

**Justice, Peace & Solidarity for Mission Committee of the Good Shepherd
Sisters, Province of Singapore – Malaysia
VIOLENCE AGAINST WOMEN**

This report aims to highlight recent trends and key issues requiring advocacy and action with regard to women's rights issues in Malaysia.

I Awareness of women's rights and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

1. Despite consistent work by the Human Rights Commission of Malaysia in the area of women's rights, the level of awareness among the Malaysian public in respect of human rights issues especially women's rights and principles of CEDAW remains low.
2. The numerous women's organizations in Malaysia have been intensifying their lobbying and campaigning to increase awareness of women's issues with commendable results but this is not sufficient.
3. The political will of the Government is weak although the Women's, Family and Community Development Ministry has been set up. It appears that the Government would only initiate measures to enhance the protection of women's rights if it augments its political support or broadens its grassroots base. There has been much discussion by the Government in the media on women's rights but more concrete actions are needed to eliminate discrimination against women.
4. Malaysia has accepted CEDAW with reservations, namely to articles 5(a), 7(b), 16(1)(a), (c), (f), (g) and 16(2). Article 5(a) is especially pertinent because it calls for State Parties to modify social and cultural patterns which are based on the stereotyped roles of men and women and the superiority or inferiority of sexes. This provision is important when dealing with violence against women as studies have shown that violence against women is about power and the need to exert the superior status of men over women. The provision further requires the Malaysian Government to take all appropriate measures to achieve the elimination of prejudices, customary and all other practices which are discriminatory against women. It is important that the Malaysian Government undertakes much needed work to this end to eliminate the root causes of violence against women.

II Low levels of women participation in society

1. The poor awareness level and poor sensitization to women's rights in Malaysia has resulted in part to the low levels of participation of women across sections of society especially at decision-making level and in senior positions.
2. The Human Rights Commission of Malaysia in its Annual Report 2004 at pages 75-77 highlights the fact that "while women make up 52% of voters, the last general election saw less than 10% of women candidates being nominated. Female representation in the legislative assembly is at a dismal 6%" (see www.suhakam.org.my).

III Islamization of Malaysia and the polarization of the Muslim community from non-Muslim communities

1. The recent launch by the Prime Minister of Malaysia of the “Islam Hadhari” concept to be adopted in the administration of the country signals an official policy to implement Islamic values in every facet of society and political structure of Malaysia.
2. This has increased the polarization of Muslim women from the other non-Muslim women where views and thinking based on secularism, pluralism and human rights are conveniently ignored or dismissed and at worst, treated with suspicion and disdain. An example of this is seen in the treatment of SIS (Sisters In Islam), a NGO which seeks to advocate and achieve liberal and rights-based positions within Islam and the Muslim community. SIS has at times have been labeled a threat to national security warranting the application of the Internal Security Act, 1960 (a law which allows for detention without trial of persons deemed threats to national security, and without judicial review). When SIS supported the stand taken by Amina Wudud as the *imam* who led prayers of a male congregation, it was labeled “un-Islamic” and not part of the Muslim mainstream. A Deputy Minister in the Malaysian Parliament called for such groups as SIS to be banned.
3. This is compounded by the treatment of the Syariah courts (ie, a distinct judicial system in Malaysia based on *Syariah* law which deals with Islamic personal matters pertaining to those who profess the religion of Islam) towards Muslim women where widespread discrimination is reported.

IV Broadening of the ambit of gender-based violence in criminal laws

1. The recent move by the Government to set-up a Parliamentary Select Committee on the Criminal Procedure Code with the mandate to review criminal procedure and substantive criminal laws is applauded. One of the proposed amendments to the Penal Code (which deals with substantive criminal law) was to criminalize and broaden various forms of sexual violence against women and girls. Hence, the proposed amendment criminalizes the act of having a “sexual connection by an object”. There have been various interventions before the Select Committee on these issues by various groups, and the most pertinent recommendations are those from the Human Rights Commission of Malaysia which can be found in its Annual Report 2004 at pages 92-97 (see www.suhakam.org.my).
2. The Commission further recommended that marital rape (ie, rape within marriage) be criminalized. This was supported by various women’s organizations but met with resistance by those who held views that it may be contrary to Syariah laws. There is a school of thought in Malaysia that Syariah law requires a woman to submit to her husband, and if she does not, she would be recalcitrant whereby the husband would no longer be responsible for her.
3. The Select Committee has yet to make its recommendations and is in the process of finalizing its report.

V Insufficient and inadequate support system for survivors of gender-based violence

1. The logistics and support system for survivors of gender-based violence from the focal point of lodging a police report of the incident, collection of data and evidence, medical examination of the survivor, treatment of physical injuries and psychological trauma right through to the care and support for survivor in Malaysia does not meet minimum standards. This has resulted in survivors unwilling or afraid to lodge reports and follow through with their reports in the judicial system, poor record of successful prosecution of offenders and detrimental long-term effects on survivors.
2. The bulk of the problem stems from the investigation stage where the police are not adequately equipped to handle gender-based violence. The Report of the Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police Force ("the Commission Report") commissioned by the King on 4 February 2004 under the Commission of Inquiry Act, 1950 has confirmed the complaints made by numerous NGOs over the years, among others, that inadequate training, skills and expertise coupled with poor gender sensitivity has resulted in wanting and insufficient protection for survivors of gender-based violence (see Chapter 11, pages 335-347).
3. The Commission Report has been published and has made various recommendations but the same have yet to be implemented by the Government.
4. The National Human Rights Commission in its Annual Report 2004 at pages 78-81 has made similar observations and recommendations (see www.suhakam.org.my). Among others, the establishment of a multi-disciplinary team to handle gender-based violence cases comprising of representatives of the police, social welfare and health departments, NGOs and experts.
5. Unfortunately, none of the Commission's reports have ever been debated or discussed in the Malaysian Parliament to date, and it is likely that its Annual Report 2004 will suffer a similar fate. At present, it is difficult to envisage any of the Commission's recommendations being implemented by the Government.

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By the Justice, Peace & Solidarity for Mission Committee of the Good Shepherd Sisters, Province of Singapore - Malaysia (affiliated with the Congregation of Our Lady of Charity of the Good Shepherd an NGO in Special Consultative Status with ECOSOC of the United Nations)

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