<sup>39</sup> Women's Aid Organisation, 2019.

<sup>40</sup> Education was their main reason for not seeking work (69.3%) (Khazanah Research Institute, 2018, 93).

<sup>41</sup> MWFC, 2000

<sup>42</sup> Budget 2019, 42.



7.5 Likewise, it took further steps to strengthen parental leave. While maternity leave for those in the public sector was extended from 60 to 90 days in 2010, the original entitlement of 300 days throughout service was further raised to 360 days in 2017.<sup>43</sup>

7.6 The same year, the Government proposed that the private sector offer 90 days of maternity leave as well.<sup>44</sup> Thus far, however, employers have not implemented this given their resistance to it.

7.7 Underlying the introduction of the PH Government's i-Suri scheme discussed earlier was official acknowledgement not only of women's unpaid contribution to the family but also to national development.<sup>45</sup> Although not a new idea — the previous BN Government had offered this group of women a similar savings option in 2010<sup>46</sup> — the new administration has been far more proactive in publicising the rationale for its initiative, and in persuading women to sign on.

7.8 The Government's recognition of women's unpaid care work and the actions it has taken to address the implications of this phenomenon are commendable but more can be done.

7.9 For one, the reach of childcare facilities remains limited. Official efforts for this review period focused more on boosting services for those in the public sector, and within this, very little support appears to have flowed down to those working outside the Federal centre.

7.10 This notwithstanding, even the latest allocation of RM10 million is insufficient to meet existing demand of public sector employees for childcare services.<sup>47</sup> Raising public expenditure for this purpose, however, has been constrained by a large national debt.<sup>48</sup>

7.11 Also challenging has been trying to incentivise the private sector to set up childcare facilities. Despite the Government's efforts,<sup>49</sup> the uptake has been poor. Rather than investigate alternative approaches to ensure that childcare services are accessible and affordable<sup>50</sup>, the Government

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<sup>43</sup> Malaysia Ministry of Finance, 2017, 33, 48.

<sup>44</sup> New Straits Times, 27 October 2017.

<sup>45</sup> According to the Deputy Prime Minister, these women are the country's "unsung heroes" (Sinar Harian, 8 May 2019).

<sup>46</sup> Then called the 1Malaysia Retirement Savings Scheme (SP1M), it was a channel for those who were self-employed or without a fixed income or any income, not just housewives, to make voluntary payments to save for retirement.

<sup>47</sup> The MWFCDC received 101 applications for this allocation meant for only 50 childcare centres. In fact, there were 541 government agencies, including those at the State level, without childcare facilities (Reply by the Minister of Women, Family and Community Development to Parliamentary Oral Question no. 2, 13 March 2019).

<sup>48</sup> See Section 8 for a discussion on the origins of this debt.

<sup>49</sup> Amongst these is the long-standing 10% Industrial Building Allowance per year for ten years offered to private sector firms for expenditure incurred to construct or purchase buildings for the provision of childcare facilities for employees (MIDA).

<sup>50</sup> An example is the on-demand child care services using e-platform

announced in 2018 that it was looking into yet another tax break incentive for employers to set up day care centres at work.<sup>51</sup>

7.12 Likewise, although some community care services have been established over the years, there were no specific measures introduced to relieve poor women from unpaid care work in the period under review, and there are still far too few of these community facilities to meet demand.<sup>52</sup>

7.13 Current flexible work arrangements (FWA) and parental (maternity, paternity) leave entitlements may enable some women to better manage their responsibilities as carers and managers of their household. However, these measures rest on an assumption that care work is the responsibility of women and in so doing reinforces the gender division of labour in the family that disproportionately burdens women.

7.14 Ironically then, the Government's priority of raising the female labour force participation rate has been hampered by the same policies it has adopted for this purpose. At the very least, for women to be freed from care work at home, men need to be encouraged and enabled to step up and share this responsibility.

7.15 Originally, the idea behind i-Suri was to open this scheme to all housewives who would benefit by having 2% of their husband's EPF contribution diverted into their own accounts. However, in its current formulation, i-Suri only reaches the poorest of women registered in the country's poverty data bank,<sup>53</sup> and under 60 years of age. Its scope is thus far narrower than first promoted, excluding many more housewives in need.

7.16 Moreover, the Government has thus far heavily subsidised i-Suri to the amount of RM65 million (USD16.3 million). Although there are plans to amend existing legislation to make it possible for the contributions of husbands to be channelled into their housewife spouse's account, exactly when this will happen and how successful the Government will be in getting men to do this — the scheme is voluntary — is questionable.<sup>54</sup> This is particularly since little has been done to change deep-rooted sexist ideology including gender stereotypes that perpetuate the misconception that care work is women's work.

7.17 Certainly, much needed gender awareness education is missing in the Government's approach to reduce and redistribute unpaid care and domestic work. Although the PH election manifesto recognised this as important, there are no signs of this pledge being translated into a policy that will be incorporated into the school curriculum or promoted in nationwide campaigns.

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<sup>51</sup> Malay Mail, 8 July 2019.

<sup>52</sup> From 2014 to 2016, the number of community childcare centres remained stagnant, having grown from 19 in 2013 to 28 in 2014 (MWFCD, 2017; MWFCD, 2016; MWFCD, 2016b; MWFCD, 2016c).

<sup>53</sup> The e-kasih database is for households with a monthly income of not more than RM1, 500 (urban) or RM1, 000 (rural).

<sup>54</sup> Tan, 2019.

7.18 Neither has critical gender-sensitisation training prioritised for Government employees. Without the critical ideological shift that comes with education and training, the Government will continue to face an uphill task in overcoming the inequalities around care work.

## **8. Austerity/fiscal consolidation measures, e.g. cuts in public expenditure, public sector downsizing, in the last 5 years.**

8.1 In April 2015, the BN-led Government introduced a consumption tax called the Goods and Services Tax (GST) to offset a growing budget deficit and over-reliance on Malaysia's depleting oil revenues.

8.2 The GST added 6% onto the cost of all transactions with the exception of some zero-rated consumables and selected supplies. This affected the daily cost of living of many Malaysian households, not just among the bottom 40% of the population (B40) but also the middle 40% (M40).<sup>55</sup>

8.3 Just as significant, cuts in government subsidies (e.g. fuel, sugar) and expenditure (e.g. healthcare, education) together with growing leakages in government funds<sup>56</sup> and weaker purchasing power due to a depreciating ringgit, compounded this hardship.

8.4 Having inherited this legacy and a debt of more than RM1 trillion (approximately USD250 billion) from the previous administration in May 2018,<sup>57</sup> the new PH Government has targeted its efforts at fiscal consolidation including "removing the excesses of the past".<sup>58</sup>

8.5 This, however, has necessitated pruning government spending. Such an austere approach has been critiqued by some quarters, including for ignoring the multiplier effects of adopting a fiscal stimulus policy.<sup>59</sup>

8.6 The impact — much less the gendered implications — of these cutbacks under both the BN and PH Governments remains poorly understood as there have not been any comprehensive studies conducted on this.

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<sup>55</sup> Edge Weekly, 19 April 2018.

<sup>56</sup> It is estimated that Malaysia lost RM46.9 billion alone in 2017 due to public sector corruption, an amount that was also greater than the RM44 billion collected through the GST for the same year (The Star Online, 30 June 2018).

<sup>57</sup> The scandal involving Malaysia's sovereign wealth fund, 1MDB, was only one of several examples of misuse of public funds. Large sums of monies were also removed from key trust bodies during the period under review.

<sup>58</sup> The Sun Daily, 8 October 2018.

<sup>59</sup> See for example, Tong, 2019.

## POVERTY ERADICATION, SOCIAL PROTECTION AND SOCIAL SERVICES

### 9. Actions taken in last 5 years to reduce/eradicate poverty among women and girls

9.1 This assessment of the Government's efforts to address poverty among women and girls is constrained by the lack of up-to-date publicly available sex-disaggregated data on this subject. Given this, the picture presented here is far from complete. Nevertheless, it provides some indication of how the Government has fared in the last five years and where policy gaps remain.

9.2 The official incidence of poverty in Malaysia in 2016 was 0.4%, having fallen from 0.6% in 2014.<sup>60</sup> Although this figure has been critiqued for undercounting poverty and ignoring the real cost of living across urban and rural areas in the country today,<sup>61</sup> the fact remains that whichever the figure, a gender discrepancy exists amongst the country's poor.

9.3 In 2014, the average monthly male-headed household income was RM6, 355 a month, compared to RM4, 923 for female-headed households, i.e. a difference of RM1, 432. This gap grew to RM1, 792 in 2016 as the average income for male-led households rose to RM7, 254 while those headed by women was only RM5, 462.<sup>62</sup> These average household income figures suggest a high probability of households headed by women being poorer than those headed by men.

9.4 While official statistics imply that there are almost no poor households in Malaysia, the Government recognises that pockets of poverty remain in the country, notably among the Orang Asli in Peninsular Malaysia, and those in the hinterlands of the States of Sabah and Sarawak whose population is predominantly indigenous. The Mid-Term Review of the Eleventh Malaysia Plan also reaffirmed that "there [were] issues with the low income Indian and Chinese households".<sup>63</sup>

9.5 The Government has thus targeted its efforts at these groups. This has taken the form of entrepreneur incubator and hand-holding (train and guide) programmes and credit schemes in the last five years, including those, which specifically targeted women— single mothers especially — to encourage them to take part in business.<sup>64</sup> Many of these were not new but a continuation of a

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<sup>60</sup>MWFCD, 2018 and MWFCD, 2017, 66.

<sup>61</sup> See for example, the August 2019 report of Philip Alston, the United Nations Special Rapporteur for Extreme Poverty and Human Rights following his country visit to Malaysia. Recognising the limitations of the Poverty Line Income (PLI) model, which measures absolute poverty based solely on income, the Government already introduced the Multidimensional Poverty Index in the Eleventh Malaysia Plan to complement the PLI. Besides income, this measures poverty based on education, health and standard of living dimensions and thus is said to reflect the incidence and intensity of multidimensional deprivation (Government of Malaysia, 2018, 11-9 and 11-10). Even though the rate in 2016 was 0.86 percent, i.e. higher than the PLI measurement of 0.4%, this is still a fairly low rate that does not reflect reality on the ground.

<sup>62</sup> MWFCD, 2018 and MWFCD, 2017, 67.

<sup>63</sup> Government of Malaysia, 2018, 11-15, 12-16.

<sup>64</sup> MWFCD's Direktori Bantuan Sosioekonomi Wanita (Women's Socio Economic Assistance Directory) produced in 2018 listed over 50 such opportunities that women could access, almost all of which involved them being involved in business.

previous policy approach that sought to give women greater economic opportunities in the name of empowerment.<sup>65</sup>

9.6 While success stories may have emerged out of these official initiatives, they appear more of an exception rather than the rule. Of greater concern is how ‘success’ is measured with indicators focused overwhelmingly on numerical targets. For example, the much-heralded 1Azam programme of the BN administration, which had women as the majority of its recipients, deemed them successful if they managed to raise their income levels by RM300 for three consecutive months.

9.7 Likewise, the Government reported having spent RM2.3 billion (USD570 million) in ten entrepreneur programmes for women in 2018, and reaching around 360,000 women.<sup>66</sup> However, typical of official news, who these women were, how they came to be included in these programmes, and more importantly how they benefited from them — have these opportunities provided decent work, for instance — was seldom publicised.

9.8 With regards to women’s access to credit, data from SME Corp<sup>67</sup> shows that out of 22,000 applications approved by the end of 2014, around 1,300, i.e. just 6%, involved women-owned companies. The amount allocated for these successful applicants was RM87 million (USD21.8 million), roughly 6% of the overall total approved. Earlier data on Tekun<sup>68</sup> and Mara<sup>69</sup> loan schemes already showed women borrowers receiving a smaller share of Government loans, both in terms of applicants and loan amounts approved.<sup>70</sup>

9.9 The experience of women borrowers in Amanah Ikhtiar Malaysia (AIM), a large micro-credit scheme, affirms women’s tendency to borrow smaller amounts than men. This may be a matter of preference, but this is impossible to confirm given the absence of further investigation. Meanwhile, the size of women’s loans places limits on their ability to take their businesses beyond micro-enterprises, and by extension, their opportunity to enjoy a higher standard of living.

9.10 As an approach to alleviate poverty and empower women, microcredit programmes like AIM have come under scrutiny. For example, on paper, AIM’s loans are interest-free. However, it imposes

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<sup>65</sup> The DeWi (Development of Women Entrepreneur Initiatives) programme, for example, was a rebranded combination of two pre-existing initiatives (i-Kit for single mothers and i-KeuNita a women’s entrepreneurship incubator programme) in 2017.

<sup>66</sup> Bernama, 30 January 2019

<sup>67</sup> This is the central coordinating body for the development of Small and Medium Enterprises in the country.

<sup>68</sup> Originally set up to provide financing facilities to bumiputera to kick-start or expand their businesses, Tekun has since evolved and sees itself as a “strategic entrepreneur development partner for businesses” (Tekun Nasional, 16 February 2016).

<sup>69</sup> Mara (Majlis Amanah Rakyat, People’s Trust Council) was formed in 1966 to support *bumiputera* involvement in business and industry.

<sup>70</sup> From 2006-2011, Mara accepted three times as many male than female borrowers, where their average loan size was around RM23, 000 (USD5, 700) more than for women. During the same period, Tekun disbursed a greater number of loans to women applicants, but the size of their loans was around RM2, 000 (USD500) less than that of their male counterparts (CEDAW Malaysia State Party Report, Annex 2).

a 10% 'service' fee,<sup>71</sup> which is burdensome on its borrowers, as is the pressure on these women who take out-group loans, to exercise credit discipline on each other.

9.11 Micro-finance has also been said to increase women's work burden, and though paid work may empower them economically, it does not necessarily lead to gender equality. Ultimately, little changes because structural conditions that help create poverty remain untouched with these initiatives.<sup>72</sup>

9.12 Certainly, it is important to note that current programmes seeking to lift women out of poverty focus on turning them into 'productive' actors.<sup>73</sup> This is a marked shift from the approach of earlier development plans, which had poverty eradication, including among female-headed households, as their main target.<sup>74</sup>

9.13 At another level, many of these income-generating measures only offered poor women options to skill themselves or start businesses which reinforce traditional gender roles, e.g. tailoring, beauty therapy, food production, handicrafts, running childcare services. For poor women, these skills are also very basic which impedes their ability to go beyond low-skilled employment into better paying jobs with a higher chance of increasing their savings.

9.14 Also noteworthy is how, despite the concept of inclusivity being embedded in the Eleventh Malaysia Plan, translating this into practice has been a vastly different experience. Many women continue to be left out of development plans, including those who are poor and experience multiple forms of discrimination. This is due to factors such as inadequate access to information, geographic challenges, marital status, nationality (statelessness, migrant, refugee, non-citizen spouses), and political affiliation.

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<sup>71</sup> This is supposed to be in return for the skills training and intensive supervision that AIM provides.

<sup>72</sup> See Niner, 2018.

<sup>73</sup> In August 2018, the Deputy Prime Minister, also the Minister of Women, Family and Community Development, announced that the Government intended to support women "particularly vulnerable to economic and social distress". However, this would be done by giving them "every opportunity to participate in the labour market and other economic activities" (Wan Azizah, 2018a).

<sup>74</sup> The Eighth Malaysia Plan (2001-2005) was the first time the Government acknowledged the importance of dealing with poverty among women, specifically female-headed households. This attention continued in the Ninth Malaysia Plan (2006-2010) which highlighted the need to "further reduce the incidence of poverty among women, particularly in the rural areas including in Sabah and Sarawak" alongside challenges faced by urban poor women and single mothers (p292). This poverty focus was replaced from the Tenth Malaysia Plan onwards, and other key Government policies, under the Najib administration.

## 10. Actions taken in last 5 years to improve access to social protection for women and girls.

10.1 A scan of social protection programmes in the country show no shortage of initiatives that broadly falls under three categories:<sup>75</sup> social assistance,<sup>76</sup> social insurance,<sup>77</sup> and labour market intervention.<sup>78</sup> In turn, multiple Government ministries and agencies, at both Federal and State level, manage these. This has contributed to an “increasingly disjointed social protection system that is prohibitively difficult for potential recipients to navigate”.<sup>79</sup>

10.2 To compound matters, as the UN Special Rapporteur on Extreme Poverty and Human Rights observed during his August 2019 country visit, there are officials who often are “unable to explain what was being done to ensure people in poverty could access their services or programs”.<sup>80</sup> This lack of capacity or interest of those in civil service has serious implications on the impact of Government measures to strengthen its already challenged social protection system.

10.3 Also notable is Malaysia’s social protection expenditure which was the lowest amongst its South East Asian neighbours (for which data was available), and the fact that this has not increased in tandem with GDP per capita growth.<sup>81</sup>

10.4 Actions to improve women and girls’ access to social protection have thus taken place within and been limited by an official system that can be summarised as “fragmented, poorly targeted, and inadequately funded”, where policies have “a clear lack of focus on poor people across the board”.<sup>82</sup>

10.5 One of the more seriously thought-out social protection initiatives for women in the last five years is the new Government’s i-Suri housewife incentive scheme mentioned earlier. However, as already shown too, this is not without drawbacks. Its initial focus on the poorest of women and the subsequent voluntary nature of this scheme means that it is likely to exclude a larger group of women who are in need of this social safety.

10.6 Like the i-Suri initiative which suffers from not adopting a holistic approach — in its case, missing is gender awareness education that can help men better understand the importance of care

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<sup>75</sup> See Ruhaini Zawawi and Tengku Aizan Hamid, 2016.

<sup>76</sup> Social insurance refers to in-kind or cash transfers (e.g. Bantuan Sara Hidup, previously BR1M) to those who are poor, older, with disabilities, single mothers, etc.; health assistance (e.g. universal health care); or disaster relief.

<sup>77</sup> For example, old age or retirement schemes like EPF, the Employees Provident Fund, and the civil service pension, as well as employment injury benefits (in the form of social insurance under SOCSO, the Social Security Organisation), sickness and maternity benefits.

<sup>78</sup> Besides retrenchment benefits, labour market intervention covers livelihood and skills training programmes, return to work initiatives, and microcredit loans.

<sup>79</sup> Nixon, Hidekatsu and Koen, 2017, 19.

<sup>80</sup> Alston, 2019, 3. The UN Special Rapporteur on Extreme Poverty and Human Rights also noted at least 110 social protection programmes in Malaysia conducted via more than 20 ministries and agencies.

<sup>81</sup> Nixon, Hidekatsu and Koen, 2017, 18.

<sup>82</sup> Alston, 2019, 3.

work and hence be more forthcoming about supporting this scheme. The effectiveness of health assistance programmes, such as subsidised mammogram screenings, has also been compromised by not taking into account women's realities.

10.7 Anecdotal evidence points to how one reason for the mammogram subsidy programme's low uptake is not necessarily a lack of interest but the distance in which women, especially those outside urban centres, have to travel to avail themselves of this opportunity. An improved information dissemination mechanism would ensure that more women are made aware of this service as well.

10.8 The Mid-Term Review of the Eleventh Malaysia Plan acknowledged the importance of an "integrated and comprehensive social protection system", where its numerous programmes would come under the coordination of a central council.<sup>83</sup>

10.9 This development is much needed and it is hoped the council will have a better outcome than its predecessor.<sup>84</sup> However, to ensure the country's social protection system benefits all who are vulnerable, including women, the Government will also need to rethink how it approaches welfare.

10.10 Since 2010, Malaysia has subscribed to the 'productive welfare' framework, seen as a way to help remove poor and hard-core poor families from being dependent on Government support. The 1Azam programme, including Azam Niaga whose beneficiaries were mostly women, was typical of this income generating programme and "employment-oriented approach to social welfare".<sup>85</sup>

10.11 As previously seen, however, not only is the effectiveness of this approach debatable, it also is arguably counter-productive to the objective of providing a social protection system that extends a safety net to all who are vulnerable, including women in informal employment, migrant and refugee women, women with disabilities and older women.

## **11. Actions taken in the last 5 years to improve health outcomes for women and girls**

11.1 On the whole, Malaysia has a healthcare system that provides universal health care to most of its population. It has also maintained "fairly good standards of availability, accessibility, acceptability and quality" at the same time been aware of and tried to respond to demographic and epidemiological changes.<sup>86</sup>

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<sup>83</sup> Government of Malaysia, 2018, 11-8.

<sup>84</sup> The BN Government had set up the Malaysia Social Protection Council in October 2016 with the same objective of formulating a "Social Protection Policy that was integrated, holistic and comprehensive", and chaired by the Prime Minister (Norma Mansor, 2017). There is very little evidence that this body functioned beyond this point.

<sup>85</sup> Nixon, Hidekatsu and Koen, 2017, 19.

<sup>86</sup> Alston, 2019, 4.



11.2 This is the case despite the many challenges experienced by government hospitals and clinics attributable amongst others to the inflated cost of modern medicine, privatisation and other neoliberal policies.<sup>87</sup>

11.3 Women's life expectancy has continued to increase along with men's but they live longer. Newborn girls in 2019 were expected to live up to 77.3 years compared to 72.2 years for boys.<sup>88</sup> Like men, women experience physical, social and mental health problems that come with growing older.

11.4 However, they may also have gender specific ailments such as those arising out of their reproductive health history. This situation is compounded for women who are poor and/or face multiple forms of discrimination. There is little evidence of steps the Government has taken to improve the health outcomes for these women in the last five years.

11.5 In 2016, the Maternal Mortality Ratio (MMR) was 29.1 per 100,000 live births. In its latest UPR report, Malaysia attributed this increase — the MMR was 23.8 per 100,000 live births in 2015<sup>89</sup> — to medical related conditions. Even though pre-pregnancy care was introduced as an early intervention for women with medical conditions and significant obstetric complications in previous pregnancies,<sup>90</sup> the fact that this ratio is on the rise after being on the decline for many years is cause for concern.

11.6 The overall number of reported HIV cases in the country fell by almost half from 6,120 in 2015 to 3,692 in 2018. Significantly, while men continued to outnumber women in these statistics, women's share of reported HIV cases rose from 12.0% to 19.1% for the same period. During this time, the numbers for men declined far more drastically (from 5,383 to 2,988) than for women (737 to 704).<sup>91</sup>

11.7 In its budget for 2017, the Government allocated RM30 million for free mammogram screenings<sup>92</sup> and Human Papilloma Virus (HPV) vaccinations.<sup>93</sup> This allocation was cut down to RM20 million in 2019.<sup>94</sup>

11.8 While Pap Smear tests were also provided for free in 2019 — specifically to test for HPV — this was limited to those aged 25-65 and who were married or had been married.<sup>95</sup> These criteria are

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<sup>87</sup> The shortage of government specialists, overcrowded government health facilities, long waiting times, and rising cost of co-payments borne by patients are some of these challenges (Devaraj, 2019).

<sup>88</sup> The Star Online, 23 July 2019.

<sup>89</sup> Government of Malaysia, 2018, 3-14.

<sup>90</sup> UPR, 2018, 9.

<sup>91</sup> MWFCD, 2018

<sup>92</sup> Limited to those aged 40-70 and from households with a monthly income of less than RM10, 000.

<sup>93</sup> MOF, 2016

<sup>94</sup> MOF, 2018b

<sup>95</sup> See MWFCD, 2019.

curious particularly since previously in 2017, these tests were offered to any woman above 18 who was sexually active and/or married.<sup>96</sup>

11.9 An average of 18,000 teenage pregnancies reportedly occur in Malaysia every year. Since 2014, the Government has operated a “Generasiku Sayang” programme aimed at increasing public awareness on the importance of preventing such pregnancies. It has also set up centres in most States for unmarried pregnant teenagers and women and their babies.<sup>97</sup> While these initiatives are positive, however, they are currently not accompanied with the necessary guidelines and mechanisms to ensure their effective implementation, monitoring and evaluation.

11.10 Additional details on the performance of these centres is unavailable but in early 2019, a group of experts proposed a multi-stakeholder think-tank to be set up to deal more effectively with this issue.<sup>98</sup> More recently, in a shift from past practice, the Government uploaded video clips to teach children about sexual safety, and made available information posters to prevent baby dumping.<sup>99</sup>

11.11 Indeed, there is greater openness by the new Government towards providing comprehensive sex education in schools. This is despite “restrictive interpretations of religious and cultural values and beliefs which dominate the political discourse and praxis” which the Special Rapporteur on Health noted in his 2014 visit to Malaysia.<sup>100</sup>

11.12 Given these challenges, it is to the current administration’s credit that it is still able to recognise the importance of revamping the existing syllabus, which has had a strong emphasis on abstinence. Since the end of November 2018, it has been working on expanding the scope of topics to include skills to say no to uncomfortable touches and skills to make decisions about one’s own reproductive health.<sup>101</sup>

11.13 Abortion to save a woman’s life and to preserve her physical and mental health is lawful in Malaysia.<sup>102</sup> However, ignorance among service providers and the stigmatisation of those who seek such services have impeded women’s access to abortion information and facilities. This is further compounded by religious beliefs that are imposed by way of religious edicts. For example, there is a fatwa on the termination of pregnancy due to rape, which prohibits termination beyond 120 days. The fatwa deems that a termination at this junction of the pregnancy is a crime against the unborn baby. Little appears to have taken place to address these challenges in the last five years.

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<sup>96</sup> See NFPD, n.d.

<sup>97</sup> The Star Online, 29 October 2015.

<sup>98</sup> Malaysiakini, 15 January 2019.

<sup>99</sup> The Star Online, 12 July 2019.

<sup>100</sup> UN Human Rights Council, 2015

<sup>101</sup> New Straits Times, 22 November 2018 and New Straits Times, 10 March 2019.

<sup>102</sup> UN Human Rights Council, 2015

11.14 Despite ongoing efforts to promote access to health services, a recent case highlighted by the deaths of 12 Orang Asli (indigenous peoples) in a remote area<sup>103</sup> highlights how much more remains to be done to ensure positive health outcomes of those who live in those areas, women included.

11.15 As pointed out by the CEDAW Committee, still other marginalised groups of women also face obstacles in trying to access healthcare services. These include asylum-seeking and refugee women, women migrant workers, and transgender women. Its latest report for Malaysia also highlighted the higher cost non-citizens have to pay to utilise public hospitals, which adds further to the burden of those who are poor.<sup>104</sup>

11.16 Of concern too is the Government directive that obliges public hospitals to report those who are undocumented to the authorities as this has consequences for maternal, foetal and infant mortality.<sup>105</sup> Evidence that the Government has taken steps to act on the Committee's recommendations on this matter was not found.

## **12. Actions taken in the last five years to improve education outcomes and skills for women and girls**

12. 1 Of the options presented the only one of some significance in recent years was on the issue of STEM. In addition, since PH took control of the Government it has reaffirmed the importance of TVET. For a country to develop and progress, having skilled workers from TVET institutes are as important if not more important as having tertiary graduates.<sup>106</sup> However, this has largely been done in a gender-neutral manner and it is not apparent how girls and young women are being included.

12.2 As of 2015, the enrolment rate was 84.6% for preschool children, 98% for primary school, 92.5% for lower secondary, and 85% for upper secondary. Half of these children are girls. Despite a higher proportion of female enrolment in the sciences in tertiary institutions in Malaysia, the trend has not increased women's participation in most STEM fields of study, including engineering, technology, and physics. A higher proportion of females are found in disciplines such as pharmacy, medicine and biology but they remain under-represented in engineering. A UNESCO report notes that, 31.6% of graduate engineers were women. Areas where women were highly represented were in medicine (46.7%), dentistry (63.5%), veterinary medicine (41.4%) and pharmacy (72.9 %).<sup>107</sup>

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<sup>103</sup> As of July 2019, three deaths were confirmed as being caused by "measles and complications" but the remaining results of the post-mortem were inconclusive (The Star Online, 6 July 2019). According to one Orang Asli researcher, they died due to a mix of factors including malnutrition, dehydration, low immunity and water contamination (Personal communication with Siti (pseud.) 30 August 2019).

<sup>104</sup> Committee on the Elimination of Discrimination against Women, 2018, 12/18.

<sup>105</sup> Committee on the Elimination of Discrimination against Women, 2018, 12/18.

<sup>106</sup> The Star Online, 16 April 2019

<sup>107</sup> A Complex Formula: Girls and women in science, technology, engineering and mathematics in Asia", is a UNESCO report of seven case studies in Cambodia, Indonesia, Malaysia, Mongolia, Nepal, South Korea and Vietnam.

12.3 Although Malaysia has done well in achieving gender parity in education, with 63% of public university enrolments being women, a significant number of them tend to drop out of the workforce due to personal or family commitments (e.g. caring for children and aged parents).

12.4 Girls' education in Malaysia does not translate to equal opportunities and empowerment once they finish school. In 2016, the World Economic Forum produced the Global Gender Gap Report, which scored and ranked nations on the Global Gender Gap Index. It focused on five main aspects of equality: economic participation and opportunity, educational attainment, health and survival and political empowerment. Malaysia ranked 106 in the world, with a score of 0.666, where 1.00 indicates gender parity and 0.00 indicates the worst inequality.

12.4.1 While Malaysia scored a .985 for educational attainment, girls still do not have equal economic opportunities or political empowerment. The government must focus on implementing programmes to target these issues and ensuring that education translates into tangible advantages once girls leave the school system and enter the workforce.

12.5 According to a survey report by TalentCorp and the Association of Chartered Certified Accountants,<sup>108</sup> 93% of women who drop out of the workforce intended to return to work, however, about two-thirds of these women amounting to 63%, face challenges in embarking on a career comeback.

12.6 There are very little concrete measures taken by the Government to address adolescent pregnancies and the continuation of education for expectant teenage mothers. Most of these pregnant teenagers drop out of school.<sup>109</sup>

## **FREEDOM FROM VIOLENCE, STIGMA AND STEREOTYPES**

### **13. Actions taken in the last five years to address forms of violence against women and girls, and in which specific contexts or settings.**

13.1 Child, early and forced marriages. Malaysia has legislation that defines individuals under the age of 18 as children, such as the Child Act 2001 - rendering marriages of those under 18 as child marriage. Malaysia is also a signatory to the United Nations Convention on the Rights of the Child (CRC), which states, "a child means every human being below the age of 18 years"<sup>110</sup>

13.1.1 Child marriage was heavily discussed at the national level following the news of a 41-year-old man getting married to an 11-year-old girl in July 2018. Also in July that year, another 44-year-old man took a 15-year-old girl as his second wife with the approval from the local Syariah Court.

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<sup>108</sup> Talentcorp & ACCA, "Retaining Women Workforce", 2013.

<sup>109</sup> Free Malaysia Today, 3 January 2019

<sup>110</sup> The Star Online, 15 July 2018

Because of the strong public outcry, the PM issued an order to raise the minimum legal marriage age to 18 years for both Muslims and non-Muslims.

13.1.2 Statistics from the National Registration Department (NRD) indicated that there were 930 nuptials of non-Muslims below the age of 18 in 2018, up 436 from 2015; the number of child marriages among non-Muslims doubled between 2015 and 2018. The Deputy Minister of the MWFCDC indicated in late July 2019 that 14,999 child marriages were recorded between 2007 and 2017, of which 10,000 were Muslims. In terms of states, Sarawak had the highest number of registered child marriages in Malaysia.<sup>111</sup>

13.1.3 The Child Rights Coalition Malaysia reported that records in 2009 showed that 32 children under the age of 10, 447 children between 10 and 14, and 8,726 children in the 15-19 age group underwent pre-marital HIV tests. That is a total of 9,205 children who might have entered into marriage. The coalition's data also showed 900 child marriages were approved in 2011 and 1,022 in 2013.

13.1.4 Under Islamic family law in Malaysia, the minimum age to marry is 18 and 16 for males and females respectively, with exceptions for younger ages with the permission of a Syariah judge in "certain circumstances."<sup>112</sup> As the exception does not state the absolute minimum age, there is no limitation to how young a Muslim bride or groom may be. In 2014, the National Fatwa Council discouraged child marriage, but did not explicitly label it as *haram* (prohibited). The National Council of Women's Organisations (NCWO) submitted a memorandum to the Rulers Committee on Religious Affairs requesting for the minimum age of marriage for girls to be legislated in the Syariah State enactments.

## 13.2 Female genital mutilation (FGM)

13.2.1 In 2018, the CEDAW Committee and the Human Rights Council (Universal Periodic Review) requested Malaysia to put a stop to the practice of FGM. The response by the Malaysian delegation, that was later echoed by the minister of MWFCDC, Wan Azizah, was that Malaysia's practice of FGM was different from that performed in African countries and was part of Malay culture.<sup>113</sup>

13.2.2 This ignited a public debate over FGM practices in Malaysia with a statement by a regional women's network in Kuala Lumpur, Asian-Pacific Resource and Research Centre for Women (ARROW) to call for the government to ban all forms of FGM in Malaysia. In March 2019 the NCWO convened a meeting of experts from both government and non government sectors under the guidance of Dr Afifi Akiti, and submitted a memorandum to the National Fatwa Committee and Department of Religious Affairs (JAKIM) to recommend a review of the Fatwa on FGM. Since that date in 2019, no new developments have followed since.

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<sup>111</sup> The Star Online, 15 July 2018

<sup>112</sup> Act 303 Islamic Family Law (Federal Territories) Enactment 1984, s8.

<sup>113</sup> The Star Online, 15 November 2018

13.2.3 A national *fatwa* declaring female circumcision obligatory for Malaysian Muslim women has yet to be challenged by the Malaysian federal government.

13.2.4 According to WHO, female genital mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia, and is classified into four major types. The first is categorised as the least invasive and move on to the following types which become increasingly invasive. According to the Ministry of Health, female circumcision as practised in Malaysia was classified under Type IV in 2008 but was reclassified 10 years later under Type 1(a) after a presentation to the CEDAW Committee in 2018.<sup>114</sup>

### 13.3 Sexual harassment

13.3.1 The Malaysian Government addressed this issue with a Code of Practice on the Prevention and Eradication of Sexual Harassment, which was introduced in 1999, and the amendment of the Employment Act 1955 in 2012 to include sexual harassment by introducing Part 15A Section 81.

13.3.2 These provisions have gaps: The code calls for self-regulation. The need for a comprehensive law on eliminating sexual harassment and raising public awareness of the issue is pressing and the government is serious in tabling a standalone act on Sexual harassment in parliament soon.

## 14. Actions prioritized in the last five years to address violence against women and girls

14.1 It is encouraging that there have been some measures taken to strengthen laws addressing violence against women, and their enforcement and implementation. The legislation used to safeguard women against violence includes the Penal Code, Employment Act 1955, Domestic Violence Act 1994 and Anti-Trafficking in Persons and Anti- Smuggling of Migrants Act 2007. The Domestic Violence Act 1994 (DVA) has been in operation since 1996 and amended twice (in 2011 and 2017) to improve protection for survivors. Nonetheless, implementation of this law has been inconsistent.<sup>115</sup>

14.2 These amendments included:

- Creating the Emergency Protection Order (EPO). The EPO helps survivors get protection faster.
- Barring offenders from communicating with a person named on a protection order.
- Expanding the definition of domestic violence to encompass “psychological abuse, including emotional injury”.

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<sup>114</sup> The New Straits Times, 7 August 2019

<sup>115</sup> CEDAW, (2019).

- Improving rehabilitation provisions. A court can no longer order a survivor to attend reconciliatory counselling with the abuser, endangering the survivor.
- Keeping survivors better informed of the outcomes of investigations.
- Granting exclusive occupancy of the shared residence to the survivor through additional orders in the IPO.

14.3 While these amendments are a substantial step towards the full protection of women from domestic violence, there are several remaining areas of concern:

- Stalking is a common form of domestic violence but is still not recognised in the definition of domestic violence in the DVA or in any other legislation.
- The category of victims/perpetrators is still limited to familial relationships and the DVA does not cover intimate partner violence.
- Engaged persons and unmarried couples with a child are not protected in the DVA.
- There is also a lack of standardised implementation of the DVA across the country and in the level of treatment women receive from the police.
- There are insufficient shelters for survivors of violence in the country. International best practices recommend a minimum of one family place in a women's shelter per 10,000 people. Malaysia has an estimated one family place per 72,538 people.<sup>116</sup>

## 15. Strategies used in the last five years to prevent violence against women and girls

15.1 Much of the government's response to VAW has been legal reform. The Malaysian Government also does awareness raising through programmes by MWFCDC's, Department of Women's Development. It also has a component on VAW in its programmes conducted for rural and poor women.

15.2 CSOs and NGOS have played a vital role in spearheading public awareness on VAW issues. These include but are not limited to:

- Joint Action Group for Gender Equality (JAG) which comprises:
  - ✓ All Women's Action Society (AWAM)
  - ✓ Association of Women Lawyers (AWL)
  - ✓ Foreign Spouses Support Group (FSSG)
  - ✓ Justice for Sisters
  - ✓ Perak Women for Women Society
  - ✓ Persatuan Kesedaran Komuniti Selangor (EMPOWER)
  - ✓ Persatuan Sahabat Wanita Selangor (PSWS)
  - ✓ Sabah Women's Action Resource Group (SAWO)
  - ✓ Sarawak Women for Women Society (SWWS)
  - ✓ Sisters in Islam

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<sup>116</sup> Policy Paper: The Shelter Needs of Domestic Violence Survivors and the Availability and Accessibility of Shelters and Related Services in Selangor and Kuala Lumpur (2019)

- ✓ Tenaganita
  - ✓ Women's Aid Organisation (WAO)
  - ✓ Women's Centre for Change (WCC)
- National Council of Women's Organisations (NCWO) with 78 national affiliates, 170 state affiliates and 13 state councils.

## **16. Actions taken in the last five years to prevent and respond to violence against women and girls facilitated by technology (online sexual harassment, online stalking, and non-consensual sharing of intimate images)**

16.1 Implemented awareness raising initiatives targeting the general public and young women and men in educational settings.

16.1.1 The NCWO in collaboration with Cybersecurity Malaysia, Police Department, MWFCD, government agencies and universities have conducted workshops on cybersafety for women and children since 2016, culminating in the Sexual Offences Against Children Act. The workshops are ongoing, focusing on keeping women and children safe from cyberbullying, cybercrimes, stalking, sexual grooming and harassment.

16.1.2 The Police or the Malaysian Communications and Multimedia Commission will sometimes release general reminders about not-spreading private information about viralled incidences where women and children are involved.<sup>117</sup>

16.1.3 Malaysia currently tracks SDG indicator 5.b.1: Proportion of individuals who own a mobile telephone, by sex. The goal of this SDG indicator is to "Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women". Despite this indicator being a limited way to measure the use of technology in empowering women, the data from this indicator is not publicly available.<sup>118</sup>

16.1.4 There is very little data on the number and forms of online VAW in Malaysia. Instances of online violence based on NGO service providers' accounts and anecdotal evidence include distribution of intimate photos or videos without consent; harassment (women receiving insulting text messages); stalking; dissemination of private information; identity theft; hate speech; and rape and death threats.<sup>119</sup>

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<sup>117</sup> Malaymail, 5 June, 2016

<sup>118</sup> [Department](#) of Statistics, n.d.

<sup>119</sup> CEDAW, 2019



## **17. Actions taken in the last five years to address the portrayal of women and girls, discrimination and/or gender bias in the media?**

17.1 Media portrayals of gender and sexual diversity in Malaysia are restrictive and often use disparaging words. In advertising, women are often portrayed in submissive roles and gendered stereotypes are maintained. The PH government is discussing the need for an independent media tribunal.

17.2 Most of the discourse and discussion on these issues have taken place within the CSO/NGO groups, which subsequently have been submitted to government bodies and made public.<sup>120</sup>

17.2.1 Women's presence at decision-making levels in managerial and editorial positions, including senior and middle-level editorial posts, is still low. Despite the fact that women media workers are now well represented in the media as a whole, that progress has not translated to the higher levels.<sup>121</sup>

17.2.2 In 2018, an NGO Lawyers for Liberty produced a report on transgender misrepresentation in the news media.<sup>122</sup> The report highlighted the common practice of using the incorrect or demeaning labels in news reports that feature transgender persons. Terms such as 'pondan' (a Malay term used to describe an effeminate person), 'lelaki berpakaian wanita' (a man dressed in a woman's clothes), and 'transvestite' (cross-dresser) are often used in lieu of more acceptable labels such as 'mak nyah' (a local term for transgender women), or simply referring to them by their chosen gender pronouns. This mischaracterisation of transgender persons as cross-dressers further fuels the belief that transgender identity is something that can be cured, and that one can be convinced to stop being a transgender.

17.2.3 Coverage of transgender issues is largely influenced by a conservative viewpoint that continues to be pushed implicitly by news outlets, whether through their reporting or through opinion pieces. Lumped together with other marginalised groups under the LGBTQ banner, transgender persons are often blamed for numerous social ills including the spread of HIV/AIDS and are portrayed as inconsistent with the traditional values and Islam.<sup>123</sup>

17.2.4 Positive coverage provided to the transgender community is minimal, with some English-language news portals publishing comments and statements by transgender activists and organisations. Conversely, most news reports in Malay focus on demonising the transgender community, while also highlighting the successes of 'rehabilitation' of transgender persons through religion.

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<sup>120</sup> The Star, 8 March, 2019

<sup>121</sup> International Federation of Journalists (Asia-Pacific), 2015.

<sup>122</sup> Lawyers for Liberty, 2018.

<sup>123</sup> Lawyers for Liberty, 2018

17.3 While the internet is a space to help women gain presence and education and empowerment, it is also used for gender-based abuse and violence, often implicating women in both offline and online spaces, subjecting them to multiples forms of abuse, discrimination and stereotyping.

17.3.1 In 2017, Persatuan Kesedaran Komuniti Selangor (EMPOWER), Bersih 2.0, Justice for Sisters, Malaysian Centre for Constitutionalism and Human Rights, National Council of Women's Organisations, Malaysia, and Women's Aid Organisation presented a report to the UN which revealed that law enforcers not only make light of online violence against women (VAW) as reported by victims, but also treat these incidents as "normal".<sup>124</sup>

17.3.2 Various laws already exist to deal with such cases, but some law enforcers are often ignorant about them and fail to understand that online VAW can be as harmful as physical cases. Anecdotal cases have shown that where women did report instances of online VAW, their experiences are often trivialised and normalised. The failure of the police officer to recognise online threats and harassment as VAW or even as crimes under the domestic laws, affects women's access to justice in a systematic way. "Responses by police officers were either dismissive or condescending. Oftentimes the police would tell the victim that there is nothing they could do as it is a 'private affair' or that the victim should just delete his/her account," and this includes sexual harassment, rape, violence and death threats, stalking, and even trolling, hacking and spamming.<sup>125</sup>

17.3.3 Online VAW cases are pervasive and happens in many forms from private messaging to public platforms, and do not only affect women who are highly visible on the internet.

17.3.4 Authorities, including police officers, can be gender-insensitive and dismissive when women report a case of online VAW. Anecdotal cases show that police officers lack the necessary capacity and training in identifying online threats and harassment as GBV or possible crimes. The general perception on the part of the authorities seems to be that if violence is not physical, then the harm is trivial.<sup>126</sup>

## **18. Action taken in the last five years specifically tailored to address violence against specific groups of women facing multiple forms of discrimination. YES/NO**

18.1 No. Prior to the change in government in May 2018, the Barisan Nasional administration had not taken any action on the matter especially SGBV faced by people who do not conform to heteronormative standards, women in rural and remote areas and refugee women.

18.2 With the new PH Government, there has currently been no new action taken either. However, in January 2019, the Minister of Women, Family and Community Development mentioned that

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<sup>124</sup> Malay Mail Online, 13 November 2017

<sup>125</sup> Malay Mail, 13 November, 2017

<sup>126</sup> CEDAW, (2018)

domestic violence cases involving women as victims had reached a worrying level with close to 5,000 cases recorded in 2018. Statistics obtained from the police indicated that there were 4,963 new cases recorded between January and November of 2018.<sup>127</sup>

18.3 Deputy Prime Minister and also minister at the aforementioned ministry, Wan Azizah said she will see that her ministry “will continue carrying out specially catered programs to handle violence towards women as it does not only affect an individual but also the family, community and the country as a whole” and hoped to see an increase in community awareness specifically on violence towards women.<sup>128</sup> This could indicate some changes taking place within policy and legislature later.

18.4 Nevertheless, both the BN and PH government have specifically not taken action where violence against women who do not conform to heteronormative standards,<sup>129</sup> as well as women in rural and remote areas.<sup>130</sup> In the case of the former, the government has ignored taking action for fear of backlash from the anti-LGBT lobbyist.<sup>131</sup>

## **PARTICIPATION, ACCOUNTABILITY AND GENDER-RESPONSIVE INSTITUTIONS**

### **19. Actions taken in the last 5 years to promote women’s participation in public life and decision-making**

19.1 Over the last five years, Malaysia has had a mixed record in relation to women’s participation in public life and decision-making.

19.2 In the public sector, women inched to 36.1 percent of those in top management posts in 2018, up from 35.1% in 2015.<sup>132</sup>

<b>Year</b>	<b>2004</b>	<b>2009</b>	<b>2013</b>	<b>2018</b>
<b>Percentage</b>	18.8	30.9	33.7	36.1

Source: Statistics on Women, Family and Community Malaysia 2016

<sup>127</sup> The New Straits Times, 26 January 2019

<sup>128</sup> The New Straits Times, 26 January, 2019

<sup>129</sup> The Straits Times, 17 December, 2018

<sup>130</sup> The Star Online, 29 November, 2018

<sup>131</sup> MalaysiaKini, 30 April, 2019

<sup>132</sup> Reply by the Minister of Women, Family and Community Development to Parliamentary Oral Question no. 86, 9 July 2019; and Statistics on Women, Family and Community Malaysia, 2016.

19.3 While still growing, the rate of progression (2013-2018) has conspicuously slowed down compared to the first five years (2004-2009) after the Government first set the target of having a minimum of 30% women in top decision-making positions in the public sector (Table 2).<sup>133</sup>

19.4 From 2004-2009, this figure recorded an increase of close to 12 percentage points. In contrast, it has grown by less than three percentage points in the last five years (2013-2018). This is reflective of the lack of proactive measures — there are no temporary special measures (TSMs) in place — to ensure that women are adequately represented in decision-making at the highest levels of civil service.

19.5 It can also be argued that women's current representation in top management is not reflective of their 60% share of public sector employees.<sup>134</sup>

19.6 Women in the private sector have had an even less impressive track record as key decision makers. In 2018, only 24.4% of the top 100 public listed companies (PLCs) had women on their boards.<sup>135</sup>

19.7 While this was a seven percentage point jump from the previous year (19.2%),<sup>136</sup> it is worth noting that the Government had set the private sector a similar target as the public sector — i.e. to have at least 30% of women in key decision-making positions (i.e. board and senior management levels — as far back as 2011, and to be met by 2016.

19.8 This failed despite the introduction of initiatives such as the Malaysian 30% Club that was launched in 2015 to help further improve the gender imbalance of company boards. The Club was to complement the Women Directors Programme, which had been ongoing since 2012 to develop a pool of board-ready women candidates.

19.9 Not only did the private sector fail to meet this minimum target by 2016, progress was in fact limited up until 2017.<sup>137</sup>

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<sup>133</sup> This announcement was made in 2004. At the time, women in the country's public sector comprised only 18.8% of top decision-makers.

<sup>134</sup> Leadernomics.com, 6 October 2017

<sup>135</sup> Overall, however, women only occupied 15.7% of the 6,245 board seats of all public-listed companies (The Sun Daily, 8 March 2019).

<sup>136</sup> Reply by the Minister of Women, Family and Community Development to Parliamentary Oral Question no. 86, 9 July 2019.

<sup>137</sup> By the end of 2016, women filled only 16.8% of the boards of the top 100 public listed companies (The Star Online, 4 September 2017).

19.10 The marked improvement recorded for 2018 happened following an official directive in September 2017 that all government-linked companies, government-linked investment companies and statutory bodies had to have 30% women on their boards by the end of 2018. Then Prime Minister, Najib Razak, also declared that the Government would ‘name and shame’ PLCs that failed to appoint women onto their boards.<sup>138</sup>

19.11 A direct correlation between these announcements and the improved representation of women among key corporate decision-makers in 2018 cannot be confirmed given the apparent absence of any impact assessment study.<sup>139</sup>

19.12 Despite this, the Government has tended to attribute improvements in the proportion of women in top decision-making posts to its minimum 30% target or pre-existing programmes to promote this. Such claims are tenuous at best.

19.13 Initiatives like the Women Directors Programme and the 30% Club may have offered some benefits, but their lack of success for women in the corporate sector — as measured by the still elusive 30% target in company boards— strongly suggests that these need to be supported by other actions.

19.14 Rather than embrace TSMs like women’s quotas, which have been shown to successfully bring about greater gender equality in decision-making elsewhere in the world, the Government under both BN and PH has chosen to reject these.<sup>140</sup>

19.15 For example, in November 2018, the Deputy Women’s Minister was reported saying that the Government had “no intention to make it mandatory for there to be a 30% female involvement in government and politics”. This was because the problem lay with political parties, which did not give women winnable seats to contest in.<sup>141</sup>

19.16 The belief that women can ‘make it’ on merit is pervasive, including amongst women politicians. This has made it harder to correct the gender imbalance in politics with TSMs. Yet it is in this sphere that TSMs are most needed, as seen by the slightly improved but still poor representation of women in Parliament (national government) and State Legislative Assemblies (subnational government) following the last General Election (Table 3). No quotas for women in political representation has been set by political parties except the Democratic Action party (DAP)

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<sup>138</sup> He had also said that he could “threaten [to withhold] government contracts [from] the really recalcitrant companies” (The Star Online, 4 Sep 2017).

<sup>139</sup> This is also the case with the 2004 directive to the public sector.

<sup>140</sup> In fact, it has gone to great lengths to refer to its minimum 30% requirement as a target, not a quota.

<sup>141</sup> New Straits Times, 26 November 2018.

**Table 3: Women’s political representation in Malaysia (Parliament and State Assembly) (%)**

	<b>Women MPs / total MPs</b>	<b>%</b>	<b>Women State Assemblypersons / total State Assemblypersons</b>	<b>%</b>
GE12 2008	24/222	10.8	46/576	8.0
GE13 2013	23/222	10.4	65/576	11.3
GE14 2018	33/222*	14.9	63/505*	12.5

\* These figures reflect two additional women candidates who won by-elections after GE14, one at the Parliamentary level and the other at the State level thus raising these numbers to 33 and 63 respectively. Sarawak, which did not hold State elections during GE14, is excluded from this table.

19.17 Following the change of Government in May 2019, a record number of women have been appointed as Ministers, Deputy Ministers, heads of key government and government-related entities, not to mention, the country now also has its first female Deputy Prime Minister.<sup>142</sup>

19.18 The strong representation of women in public and political decision-making posts compared to the previous administration is laudable. Nevertheless, such appointments are arbitrary and lack the force or security that comes with legislative or policy measures.

## **20. Actions taken in the last 5 years to raise women’s access to expression and participation in decision-making in the media, including through ICT**

20.1 The media landscape in Malaysia is marked by significant gender disparity where access to and share of decision-making positions and ownership are concerned.

20.2 A study published by the International Federation of Journalists in 2015 showed that even with their high numbers in the media, women in Malaysia were greatly underrepresented in leadership posts, including in the four publicly-listed news media outlets,<sup>143</sup> and two state-run media, Bernama and RTM.

<sup>142</sup> Besides the Deputy Prime Minister, the country currently enjoys its first woman Chief Justice and head of the important Parliamentary Public Accounts Committee. In addition, the country has the largest number of women ministers (five) and deputy ministers (four). Women are also leading Permodalan Nasional Berhad (PNB), Majlis Amanah Rakyat (MARA), Lembaga Tabung Angkatan Tentera (LTAT), Bank Pembangunan, Bernama, Human Resource Development Fund (HRDF), Perbadanan Usahawan Nasional Bhd (PUNB), Bank Negara Malaysia, Amanah Ikhtiar Malaysia (AIM), Bank Rakyat, Perbadanan Tabung Pembangunan Kemahiran (PTPK), Malaysia Airports Holdings Bhd (MAHB) and Bursa Malaysia. , Lembaga Penduduk dan Pembangunan Keluarga Negara (LPPKN), Pos Malaysia, Malaysia Digital Economy Corporation (MDEC), Malaysian Global Innovation and Creative Centre (MaGIC), and most recently, the Malaysian Anti-Corruption Commission (MACC) also had women leaders.

<sup>143</sup> Three of these media houses had just one woman each in their Board of Directors — Utusan group (12.5%), Star Media Group Bhd (11%), and Media Chinese International Ltd (11%) — while the New Straits

20.3 More recent data reveals that these companies made little progress in the last three years where women's involvement as top decision-makers or owners continue to lag behind men despite averaging almost half their company employees.<sup>144</sup>

20.4 One explanation for this is that many, including women, in the media industry do not question gender-based discrimination and the unequal access to opportunities in their workplace (e.g. salary, work allocation, hiring, promotions). To them the media field is gender neutral and there are no impediments preventing women from charting a career path like men.<sup>145</sup>

20.5 This view ignores the systemic obstacles to raising women's representation at all levels in this industry, including having a workplace where gender stereotypes are kept in check and do not inform policies, intentionally or otherwise.

20.6 Another explanation for women's underrepresentation in decision-making in media outlets is their relative absence in the older age cohorts discussed earlier. Even though women outnumber men in the media workforce when they are younger, this population diminishes as women grow older and leave this formal sphere to have or care for families. As such, the pool of women available and eligible for top management becomes sparse.

20.7 Media support institutions like journalist associations and clubs, which could help bring the concerns of its female members to the fore, are largely dominated by men. Even the influential National Union of Journalists, which had a 48% female membership in 2018, does not have a gender committee nor a gender equality policy.<sup>146</sup>

20.8 In recent times, civil society organisations have highlighted issues confronting women media practitioners such as the gender wage gap, the lack of equal opportunities in the industry, and sexual harassment in the workplace. None, however, is engaged in empowering women media workers through gender-sensitisation training, for instance.

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Times which is part of Media Prima Bhd, had an all-male Board. Where management was concerned, the Star had the highest proportion of women filling these posts (44%, 4 out of 9), while the New Straits Times had 29% (4 of 14), followed by Utusan (21%, 3 of 14). Media Chinese International Ltd, which owns the Chinese daily with the largest circulation, Sin Chew, had no women in top management (International Federation of Journalists, 2015).

<sup>144</sup> Of these, Star Media Group had the largest representation of female staff at 61%, while Media Prima had the smallest at 39% and Media Chinese International Ltd. 49%. The gender breakdown of employees in Utusan Group was not available (Personal communication with Gayathry Venkestiswaran, Assistant Professor, Media and Politics, University of Nottingham Malaysia, 15 August 2019).

<sup>145</sup> Personal communication with Gayathry Venkestiswaran, Assistant Professor, Media and Politics, University of Nottingham Malaysia, 15 August 2019.

<sup>146</sup> International Federation of Journalists, 2015.

20.9 The widespread availability and usage of ICT in Malaysia has not translated into greater gender equality in media ownership or decision-making either.<sup>147</sup> Relevant content or products, affordability and skills continue to be barriers rather than facilitators of opportunities and capacity building for women's advancement in this field.

20.10 During the period under review, the Malaysian Government did not extend any legal or regulatory support to ensure women's greater representation as decision-makers or media owners (in the private sector). It did not introduce measures to promote equal pay, retention and career advancement of women in this industry, nor did it take specific steps to improve access, affordability and use of ICTs for women and girls, least of all those from the most marginalised of communities.

20.11 Yet, as shown earlier in Section 19, gender imbalance in decision-making and ownership of media corporations is unlikely to significantly change without Government intervention in the form of temporary special measures like quotas, and other opportunities to enhance women's capacity to increase their share as decision-makers or owners.

20.12 Although the PH Government has demonstrated greater responsiveness to the media and openness to media freedom since coming to power, it has done little to distinguish itself from its predecessors where efforts to promote greater gender equality in this industry is concerned.

20.13 Instead, it appears to have adopted a 'more-of-the-same' approach even though this has proven to be ineffective in achieving targets that have been set, including a minimum of 30% women in boards of public-listed media companies.

**21. Does the government track the proportion of the national budget that is invested in the promotion of gender equality and women's empowerment (gender responsive budgeting)? If Yes, what is the approximate proportion of the national budget invested in promoting gender equality and women's empowerment?**

21.1 In 2005, the Federal Government piloted a gender-responsive budgeting (GRB) project in five ministries in Malaysia. Led by the Ministry of Women, Family and Community Development (MWFCD), little of this national initiative has been visible since 2013.<sup>148</sup> Despite the appointment of Gender Focal Points, Federal Treasury call circulars, and the production of a GRB manual, a lack of capacity, leadership, legitimacy, interest and political will appears to have resulted in the demise of GRB at the national level.

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<sup>147</sup> According to figures from the Malaysian Communications and Multimedia Commission's Internet Users Survey 2018, the proportion of women internet users appears to have dropped slightly from 2014 (41.7%) to 2018 (41.0%) after hitting 42.6% in 2016.

<sup>148</sup> From around the time the GRB manual commissioned by MWFCD was completed in 2013, there have been no further developments on this front nor has the Ministry officially drawn this project to a close.



21.2 Unlike the BN Federal administration's experience with GRB, the Penang State Government successfully piloted gender-responsive and participatory budgeting (GRP) in two local councils in 2012. Following this, the State adopted a strategic plan and began institutionalising GRPB into local governments (2016-2018). Amongst others, this involved integrating GRPB into budget cycles including enhancing the collection of sex-disaggregated data and gender analysis.<sup>149</sup> In 2017, the Selangor State Government adopted a women's policy, which included GRB a strategy towards a gender-sensitive development framework.<sup>150</sup>

21.3 The challenges of pursuing GRB at the Federal level notwithstanding, it is also important to note that as the national women's machinery in the country, MWFCDC received a budget of around RM2 billion per year from 2015-2019 (Table 4).<sup>151</sup>

Year	MWFCDC allocation			Total Federal Budget (RM)	MWFCDC% of Federal Budget
	Operational	Development	Total (RM)		
2010	1.04	0.13	1.17	191.50	0.62
2015	2.04	0.20	2.24	273.94	0.82
2016	1.87	0.11	1.98	267.22	0.74
2017	1.75	0.23	1.98	262.80	0.75
2018	2.03	0.19	2.22	220.93	1.01
2019	2.20	0.20	2.40	316.55	0.76

Source: Calculations derived from *Anggaran Perbelanjaan Persekutuan* (2010, 2015-2019).

21.4 While this allocation may have doubled in the last ten years, MWFCDC's share of the overall Federal expenditure has stayed relatively small and stagnant during this time, i.e. not surpassing the one percent share of the national budget.

<sup>149</sup> Penang Women's Development Corporation, n.d., 16-17.

<sup>150</sup> Institut Wanita Berdaya, 2017, 10.

<sup>151</sup> The amount allocated to MWFCDC for 2015 was RM2.25 billion. This fell slightly to RM1.99 billion for 2016. In its first budget, the new PH Government set aside RM2.4 billion for the ministry's operational and development expenses in 2019.

21.5 MWFCDC was not the only ministry with a gender equality mandate. Others like the ministries of health, education, human resources, rural development, and entrepreneurship, for example, also conducted programmes for women, ostensibly to meet this goal. Nonetheless, as the national women's machinery, one would expect MWFCDC to be sufficiently financially endowed for this role.

21.6 A further look at how MWFCDC's funds were distributed between its different portfolios for 2015-2017 shows that an overwhelming proportion (88% on average) went into supporting welfare services. Although women are amongst the beneficiaries of welfare provisions, the amount remaining for the ministry's other portfolios is paltry for its role as a national women's machinery (Table 5).

**Table 5 : Breakdown of MWFCDC's operational budget allocation (2015-2017) (billion)**

	2015	2016	2017
MWFCDC (management and policy planning)	0.17 (8.3%)	0.13 (6.5%)	0.07 (3.54%)
Department of Welfare (JKM)	1.76 (86.3%)	1.78 (87.0%)	1.81 (91.4%)
Department of Women's Development (JPW)	0.03 (1.47%)	0.02 (1.0%)	0.03 (1.52%)
Social Institute of Malaysia (ISM)	0.01 (0.49%)	0.01 (0.5%)	0.01 (0.51%)
NAM Institute for the Empowerment of Women (NIEW)	0.003 (0.15%)	0.003 (0.15%)	0.003 (0.15%)
National Population and Family Development Board (LPPKN)	0.06 (2.94%)	0.06 (3.0%)	0.07 (2.7%)
Total (RM)	2.04	2.0	1.98
Source: Calculations derived from <i>MWFCDC Annual Reports</i> . Note, these reports were only available for 2015-2017.			

21.7 Exactly how the allocation the new PH Government set aside for ‘women’ in its first national budget matches up to its intentions to protect “the rights and interests of women... to ensure development programmes and initiatives take into account gender equality” remains to be seen.<sup>152</sup>

21.8 As pointed out earlier in this report, it would appear that where gender issues are concerned, the new Government has chosen the same development trajectory as its predecessor. There has been little, if any, review of pre-existing policies and programmes. There is also little evidence that a recently concluded assessment of the National Policy on Women and its action plan has been taken into account in the formulation of its policies.

## **22. Are you a donor country?**

22.1 Malaysia is a donor country, albeit an emerging and small one.<sup>153</sup>

22.2 The Malaysian Technical Cooperation Program (MTCP) was conceptualised in February 1978. Officially launched in 1980, it has been running since.<sup>154</sup> MTCP operated under the Economic Planning Unit, under the Prime Minister’s Department but its authority has since shifted to the Ministry of Foreign Affairs.<sup>155</sup>

22.3 MTCP’s budget more than quadrupled from RM9 million under the Fourth Malaysia Plan (1980-1985) to RM40 million under the Ninth Malaysia Plan (2006-2011).<sup>156</sup> During the period reviewed, the Non-Aligned Movement Institute for Empowerment of Women (NIEW) under the MWFCDC has continued to run trainings on gender equality and the empowerment of women for those from these countries. Some of these programmes were under MTCP.

22.4 However, Malaysia does not track the proportion of ODA that is invested in the promotion of gender equality and the empowerment of women.

## **23. Does Malaysia have a valid national strategy or action plan for gender equality? If Yes, name the plan and period it covers, its priorities, funding and alignment with the 2030 Agenda for Sustainable Development, including targets under SDG5.**

23.1 Malaysia first adopted a national strategy for the advancement of women, called the National Policy on Women, in 1989. This was revamped in 2009, and accompanied by a National Action Plan for the Advancement of Women.

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<sup>152</sup> GoM 2018, 11-16

<sup>153</sup> Manon, 2015

<sup>154</sup> Ministry of Foreign Affairs Malaysia, 2015.

<sup>155</sup> Lafaye de Micheaux, 2014, 92.

<sup>156</sup> Lafaye de Micheaux, 2014, 96-97.

23.2 The 2009 version of the National Policy on Women was more explicit about attaining gender equality, as seen in its policy statement and goals.

23.3 Covering 13 areas (economy, poverty, law, violence, health, education and training, science and technology, media, environment, sports, religion, culture, arts and heritage, decision-making and politics, mechanism, machinery and institutions for women's development), its formulation also took into account Malaysia's international commitments under the Beijing Declaration and Plan of Action, and the CEDAW Convention, amongst others.

23.4 The National Action Plan for the Advancement of Women ended in 2015, and the Government has yet to come up with a new one. It did however; commission an extensive evaluation of this plan and the National Policy on Women in 2018, which included consultations with major women's organisations.

23.5 Whether this yields an updated blueprint for gender equality in Malaysia remains to be seen.

23.6 The change in Government in May 2018 is one reason for this uncertainty; but it is also true that the previous administration did not have any other concrete plan or timeframe to replace this policy prior to being ousted.

23.7 In the meantime, as recent as October 2018, the Government's Mid-Term Review of the Eleventh Malaysia Plan, which echoes the SDGs, has continued to benchmark its efforts to empower women in Malaysia against the pre-existing National Policy on Women despite a more current version being overdue.

**24. Action plans and timelines for the implementation of recommendations by CEDAW/UPR/other UN HR mechanisms addressing gender inequality/discrimination against women. If Yes, provide highlights of the action plans and timeline for implementation**

24.1 The Government has not publicly stated its plan or timeline for implementing the most recent recommendations of the CEDAW Committee. However, MWFCDC has held a post-mortem with the relevant industries/departments/agencies to discuss the CEDAW Committee's recommendations. MWFCDC will hold further consultations with the Ministry of Home Affairs, the Ministry of Economic Affairs and NGOs before responding to the CEDAW Committee in 2020.

24.2 In this written response to the CEDAW Committee, which is due in March 2020, it is expected to address the Committee's following recommendations:

- Provide a concrete timeframe for the adoption of a gender equality law that complies with CEDAW standards;
- Engage in constructive dialogue with all relevant parties to explain how female genital mutilation cannot be justified by religion;

- Enact national asylum and refugee legislation and procedures that uphold international norms, which ensures that the needs of these women and girls are addressed, and which codifies the principle of non-refoulement;
- Adopt safeguards to protect women’s rights in all aspects relating to family and marriage, including the Committee’s general recommendations No. 29 (on economic consequences of marriage, family relations and their dissolution) and No. 33 (on women’s access to justice).<sup>157</sup>

24.3 With regards to the UPR process, the PH Government already pledged at Malaysia’s third UPR review in November 2018, to conduct half-yearly assessments of the UPR recommendations it implements and to “institutionalise collaboration and engagement between Malaysia’s human rights institutions and civil society stakeholders” in future.<sup>158</sup> Nonetheless, as with CEDAW’s recommendations, the actual time frame for this and the implementation of other UPR recommendations is unclear. The NGOs have requested to have an indicator-setting session since 2018. This has not yet been done.

**25. Is there a national human rights institution? If Yes, does it have a specific mandate to focus on gender equality or sex/gender-based discrimination? If Yes, give 3 examples of how the NHRI has promoted gender equality**

25.1 The national human rights institution in Malaysia is known as Suhakam (Suruhanjaya Hak Asasi Manusia, National Human Rights Commission). An independent statutory body, it does not have an explicit mandate to focus specifically on gender equality or sex/gender-based discrimination.

25.2 Nevertheless, since its establishment in 1999, this body has periodically contributed to a positive discourse on gender equality by:

- Producing occasional reports that highlight discrimination against women and which promote a human rights approach towards the achievement of equal gender relations. Notable publications include its most recent study on discrimination against transgender persons. Prior to this, Suhakam had produced a report on trafficking in women and children (2004) and the status of women (2010) and in 2014 submitted a report to the CEDAW Committee for its review of Malaysia’s implementation of the women’s treaty.
- Publicly taking a consistent stand on the promotion of women’s human rights in the period under review. This has ranged from issues like the importance of enacting a Gender Equality Act and treating gender mainstreaming as a national priority to prohibiting child marriage and inequality between men and women at the workplace.<sup>159</sup> During the controversy around the caning of two women under the Terengganu State’s Syariah Criminal Offences Enactment, Suhakam also spoke out against the “cruel, inhuman and degrading punishment” meted out and the “humiliation and injury to reputation” to the women and their families. Accordingly, it reiterated its stand that such punishment should be repealed in all laws.<sup>160</sup>

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<sup>157</sup> Committee on the Elimination of Discrimination against Women, 2018.

<sup>158</sup> The New Straits Times, 9 November 2019

<sup>159</sup> The Star Online, 8 March 2019; Razali Ismail, 2018; and Hasmy Agam, 2016.

<sup>160</sup> Suhakam, 2019b, 109.

Encouraging the Government of Malaysia to uphold its commitments under the CEDAW Convention, and to review its remaining reservations to this treaty. Towards this end, Suhakam initiated a roundtable dialogue with relevant representatives from the State party, academics and independent experts in April 2014.

25.3 Notwithstanding these attempts and Suhakam's greater scope to carry out its functions under the new PH Government, Malaysia's premier human rights body remains unsuccessful in legally enhancing its powers since the Government has not amended the Human Rights Commission of Malaysia Act 1999 to make this possible. As such, Suhakam's Annual Report still has not been debated in Parliament. Neither are its commissioners appointed by a parliamentary committee as promised by PH in its election manifesto. Similarly, its funding remains the same.<sup>161</sup>

25.4 While Suhakam may no longer be a 'toothless tiger' as referred to by critics in the past. Following the last General Election, until its proposal to widen its powers is adopted its capacity to investigate complaints of human rights violations will continue to be restricted, as will its ability to influence the formulation of relevant laws and administrative procedures relating to human rights in the country.<sup>162</sup> This has implications on the promotion of women's human rights too.

## **PEACEFUL AND INCLUSIVE SOCIETIES**

### **26. Actions taken in the last five years to build and sustain peace, promote peaceful and inclusive societies for sustainable development and implement the women, peace and security agenda**

26.1 Taken steps to reduce excessive military expenditures and/or control the availability of armaments.

26.1.1 Malaysia as a member state of ASEAN was party to a joint official statement recognising the Women, Peace and Security Agenda in 2017. The statement recognises the disproportionate impact of armed conflict on women, the occurrence of sexual and gender-based violence during armed conflict. It emphasises the importance of women's equal, full and effective participation at all stages of peace processes given their necessary role in the prevention and resolution of conflict, peace building, peacekeeping, as embodied in UN Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009), and 1889 (2009).<sup>163</sup> However, Malaysia has still not developed a National Action Plan on the Implementation of the women, peace and security agenda, Resolution 1325 (2000).

26.1.2 UN Sustainable Development Goal (SDG) 11 urges, inter-alia, 'safe cities' and UN SDG 16 is, inter-alia, dedicated to 'the promotion of peaceful societies'. Malaysia signed the Arms Trade

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<sup>161</sup> The Harapan Tracker, n.d.

<sup>162</sup> Suhakam, 2019b, 52-55.

<sup>163</sup> ASEAN, 2017

Treaty (ATT) on 25 September 2013 but has not yet ratified it.<sup>164</sup> In 2017, Malaysia spent USD3.49 billion on its military.

26.1.3 There are two acts that control possession of guns - The Arms Act (1960) and The Firearms (Increased Penalties) Act (1971).

- The Arms Act states the need for license for everything relating to guns: from manufacturing, import, export, repairs, and its possession.
- Only the Chief Police Officer of the State can grant a gun license, albeit an exception for the Yang Di-Pertuan Agong.
- The Firearms Act relates to crimes committed with a gun, such as extortion, robbery, resisting arrest, and housebreaking. The punishment for discharging firearms in committing such crimes is the death penalty. The accomplice is also subjected to the death penalty.

26.1.4 Even though the laws are strict, there is an increase of gun crimes in Malaysia. Some link it to the repeal of the Emergency Ordinance and the black market. According to MyWatch, there are now black market guns for rent and gun smuggling occurs across the Thai border. Bernama also reported that there were a few Facebook online shops that were selling guns to ordinary citizens. One group for example was selling an AK-47 for RM12,000 and various revolvers and assault rifles for between RM500 and RM15,000 (the account is now closed and police are looking for the operators of the page).

26.2 Inclusive society and peace.

26.2.1 The government established the National Operations Council (NOC) to study possible solutions to ethnic conflict in Malaysia. The NOC saw the need for a specific body to be established as the secretariat for coordination of unity and goodwill among the communities. Therefore, the NOC established the National Goodwill Council (NGC).<sup>165</sup> The multiracial unity in Malaysia is vulnerable to conflict. This is fuelled by factors such as differences in religion, culture and way of life of the different societies in Malaysia.<sup>166</sup> The present PH government's initiative to harmonise the situation was done through the signing of the Kuala Lumpur Declaration of Peace 2019 after the Solidarity for Peace March on March 23 2019 organised by the Minister in the Prime Minister's Department.<sup>167</sup>

26.2.2 In addition to that, Francis Loh Kok Wah in his book "Building Bridges, Crossing Boundaries: Everyday forms of inter-ethnic peace building in Malaysia" offers some new types of conflict and violence. Examples of such conflicts are Indian-Malay clashes, worsening Federal-State relations, intra-Malay conflicts arising from Political Islam, conflict between the common law and syariah law jurisdictions, Orang Asli's conflict with the developers and the state, Dayaks' conflict with big businesses and the Sarawak state, urban settlers' struggle against forced eviction and plantation estate workers' struggle against retrenchment and eviction.

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<sup>164</sup> Malaysiakini, 5 October 2016

<sup>165</sup> Baharuddin & Daud, 2013

<sup>166</sup> Khairi, 2016

<sup>167</sup> Read more at [The Star Online, 23 March 2019](#)

26.2.3 These new forms of conflicts, between ethno-religious communities; communities, businesses and government; and between State and Federal governments should not be taken lightly by Malaysia. The threat to peace in Malaysia is subtle. Such threats nevertheless prevent the emergence of real peace.<sup>168</sup> This new types of conflict must be addressed for Malaysia to claim to be an inclusive and peaceful nation, particularly since the last five years; they have been on the rise.<sup>169</sup>

## **27. Action taken in the last five years to increase the leadership, representation and participation of women in conflict prevention, resolution, peace building, humanitarian action and crisis response, at decision-making levels in situations of armed and other conflicts, and in fragile or crisis settings**

27.1 Integrated a gender perspective in humanitarian action and crisis response:

27.1.1 According to data from UN Peacekeeping, Malaysia is ranked the eight highest troop contributor to the UN in Asia, contributing 887 troops to UN missions as of October 2017. Malaysia is also the 28th largest provider of troops in the world.<sup>170</sup>

27.1.2 The approach Malaysia has taken in post-conflict initiatives have centred on socio-economic development and building the capacity of local stakeholders. Through the Malaysian Technical Cooperation Programme (MTCP), Malaysia has contributed in the development of capacity in UN Member States that needs it. Such capacity building programmes contributes to peace building.

27.1.3 In addition, in support of peace building and humanitarian efforts, Malaysia also hosts the fifth largest United Nations Humanitarian Response Depot (UNHRD). The Depot in Malaysia is currently hosting 40 different international organisations operating throughout the region. The Depot in Malaysia is a regional hub to provide storage, logistics support and services to UN humanitarian agencies, international humanitarian organisations, governmental and non-governmental organisations, thus reinforcing capacity for humanitarian emergency and peace building efforts.<sup>171</sup>

27.1.4 In 2019, Malaysia increased the number of women military personnel deployed within its contingent under the United Nations Interim Force in Lebanon. Of the 38 women presently on mission in Lebanon, four are officers and the remainder come from other ranks. Women in the Malaysian contingent play a significant role especially in conducting certain activities such as market walks and medical support for local communities. They are also involved in operational activities such as foot and vehicle patrols. The Government of Malaysia is also currently taking steps to ensure

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<sup>168</sup> Wong, 2011

<sup>169</sup> [The Star Online, 14 August 2019](#); [The Star Online, 12 August 2019](#)

<sup>170</sup> The Star Online, 7 December 2017

<sup>171</sup> Saiful Azam Martinus Abdullah (2012).



that the Malaysian contingent reaches the 15 per cent target of women military personnel deployed in Lebanon.<sup>172</sup>

27.1.5 Malaysia has been working through the Malaysia Australia Education Project for Afghanistan, which aims to enable Afghan women teachers to master English and Islamic teachings. The trainers are playing a critical role in developing the skills of a new generation of female Afghan teachers, who will be role models and mentors for girls in years to come.<sup>173</sup>

27.1.6 Malaysia also promoted gender issues in peacekeeping through organising an international seminar on Gender in Peacekeeping, the first of its kind in Malaysia.<sup>174</sup>

## **28. Actions taken in the last five years to enhance judicial and non-judicial accountability for violations of international humanitarian law and violations of the human rights of women and girls in situations of armed and other conflicts or humanitarian action and crisis response.**

### 28.1 Taken measures to combat trafficking in women and children.

28.1.1 National Action Plan for Anti Human Trafficking 2016-2020 is a source for reference and basic guide for ministries, government agencies and non-governmental organisations in planning strategies and initiatives to combat human trafficking. Malaysia also has legislation criminalising human trafficking, that is, the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007.<sup>175</sup> The Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 was amended in 2010, where it was extended to cover the category of “smuggled migrants” alongside trafficking in persons. It was subsequently renamed as the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM). The addition of smuggled migrants to the Act has been heavily criticised. The national Human Rights Commission (SUHAKAM) noted its concern over the conflation of smuggled migrants and trafficked persons; identifying trafficked persons as smuggled migrants could lead to serious human rights violations, such as wrongful deportations.<sup>176</sup> Furthermore, refugees and asylum seekers are also highly vulnerable to trafficking, as their legal status is not recognised in Malaysia. According to the 2017 Human Rights Watch report, “Female refugees are particularly vulnerable to abuse, and there is evidence of large numbers of coerced and forced marriages of ethnic Rohingya women and girls from Burma.”<sup>177</sup> The Government of Malaysia has not fully met the minimum standards for the elimination of trafficking. However, it has demonstrated making significant efforts by convicting more traffickers, increasing criminal enforcement of unauthorised passport retention, granting more victims freedom of movement, tripling funding for NGOs including for three NGO-run shelters, and opening its first trafficking-specific court. All this, nevertheless, has fallen short of convictions. The trafficking court only made 8 convictions in its inaugural year despite hundreds of investigations.<sup>178</sup>

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<sup>172</sup> UN News, 21 March 2019

<sup>173</sup> PeaceWomen, n.d.

<sup>174</sup> UNDP in Malaysia, Singapore, & Brunei Darussalam, n.d.

<sup>175</sup> [New Straits Times, 26 August 2016](#)

<sup>176</sup> Lyons & Ford, 2014

<sup>177</sup> Human Rights Watch, 2017: 416

<sup>178</sup> Reuters . September 4, 2019.

28.2 The Ministry of Human Resources drafted legislative changes in the form of regulations that would cover domestic workers under employment laws. Procedures to extend victims' freedom of movement and the right to work were impeded by bureaucratic delays, lack of appropriate staff, and risk-averse and paternalistic attitudes towards victims. Complicity among law enforcement officials hindered some anti-trafficking efforts; while authorities investigated these crimes, culpable officials typically avoided prosecution and punishment.

28.3 No Malaysians, including suspected complicit officials, have been prosecuted for the possible trafficking crimes that were uncovered on the border of Thailand in 2015. Therefore, Malaysia remains in Tier 2 Watch List in the US Department of State 2018 Trafficking in Persons Report.<sup>179</sup> Malaysia has formulated a National Action Plan on Anti-trafficking in Persons 2016-2020 but implementation and enforcement is still lacking.

## **29. Actions taken in the last five years to eliminate discrimination against and violations of the rights of the girl child**

### 29.1 Strengthened girls access to quality education, skills development and training

29.1.1 When the Malaysian Government appeared before the CEDAW Committee in 2018, it was commended for progress made in ensuring access to education for girls and women.<sup>180</sup> However, the Committee raised concerns about the underrepresentation of women in traditionally male-dominated areas of study at the tertiary level, and in leadership positions within higher educational institutions. Malaysian NGO CEDAW Alternative Report highlighted the gender gap in technical and engineering courses at the tertiary level in Malaysia and noted that women's participation in study at the PHD level was significantly lower than men's.<sup>181</sup> Women remain underrepresented in traditionally male-dominated areas of study at the tertiary level, such as engineering, mathematics, and physics. Besides that, schools in Malaysia are also ill-equipped to deal with students who have special needs. Though the Ministry of Education (MOE) has stated its aim to provide disabled facilities in all schools nation-wide by 2020, this has been said to be "unrealistic".<sup>182</sup>

29.2 In addition, gender discrimination can be reinforced by a curriculum, which is inconsistent with the principles of gender equality, and this can limit the benefits girls can obtain from the educational opportunities offered.

29.3 A Child Commissioner has been appointed and placed within the SUHAKAM Act. It remains to be seen how the Child Commissioner will be operating.

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<sup>179</sup> United States Department of State, 2018.

<sup>180</sup> CEDAW Concluding Observation to Malaysia 2018, para 35.

<sup>181</sup> For more information, refer to CEDAW, 2012: 117

<sup>182</sup> [Borneo Post Online](#), 26 February 2017

### **30. Actions taken in the last five years to integrate gender perspectives and concerns into environmental policies**

30.1 Malaysia has committed to the UN Convention on Biological Diversity and the Paris Agreement of the United Nations Framework Convention on Climate Change (UNFCCC), and to 45% emissions reduction by 2030 in relation to its 2005 GDP.<sup>183</sup> However, rapid urbanisation has caused environmental degradation resulting in harmful waste secretions, climate change, environmental pollution and ecosystem breakdown, and researchers from various scientific disciplines have identified this as the environmental challenges that Malaysia will need to address.<sup>184</sup>

30.2 The Global Environmental Performance Index (EPI) which measures and tracks a country's environmental performance under two major objectives, which are Environmental Public Health and Ecosystem Vitality performance. The countries ranked using EPI are 178 in 2014.<sup>185</sup> The EPI ranked Malaysia in the 9th position in 2006, 26th in 2008, 54th in 2010, and 51st in 2014. The poor performance of Malaysia in the global EPI ranking needs to be addressed by the government.<sup>186</sup>

30.3 Moving forward, Malaysia is working towards achieving Goals 14 and 15 of the SDG through the Eleventh Malaysia Plan Strategic Thrust 4 in "Embarking on Green Growth". This is further supplemented by other sectoral plans and policies. In pursuing green growth for sustainability and resilience, Malaysia has embarked on strengthening institutional and regulatory frameworks as follows:

- Enhancing coordination between Federal and State levels through a single platform
- Strengthening legislative and regulatory frameworks by reviewing relevant Acts such as the Environmental Quality Act 1974
- Developing management plans based on an Ecosystems Approach to Fisheries Management (EAFM)
- Building capacity for effective EAFM implementation

30.4 Malaysia has also taken steps to improve monitoring, surveillance and enforcement through:

- Strengthening the monitoring of marine water quality with the establishment of a network of continuous and manual monitoring stations
- Conducting research on Total Maximum Daily Load to determine the threshold of pollution discharged into rivers flowing to the sea
- Strengthening inter-agency cooperation and regional collaboration<sup>187</sup>

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<sup>183</sup> The Star Online, 18 May 2018

<sup>184</sup> Dominick, Juahir, Latif, et al, 2012

<sup>185</sup> EPI was developed by the Yale Centre for Environmental Law and Policy and the Centre for International Earth Science Information Network of Columbia University.

<sup>186</sup> Neo, Choong & Rahmalan Ahamad, 2016

<sup>187</sup>EPU, 2017: 33

30.5 For better decision-making Malaysia has also embarked on improving knowledge and data collection as follows:

- Developing a geo-spatial database (MyNDOC) with updated fishery stock assessments
- Establishing a data sharing platform on mitigating the impact of climate change on marine and coastal ecosystems among agencies
- Intensifying scientific research to assess the impact of climate change on marine and coastal ecosystems<sup>188</sup>

30.6 In achieving Goal 15 of the SDG to protect, restore and promote sustainable use of territorial ecosystems, sustainably managed forests, combat desertification, halt and reverse land degradation and halt biodiversity loss Malaysia has taken steps to protect its biodiversity with the formulation of various policies and legislation such as:

- The National Policy for Biological Diversity 2016–2025,
- National Forestry Policy 1978 (Amendment 1992),
- Second National Mineral Policy 2009,
- Wildlife Conservation Act 2010 (Act 716),
- National Parks Act 1980,
- Biosafety Act 2007 and others.

30.7 As of 2015, 55.2% of Malaysia's total land area with forests under various forms of protection fulfils the pledge made at the Earth Summit 1992, in Rio de Janeiro, to ensure that at least 50 per cent of land is under forest cover. Various forms of protected forest areas include national and state parks, Ramsar sites, permanent reserve forests, and water catchment areas. Maintaining forests is important because they provide a range of ecosystem services to sustain life and support important biodiversity, including critically endangered species; at the same time, they minimise, halt and reverse land degradation and biodiversity loss. To address the issue of forest fragmentation, transboundary projects also have been initiated, including the Central Forest Spine in Peninsular Malaysia and the Heart of Borneo, which involves Sabah and Sarawak states.<sup>189</sup>

30.8 Conservation action plans for iconic species – for tigers, elephants and tapirs have been undertaken. In addition, Malaysia is drawing up a National Red Data List for threatened species and implementing innovative methods to pool resources to combat poaching, illegal wildlife trade and encroachment into protected areas. The National Conservation Trust Fund for Natural Resources (NCTF) also has been established to fund initiatives related to conservation efforts. Most recently, Malaysia has begun developing a resource mobilisation plan to support the National Policy on Biological Diversity.<sup>190</sup>

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<sup>188</sup> EPU, 2017: 33

<sup>189</sup> EPU, 2017: 34

<sup>190</sup> EPU, 2017: 34

30.9 Regrettably, environmental policies and all measures taken by Malaysia in addressing Goals 14 and 15 of the SDG lack a gender perspective. Besides that sex-disaggregated data to measure the intersection between gender inequalities and environmental concerns, vital to put Malaysia on the path of sustainable development, remains unavailable across many environmental dimensions. The lack of environmental justice is connected to the continued lack of consultation of women in the Environmental Impact Assessment (Article 10 of the Rio Declaration and the Aarhus Convention). Besides that, there is a lack of recognition of indigenous communities and indigenous women in matters related to natural resource management and protected area management. In Forestry and conservation, there is a lack of recognition of women's knowledge of the environment and biodiversity.

### **31. Actions taken in the last five years to integrate gender perspectives into policies and programmes for disaster risk reduction, climate resilience and mitigation**

31.1 Supported women's participation and leadership, including those affected by disasters, in disaster risk reduction, climate resilience and mitigation policies, programmes and projects. Malaysia is a signatory of the Sendai Framework for Disaster Risk Reduction 2015-2030 that is an agreement with seven targets and four priorities for action. The UN General Assembly following the 2015 Third UN World Conference on Disaster Risk Reduction (WCDRR) endorsed it. Malaysia has reported on its data readiness for the implementation and monitoring of the Sendai Framework and has reported on its data readiness in collecting and using sex-disaggregated data for the implementation and monitoring of the Sendai Framework.

31.1.1 Malaysia is embarking on strengthening the role of women in disaster risk management to ensure that 100% of the population is covered and benefits from risk reduction and resilience building efforts. Deputy Prime Minister Wan Azizah Wan Ismail said Malaysia's approach to disaster risk reduction is guided by the belief that women's roles are crucial in making the community more resilient and better prepared for a continuously changing disaster landscape.<sup>191</sup>

31.1.2 She also said that Malaysia believes women are a force in resilience building and in disaster risk reduction, and that the government would leverage on this to include at least 50 per cent of women in the formulation of disaster management and disaster risk reduction programmes. "Women should not just be seen as mere victims, because like men they possess the skills and capacity to prepare for, respond to and recover from disasters, as well as in managing risks and building resilience," she said in her remarks at the Global Platform for Disaster Risk Reduction (GPDRR) special session on Women Leadership in Disaster Risk Reduction.<sup>192</sup>

31.1.3 The Deputy Prime Minister, also the Minister-in Charge for disaster management, said in Malaysia women's roles and leadership in disaster risk reduction have expanded and about 30% of those holding decision-making positions in the National Disaster Management Agency (NADMA) are women.

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<sup>191</sup> Bernama, 15 May 2019

<sup>192</sup> [Wan Azizah Wan Ismail, 15 May 2019](#)

## 31.2 Strengthened evidence base and raised awareness about the disproportionate vulnerability of women and girls to the impact of environmental degradation and disasters

31.2.1 The Deputy Prime Minister has also noted that women are the ones on the ground, and hence able to mobilise their families and communities given the right tools, knowledge, and empowerment. “The Government of Malaysia was thus working closely with local NGOs to create more opportunities for women to be actively involved in resilience building and Disaster Risk Reduction. One result of this engagement was the change in the design of our temporary shelters for disasters and in the provision of disaster diets for pregnant and nursing mothers as well as those who need special attention,” she said.<sup>193</sup> She also disclosed at the Asian Ministerial Conference on Disaster Risk Reduction (ACMDRR) that the establishment of a multi-hazard platform was underway in Kuala Lumpur to better manage and communicate risks in enhancing disaster resilience in the city.

31.2.2 There is awareness of the disproportionate vulnerability of women and girls to the impact of environmental degradation and disasters. Therefore, the Government is embarking on a pilot social innovation project by facilitating the development of community-level disaster resilience plans, to empower special groups, including women and youth, to participate in disaster risk reduction. It will also give attention to disaster relief planning for the welfare and needs of disabled persons, children, the elderly and women.<sup>194</sup>

31.2.3 However, the evidence base and sex-disaggregated data is lacking. For example, the number of financial assistance beneficiaries for the victims of disaster by type of disasters (fire, flood, storm, drought, landslide, others) for Malaysia for the year 2015 to 2017 is not disaggregated by sex.<sup>195</sup> The source for this data is from the Department of Social Welfare, which is under the MWFCDC yet the data was not sex-disaggregated.

## SECTION 3: NATIONAL INSTITUTIONS AND PROCESSES

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### 32. Current national machinery for gender equality and the empowerment of women (Name and location in government)

32.1 MWFCDC is the national machinery for women’s empowerment. It is also the national machinery tasked with advancing gender equality. This is a line ministry, which technically sits on par with other line ministries, as opposed to core ministries such as the Ministry of Finance and the recently created Ministry of Economic Affairs,<sup>196</sup> that have greater influence. This dynamic has seen some signs of changing since GE14 and the fact that the Deputy Prime Minister now also heads MWFCDC. Whether or not this will be sustained in the long run remains to be seen.

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<sup>193</sup> Malay Mail, 15 May 2019

<sup>194</sup> The Sun Daily, 4 July 2018

<sup>195</sup> As provided in the Department of Statistics publication on Statistics on Women Empowerment in Selected Domains, Malaysia 2018

<sup>196</sup> This was set up after GE14 and includes the Economic Planning Unit (EPU), which has traditionally wielded significant authority over all other Government bodies.

32.2 It should be noted that while MWFCD is the national machinery for women's empowerment, it also functions as the national machinery for family and community development, of which welfare services form a substantial component. As indicated earlier, the overwhelming percentage of MWFCD's budget goes to welfare services leaving the agenda of gender equality and the empowerment of women with very little to function with. It would be preferable, as women's groups like NCWO have pointed out, to set up a separate unit spearheading gender mainstreaming measures under the Deputy Prime Minister's office.

### **33. Inclusion of head of the national machinery in the institutional process for SDG implementation (e.g. inter-ministerial coordinating office, commission or committees)**

33.1 There is a National SDG Council chaired by the Prime Minister, which sets the agenda and milestones for the SDG implementation process. This reports to United Nations High Level Political Forum (HLPF) through a Voluntary National Report once every four years.<sup>197</sup>

33.2 The Council is supported by a multi-stakeholder body, the National Steering Committee, which was formed in December 2016, and chaired by the Director General of the influential Economic Planning Unit. This Committee plans and monitors SDG implementation in Malaysia.<sup>198</sup>

33.3 Due to a lack of information on the composition of this Council, it is not possible to confirm whether the head of the women's national machinery, i.e. the Minister, is included in the current institutional process for SDG implementation.

### **34. Formal mechanisms for different stakeholders to participate in the implementation and monitoring of the Beijing Declaration and Platform for Action and the 2030 Agenda for Sustainable Development (who has been involved and how have they been included).**

34.1 The National Steering Committee tasked with formulating a roadmap to guide the implementation of Agenda 2030 and the SDGs includes representatives from Government agencies,<sup>199</sup> civil society organisations, and academia. The NCWO is a member of the SDG Steering Committee.

34.2 Besides the National Steering Committee, civil society organisations have also been involved in the five Cluster Working Groups and their Task Forces supporting the SDG national implementation process. Through this, they contributed to the formulation of the Voluntary National Report that was presented to the first HLPF in July 2017.

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<sup>197</sup> Lin, 2017.

<sup>198</sup> Lin, 2017.

<sup>199</sup> Besides EPU, these are the Department of Statistics Malaysia, Ministry of Education, Ministry of Health, Ministry of Energy, Science Technology, Environment and Climate Change, and Ministry of Home Affairs (Department of Statistics Malaysia, 2018).

34.3 As the Government does not have a plan to implement and monitor the Beijing Declaration and Platform for Action, the question about having formal mechanisms to enable different stakeholders to participate in this process is moot.

34.4 The Government has included civil society organisations in its SDG implementation and monitoring mechanisms. While this means that women's groups can (and have) been involved in this process, such inclusion has not resulted in a serious interaction or their participation. Moreover, there is no specific mechanism to ensure that those from marginalised communities can participate and have their concerns reflected.

34.5 The primary body which represent voices of civil society in this process is the CSO-SDG Alliance which comprises more than 40 development and service-based CSOs, NCWO, human rights organisations, environmental groups and think tanks (academic, NGOs) addressing SDG concerns.<sup>200</sup>

34.6 This Alliance has been involved in the five Cluster Working Groups and Task Forces: Inclusivity; Wellbeing; Human Capital; Environment and Natural Resources; and Economic Growth that is helping to shape the national implementation of the SDGs.

34.7 The various SDGs have been divided into each of these thematic clusters. SDG 5 on gender equality is addressed under Inclusivity (along with SDG 1 No Poverty, SDG 2 Zero Hunger, and SDG 10 Reduced Inequalities).

### **35. Is gender equality and the empowerment of all women and girls included as a key priority in the national plan/strategy for SDG implementation? Please explain.**

35.1 The process of drafting Malaysia's Roadmap to implement the 2030 Agenda showed how segregating the SDGs by clusters resulted in a siloed approach to implementation. All concerns under SDG5 are dealt with under the Inclusivity cluster rather than incorporated into the analysis across all clusters. This situation has been exacerbated because women's rights NGOs are primarily involved in the Inclusivity cluster.

35.2 Although the National Steering Committee has discussed ways to better link the SDGs, there has been no viable solution yet.<sup>201</sup> This has resulted in a less than satisfactory inclusion of gender equality and women's empowerment as a key priority in the national plan for SDG implementation.

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<sup>200</sup> Lin, 2017.

<sup>201</sup> Women's Aid Organisation and Joint Action Group for Gender Equality, 2019.



## SECTION 4: DATA AND STATISTICS

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A lack of sex-disaggregated data results in an incomplete picture of women and men's lives and the gaps that persist between them. Such data is essential for identifying key challenges and opportunities to accelerate progress towards achieving the SDG goals and targets. More and better data is required to contribute to a meaningful policy dialogue on gender equality and provide a solid evidence base for development policy. The recently adopted Sustainable Development Goals (SDGs) requires sex-disaggregated data to track progress towards all goals, including SDG 5, which relates specifically to gender equality and empowerment of women and girls.

### **36. Top three areas in which Malaysia has made most progress over the past five years in gender statistics at the national level**

#### 36.1 Promulgated statistical programme/strategy setting out the development of gender statistics

36.1.1 The Government of Malaysia is aware of its obligations as a signatory of the CEDAW and its pledge to implement the Beijing Platform for Action. Malaysia has stated its commitment to realising women's rights as human rights, and changes are underway in its legal and institutional frameworks to protect and safeguard the rights and improve the status of women in the country. The Government of Malaysia is in the drafting process of the gender equality act and the sexual harassment act. Besides that, the Employment Act is also under review. The gender equality act and the ongoing legal reforms if passed by Parliament will play an important role in the development of gender statistics.

36.1.2 Malaysia has developed a Gender Gap Index in the area of women's empowerment (MGGI) – it is a composite index to measure gender equality.<sup>202</sup> Based on this index, Malaysia is ranked 70th out of 144 countries. However, in the Global Gender Gap Report 2017, Malaysia is ranked 104 out of 144 countries.<sup>203</sup>

#### 36.2 Re-processed existing data

36.2.1 The Department of Statistics has re-processed existing data and a publication on "Statistics on Women Empowerment in Selected Domains" is published annually.<sup>204</sup> It presents gender statistics in Malaysia for the year 2011 to 2018. These statistics focused on the core set of gender indicators which covers eight main domains which are economic structures, participation in productive activities and access to resources; education; health and related services, public life and decision making; human rights of women and girl children, social protection; disaster risk reduction; peace and security.

#### 36.3 Developed a centralized database

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<sup>202</sup> Department of Statistics Malaysia, 6 December 2017

<sup>203</sup> New Straits Times, 16 November 2018

<sup>204</sup> Department of Statistics Malaysia, 15 November 2018

36.3.1 On the point of statistics, data collection within the context of developing policies for advancement of women is an absolute necessity. The MWFCD has established the Gender Disaggregated Information System (GDIS) to ensure the systematic collection and compilation of gender-disaggregated data. Selected categories of data were published annually in print.<sup>205</sup> GDIS would help track gaps and discrepancies in implementation, and in the planning and formulation of new initiatives.<sup>206</sup> However, this database is not publicly available online.

### **37. Top three priorities for strengthening national gender statistics over the next five years**

37.1 Establish an inter-agency coordination mechanism on gender statistics.

37.1.1 There is a need for an inter-agency committee with commitments from all ministries to collect and compile sex-disaggregated data in a systematic and methodologically consistent manner. Inter-institutional commitments can be mandated through regulations for the production of integrated statistics.<sup>207</sup> The creation of the integrated systems of statistics should be the shared responsibility of the top management of all agencies involved. Besides that, DOSM needs to consult gender equality advocates and women's organisations in types of data collected and data collection methods.

37.2 Use more gender-sensitive data in the formulation of policy and implementation of programmes and projects.

37.2.1 The GDIS provides data for gender analysis and planning and it is used as a tool to develop gender responsive policies, strategies and programmes. In implementing the GDIS, it is clear that efforts are needed for systematic and standardised data collection in the public and the private sectors. It is important for such information to be both quantitative and qualitative in nature.

37.3 Conduct new surveys to produce national baseline information on specialised topics – time use, gender-based violence and assets ownership.

37.3.1 There is also a need for gender-sensitive data such as gender-based violence encounters. Disaggregated national data and smaller scale studies on key issues relevant to the 2019 SDG Gender Index, which can help to illustrate some of the multidimensional deprivations that national averages hide.

37.3.2 The GDIS data coverage needs to be expanded and further disaggregated by ethnicity and rural-urban to better understand geographical and ethnic variations, which will be useful for planning and implementing programmes with a more sensitive understanding of intersectional concerns. Statistical indices that are not responsive to the intersecting ways in which discrimination, poverty and violence are experienced will further entrench inequalities that go beyond gender. In addition,

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<sup>205</sup> This publication is called "Statistics on Women, Family and Community, Malaysia".

<sup>206</sup> The Star Online, 4 March 2006

<sup>207</sup> UN Department of Economic and Social Affairs, 2013

this new survey needs conceptual clarity, and adopt methods that are gender-sensitive, and better reflect woman's realities.

### **38. Has Malaysia defined a national set of indicators for monitoring progress on the SDGs?**

38.1 Yes - Malaysia has conducted an initial assessment of a national set of indicators for monitoring progress on the SDGs.

38.2 Goal 5 of the SDG: Achieve gender equality and empower all women and girls has 14 indicators. Data is available for 57% of the indicators, 14% is partially available and need further development, 22% is not available and 7% is categorised as not relevant by Malaysia.<sup>208</sup>

38.3 The SDG indicators for Malaysia will be using the Global SDG indicators and currently no additional indicators have been identified to be used as national indicators.<sup>209</sup>

### **39. Has data collection and compilation on SDG5 indicators and on gender-specific indicators under the SDG begun**

39.1 Yes - Data collection and compilation on SDG5 indicators and on gender-specific indicators under the SDG has begun.<sup>210</sup>

39.2 Out of the 14 indicators, data is available for:

- Legal framework to promote, enforce and monitor equality and non-discrimination on the basis of sex
- Proportion of women aged 20-24 years who were married or in a union before age 15 and before age 18
- Proportion of seats held by women in (a) national parliament and (b) local government
- Proportion of women in managerial positions
- Proportion of women aged 15-49 who make their own informed decisions regarding sexual relations, contraceptive use and reproductive health care
- Laws and regulations that guarantee full and equal access to women and men aged 15 years and older to sexual and reproductive health care, information and education
- Where legal framework (including customary law) guarantees women's equal rights to land ownership and/or control
- Proportion of individuals who own a mobile telephone, by sex

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<sup>208</sup> Department of Statistics Malaysia, 2018

<sup>209</sup> Department of Statistics Malaysia, 2018

<sup>210</sup> Department of Statistics Malaysia, 2018

39.3 The data available will be able to assess the achievement of the following targets:

- Target 5.1: End all forms of discrimination against all women and girls everywhere
- Target 5.3.1 : Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation
- Target 5.5: Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life
- Target 5.6: Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme for Action of the International Conference on Population and Development and the Beijing Platform of Action and the outcome documents of their review conferences
- Target 5.a.2 : Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws
- Target 5.b.1: Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women

39.4 Data partially available and need further development:

- Target 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation:
  - i. Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age
  - ii. Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence

39.5 Data is not available for:

- Target 5.4: Recognise and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate - Proportion of time spent on unpaid domestic and care work, by sex, age and location
- Target 5.a: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws - (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure
- Target 5.c: Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women - Systems to track and make public allocations for gender equality and women's empowerment

39.6 Data considered not relevant by Malaysia are:

Target 5.3.2: Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation - Proportion of girls and women age 15-49 years who have undergone female genital mutilation/cutting, by age.<sup>211</sup>

**40. Malaysia routinely provides disaggregated data in major surveys by:**

- Yes - Geographic location
- Yes - Sex
- Yes - Age
- Yes -Education
- Yes - Marital status
- Yes - Race/ethnicity
- Yes - Migratory status (only in labour force survey)
- No – Disability
- No - Income

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<sup>211</sup> Department of Statistics Malaysia, 2018

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