

**INTRODUCTORY STATEMENT BY
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“COMBINED THIRD, FOURTH AND FIFTH PERIODIC REPORTS OF MALAYSIA”

**69TH SESSION OF THE CEDAW COMMITTEE
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[SLIDE(S) 1 & 2]

1. Madame Chair, distinguished members of the Committee, ladies and gentlemen. On behalf of my delegation, I would like to take this opportunity to express our gratitude for being able to present our reports on CEDAW. We are pleased to update the Committee Members our achievements since the accession of CEDAW in 1995.

2. As a party to the Convention and pledge of good faith to the Beijing Platform for Action, the Government of Malaysia is cognisant of its obligations. The Government has been committed in addressing women's issues. We are, therefore, committed to realising gender equality in the country. As a measure of good governance, it remains open to learning from and adopting the best practices of others, in order to continue to overcome setbacks to the fuller realisation of women's advancement in Malaysia. We are confident that this review will provide insights to further enhance our efforts in achieving gender equality in Malaysia.

3. The Government had submitted the Third, Fourth and Fifth reports in 2016, taking into account the principles of CEDAW based on the achievements of women in Malaysia. Today's presentation will provide an update of the achievements of women in Malaysia up to the year 2016/2017. With me today are some of the representatives from the various ministries/agencies: the Permanent Mission of Malaysia to the United Nations, Ministry of Home Affairs, Ministry of Health, Ministry of Human Resources, Ministry of Education, Ministry of Rural and Regional Development, and not least our legal arm represented by the Attorney General's Chamber.

Ladies and gentlemen,

[SLIDE(S) 3 & 4]

Background

4. Malaysia is a federation located in the heart of Southeast Asia, straddling two land masses of 14 states in Peninsular Malaysia and Sabah and Sarawak in North Borneo. It is a multi-racial society governed by federal law except for matters related to religion, and land rights which reside under the states. In 2017, the total population of Malaysia is estimated at 32 million and women make up 48% of the population (15.5 million).

[SLIDE(S) 5 & 6]

Women in the Malaysia Plans

5. The Government realises that the advancement and empowerment of women is crucial for the achievement of Malaysia's broader development objectives. In line with this, the women programme was first mentioned in the 4th Malaysia Plan (1981-1985); followed by the 6th Malaysia Plan (1991-1995) and the 10th Malaysia Plan (2011-2015). Women agenda continued to be one of the focus particularly in the economic development with specifics to increase female labour participation rate, as well as to increase the number of women in key decision positions. Women contribute significantly to creating happy families and to contribute to socio-economic development. The Government will continue to ensure at least 30 percent women participation at the managerial and decision-making levels in the public and corporate sectors.

6. Women was also highlighted in the first strategic thrusts out of the six strategic thrusts to enhance inclusiveness towards an equitable society under the 11th Malaysia Plan (11th MP) (2016-2020). The Government will endeavour to ensure no segment of society is side-lined from enjoying the benefits of the country's prosperity and growth. In empowering the community to build a more productive and prosperous society, focus will be given to children, youth, elderly and women.

7. In the 11th MP, the objective in increasing female labour participation rate was set at 59% participation of women in the work force by the year 2020. Over the years, women's participation in the labour force has progressively increased from 48.0% in 2011, 52.6% in 2013 and 54.3% in 2016. The Government encourages corporate sectors to implement Flexible Working Arrangement (FWA) to provide wider opportunities for women under M40 to participate in the labour force. To ensure women's participation at work, the number of violence cases which could affect women under B40 are also being addressed. In addition, to realise the 30% target of women under T20 in decision making level at both public and corporate sectors, the Government continue to conduct various programmes to support these targets. There

has been a positive result towards achieving the policy target for women in the top management positions in the public sector at 35.6%. However, women in decision-making positions in the corporate sector still remains comparatively low at 16.6%.

8. In order to better understand the factors affecting women and their development, it is crucial to compile gender disaggregated data. The 11th MP includes that “the collection of gender disaggregated data by various ministries and agencies will be improved to support planning, monitoring and evaluation of programmes”. Disaggregated data allows us to pick up on any gender sensitive issues that would have otherwise been missed.

Ladies and gentlemen,

[SLIDE(S) 7]

Women’s Achievements In Malaysia

9. Malaysia has been making strides to promote gender equality since 1995 by pro-actively organizing and implementing various initiatives to strengthen equality and non-discrimination provisions in Malaysian legislation and in practice. Goal 5 of the Sustainable Development Goals (SDG) highlighted that to achieve gender equality and empower all women and girls is not only fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world. In Malaysia, the achievements of women are seen in areas such as **legislation, education, health, economy, decision making and politics**, that are in line with CEDAW and SDG.

[SLIDE(S) 8, 9 and 10]

Women and the Legislations

10. Some of the crucial legislations have seen ammendments, for instance:

10.1 The Penal Code [Act 574] has been amended to insert section 375A which states that *“Any man who during the subsistence of a valid marriage causes hurt or fear of death or hurt to his wife or any other person in order to have sexual intercourse with his wife shall be punished with imprisonment for a term which may extend to five years”*.

10.2 The Domestic Violence Act (Amendment) 2017 has come into effect on 1 January 2018. The Domestic Violence Act 1994 only protects victims in valid marriages. Intimate partner violence is dealt with under sections 323, 324, 325, 326 of the Penal Code and other related provisions that are related to violence.

- 10.3 Parliament on 22 August 2017 passed amendments to the Law Reform (Marriage and Divorce) Act 1976 (LRA) [Act 164] to address issues arising out of the conversion to Islam of one party to a marriage solemnised under the LRA such as the dissolution of marriage, maintenance, custody of the children born out from the civil marriage and distribution of property.

The amendment provides the converting spouse with the right to file a petition for divorce to dissolve his civil marriage under subsection 51(1) of the LRA. Currently, the law only gives this right to the spouse who has not converted to Islam. The amendments to the LRA which is in conformance with Article 16(1)(c) of the Convention are as follows:

- (a) amendments to subsections 3(3) and 51(1) enabling a party in a marriage who has converted to Islam, or both parties to present a petition for divorce; and
- (b) insertion of a new section 51A ensuring the rights of the next-of-kin of the person converting to Islam but dies before the non-Muslim marriage is dissolved shall be entitled to the matrimonial assets.

- 10.4 Parliament had passed the Legal Aid (Amendment) Bill 2017. It has been effective from 1 December 2017. One of the objectives of the Act is to revise the means to introduce a more practical approach to determine a person's eligibility for legal aid. The Bill is expected to streamline the grant of legal aid service to low income earners, irrespective of race and gender, who are under the Government's special aid programmes.

11. Apart from that, the Government is committed to take all appropriate measures in ensuring women's equal access to and equal opportunities so that women can enjoy all their human rights and fundamental freedoms. The Government is looking into formulating gender equality act and sexual harassment act as the Government looks at both acts as an investment for the country on many levels. It is an investment in gender equality; it is an investment in the wellbeing of the working generation that is caring for their children; thus, Malaysia's move to create a legislation is timely and necessary.

Ladies and gentlemen,

[SLIDE(S) 11 & 12]

Women and Education

12. Every child in Malaysia, regardless of wealth, ethnicity or background, deserves equal access to a quality education that will enable the student to achieve his or her potential. Building upon the principle of Education for All which is further reiterated in the Malaysia Education Blueprint, Malaysia aspires to ensure universal access to education and full enrolment of all children from preschool through to the upper secondary level (Form Five).

13. As of 2016, the gross enrolment rate stands at 97.24% for primary level and 90% for secondary level. The data shows that Malaysia had already surpassed the Millennium Development Goals (MDG) Goal 2 in providing universal primary education for boys and girls even before the MDGs in 2000. The completion rate at primary level increased to 98.37% while the completion rates at secondary level stood at 88.29% in 2016. Transition rate from primary to secondary education was also promising with 96.05% success rate. Gender parity had been achieved for participation and completion of education as well as transitioning between primary and secondary education levels. In fact, Malaysia has reached gender parity, with a slight advantage to girls in secondary and tertiary education participation as of 2016 with the ratio of girls to boys of 1.01 at secondary and 1.06 at tertiary level.

14. Literacy and literate citizen play a critical role in transforming Malaysia into a developed status by 2020. To achieve this end, the Government has earmarked large investments in primary, secondary and tertiary education to produce knowledge workers to satisfy the demanding workplace environment of the future. In 1970, only 75% of Malaysians could read and write. But, in 2016, the literacy rate has increased to 97.2% for male and 96.3% for female for those age 15 and above. This is largely due to their access to the availability of education and opportunities.

15. As an effort to promote greater gender equality, the Government has produced a guidebook entitled University Transformation Programme (UNiTP) Green Book on Enhancing University Board Governance and Effectiveness as an initiative to enhance the procedures and regulations in selecting the best candidate for the top positions irrespective of the gender among others criteria.

Ladies and gentlemen,

[SLIDE(S) 13 & 14]

Women and Health

16. In 2017, the life expectancy at birth had risen to 72.7 years for men and 77.4 years for women. Maternal mortality ratio in Malaysia has declined from more than 40 per 100,000 live births in 1991 to 29.1 per 100,000 live births in 2016.

17. The adolescent birth rate, as measured by the age specific fertility rate among adolescents aged 15 - 19 years have declined from 28/1000 (1991) to 10/1000 (2016).

Incidentally, this decline reflects the efforts that have been undertaken by various stakeholders in dealing with teenage pregnancy. The Government provides comprehensive healthcare services for all age groups and gender, including provision of contraceptive and sexual and reproductive health services which are integrated in the primary healthcare facilities nationwide at minimum cost of registration fee. Almost all methods of contraception are available and accessible free of charge at these facilities.

18. According to the Penal Code, abortion is legal if it is done in good faith by a registered medical practitioner in situation where there is risk to the life of the pregnant women, or injury to the mental or physical health of the pregnant woman. In cases of rape, incest or severe foetal abnormality, abortion is legal if it meets the above conditions as stipulated by law.

19. For women and girls in detention, health services are given regularly as needed. Mobile team services are available at all temporary detention depots, whilst in prisons health services are delivered via prison clinics. For those in lock-ups, they will be brought to the nearest clinics or hospitals for any medical problems. If any of the women or girls needs to be referred, they will be facilitated accordingly to the nearest health clinics or hospitals. The health services will include both maternal and child health and outpatient cases.

20. Health screening of the detainees are conducted by Depot's Medical Assistant and will be referred to Government hospitals/clinics for further medical treatment. Same treatment also applied to women prisoner(s). Any further medical assistant detected will be referred to Government hospitals/clinics. As for Victim of Trafficking (VOT), they are not detained in detention centres but they are protected under Anti Trafficking In Person and Anti Smuggling of Migrants Act 2007 (ATIPSOM) and placed in shelter homes for protection and rehabilitation services. VOT are given necessary medical assistance by the Government, NGOs and International Organisations.

Ladies and gentlemen,

[SLIDE(S) 15, 16 & 17]

Women in Economy and Decision Making

21. Another area to look into in empowering women to orchestrate change is to increase female labour participation. In addressing the issue of under-representation of women at the decision-making level, the Government has adopted the policy of at least 30 per cent women in decision-making level in the corporate sector in 2011. On July 2017, the Prime Minister of Malaysia had announced the measure to address this challenge by publishing the names of public listed companies that do not have women directors on their board in 2018. I am pleased to inform prior to our meeting today, the Prime Minister has done good on his word. In January this year, in an announcement by the Bursa Malaysia, only seven out of the top 100 companies have yet to name women to their board of directors. We are however, mindful that the participation of women at board level should be effective numbers and not as an act of tokenism.

22. In addition, there has been a positive increase of 9.5% from 2012 to 2016 of the numbers of Malaysian women who are attached to the foreign services. In 2016, there are 73 Malaysian women who are attached to international organisations including the United Nations (UN) bodies, Organisation of Islamic Cooperation (OIC) and International Non-Governmental Organisation (INGO).

Ladies and gentlemen,

[SLIDE(S) 18]

Women and Politics

23. Malaysia practices Parliamentary democracy where election or appointment of representatives, including women from marginalised groups, such as ethnic minority women, indigenous women and women with disabilities to Parliament. This is decided by the respective parties they represent for in House of Representatives and elected by their respective State Legislative Assemblies or appointed by Yang Di-Pertuan Agong for Senate as provided for in Article 45(1) and (2) of the Federal Constitution.

24. Presently, there are 24 women out of 222 members in the House of Representatives and 12 women out of 70 in the Senate. One (1) woman with disabilities has been appointed as the Senator and is serving her second term in the Senate. A woman from ethnic minority group was appointed as the Senator from 2005 to 2008 and an indigenous woman was appointed as the Deputy Speaker of Senate from 2012 to 2016.

25. The Prime Minister of Malaysia at the Women in Politics Kuala Lumpur 2017 had announced a quota of no less than 30 per cent of women Senators in the Upper House. As recent as last week, I have the opportunity to raise concerns on this matter to the Prime Minister as well, and he acknowledged and agreed that having more women is a good start to ensuring good leadership skills in the Upper House.

Ladies and gentlemen,

[SLIDE(S) 19 & 20]

Conclusion

26. Before I conclude, measures to eliminate discriminations against women are in place but fragmented and spread among multiple ministries, agencies and policies. Efforts to consolidate and streamlining all of it into a single effective and practical measure is Malaysia's utmost priority. Malaysia plans to adopt a more proactive role as an advocator and not only as a facilitator to detect, monitor and eliminate discrimination against women within the public and corporate sectors. We will continue to enhance our national machinery to monitor women's agenda. To ensure gender equality and women empowerment are substantively included in national development policy-making, the Government, under the Ministry of Women, Family and Community Development has collaborated with the United Nations Development Programme (UNDP) in a project called "Strengthening and Enhancing the Inclusiveness of Women Towards an Equitable Society in the 11th Malaysia Plan (2016-2020)". The project aims to take stock of what had been carried out in the 10th Malaysia Plan, addressing the gaps, reviewing the current policy and plan as well as increasing the capacity building in the whole government system. In addition, I am pleased to inform the year 2018 has been declared the Empowerment of Women Year for the betterment of women in Malaysia.

27. In conclusion, for Malaysia to be a successful developed country, we need to review and reflect on our shortcomings to manifest our commitment to CEDAW. On that note, I would like to thank the Committee for your attention and we look forward to exchanging ideas and views

28. Thank you.