

# **MALAYSIA'S WRITTEN RESPONSE TO THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

## **ARTICLE 1**

- 1. What measures were being taken to ensure peaceful coexistence and avoid the dangerous division of people as Muslims and non-Muslims or Malays and non-Malays; and to protect women human rights defenders, and activists fighting against discrimination based on sexual orientation and gender identity from violence and reprisals, and generally protect the civic space and enable a peaceful public debate?**

Malaysia upholds the rights and dignity of all persons in accordance with the Malaysian law. On any case of discrimination, due process of the law will be exercised accordingly.

- 2. What are the numbers of women Syariah court judges?**

Malaysia has appointed two women as the Syariah Lower Court Judges in the Syariah Court of Federal Territory in 2010. This was followed by the appointment of two women Syariah High Court judges of Selangor in June 2016 as well as the appointment of the first woman judge to the Syariah Appeal Court of Terengganu on 16 October 2017. Presently, a total of 37 women have been appointed as Syariah women judges.

## **ARTICLE 2**

- 3. The Secrecy Act could be an obstacle in the collection of data, including gender-disaggregated data – would it be repealed and replaced with comprehensive freedom of information legislation?**

The Official Secrets Act 1972 [Act 88] was enacted by Parliament for the purpose of the protection of official secrets. Official secret is defined under Act 88 as any document specified in the Schedule and any information and material relating thereto and includes any other official document, information and material as may be classified as "Top Secret", "Secret", "Confidential" or "Restricted", as the case may be, by a Minister, the Menteri Besar or Chief Minister of a State or such public officer appointed under section 2B of Act 88. Hence, data which does not fall under the definition of the official secret under Act 88 would not be governed by Act 88. Currently, there is no policy consideration to repeal Act 88.

### ARTICLE 3

**4. What are the numbers of women appointed as Board of Directors, since the introduction of the Women's Directors Programme?**

The NIEW Women Directors' Registry since 2012 is an online repository of current and potential women board of directors which is available for free to the corporate sector. As of 31 December 2017, a number of 1,346 competent women had registered in the [www.wcdregistry.com](http://www.wcdregistry.com). The system has been upgraded since to be more user friendly and flexible. It is a tool for the corporate sector to search for suitable women candidates to be appointed as board of directors. As of January 2018, a total of 77 placements of suitable women candidates have been made. With regards to their placement, the suitable candidate may be placed in more than one board.

### ARTICLE 5

**5. There was a concern that grouping women, families and community development in one ministry promoted and perpetuated patriarchal attitudes and stereotypes – what measures were being taken to address this concern?**

The Ministry of Women, Family and Community Development is primarily established to address gender equality and women empowerment, in line with the roles of women in economic, political and social development.

### ARTICLE 6

**6. Trafficking women and girls remained an issue of concern, mainly for sexual and labour exploitation, and there were reports of trafficking in babies for childless couples. What are the progress made and lessons learned, and in particular steps to close the implementation gap at local and federal levels. What safeguards were available to trafficked women who were often irregular migrants, and were the victim support services available in multiple languages?**

In terms of trafficking in persons, important progress has been made since 2006 in the legislative and institutional areas. An interagency Council was convened comprising Government agencies, non-governmental organizations and the national human rights institution. In 2010, the law was amended to widen the definition of trafficking to include labour exploitation, and to criminalize smuggling of migrants. The second amendment to the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (ATIPSOM) 2007 [Act 670] came into effect on 18 November 2015.

The amendments, among others, include the establishment of the High Level Committee (HLC) chaired by the Minister of Home Affairs, who is also the current Deputy Prime Minister of Malaysia; payment of compensation and back wages; allowance for trafficked victims; permission to move freely and/or to work for trafficked victims. Non-Governmental Organisations (NGOs) have been empowered to run shelter homes for trafficked victims and may also be appointed as protection officers.

As for the issue of trafficking of babies, Malaysia had encountered several cases and investigations had been duly conducted by the relevant enforcement agencies. In bridging the gap between federal and local levels, the Council, as well as the relevant committees, continues to serve as an effective mechanism to coordinate efforts in combating trafficking in persons. In addition, a significant number of State specialist prosecutors, liaison officers and special enforcement teams were appointed since 2015.

With regards to the safeguards to trafficked women who were often irregular migrants, Section 25 of the ATIPSOM 2007 grants trafficked persons immunity from criminal prosecution which provides for significant immunity from immigration offences as illegal entry, unlawful residence or the procurement or possession of any fraudulent travel or identity document related directly to an act of trafficking in persons.

Meanwhile, section 51 of the said Act allows for victims to be placed in a place of refuge. These victims are given protection and provided with rehabilitation services. Trafficked persons enjoy the privilege of being granted the permission to move freely and to work in Malaysia by the Council. Trafficked persons are subsequently issued special passes by the Immigration Department of Malaysia which grants them permission to remain in Malaysia for the duration and under the terms of the aforementioned document.

In addition to the provision of food, care and shelter, and in line with a more victim-centred approach, a Regulation for the payment of allowances to trafficked persons was gazetted on 1 March 2017 providing victims with a monthly subsistence allowance. The above is granted and/or given to victims regardless of their ability or willingness to cooperate with prosecutorial authorities. With regard to availability of victim support services in multiple languages, Malaysia relies on the assistance from various NGOs, foreign diplomatic missions and other credible interpreters in providing support services to victims of trafficking in persons.

At the moment, consultations are ongoing with partner non-governmental organizations and with the national human rights institution concerning the future amendments to the ATIPSOM Act 2007 which will include obligations

under ACTIP and further improvement in protection services to victims of trafficking.

## ARTICLE 8

### **7. What are the numbers of women in the Foreign Service?**

Since 2012, a total of 100 women officials have been appointed as Heads of Mission (Ambassadors/High Commissioners/Permanent Representatives/Consul-Generals). Currently 18 women officials head Malaysian Diplomatic Missions. In 2018, 7 women officials are holding decision making positions in the Ministry of Foreign Affairs.

## ARTICLE 10

### **8. What measures are in place to deal with the growing militarization of schools, and whether it was true that bullies could be sent to military or police school?**

One of the programmes the Ministry of Education, Malaysia undertakes to curb in-disciplinary acts including bullying is the Youth Visionary Programme. The programme is not a military training programme and is conducted in identified schools in collaboration with the Malaysian Armed Forces (ATM) and the Royal Malaysia Police (PDRM) as part of the Ministry's National Blue Ocean Strategy (NBOS). The programme is part of the co-curricular activities in schools, lasting for two hours per week and conducted twice a month. These include physical training, psychological activities and summer camps. In the last three years, the programme caters for 5,600 male students per year in 140 schools nationwide. Protection and safety of the students involved are ensured through continuous monitoring and evaluation of the programme.

### **9. How many girl brides were there, how many continued schooling after getting married, and what was the percentage of those who returned to school after a pregnancy?**

Pregnant teenage girls and teenage mothers are allowed to pursue their education (provided that they are within the age limit below 18) in public schools. However, many of these girls undergo anxiety and fear of being discovered and dropped out of schools. As such the data of girl brides and pregnant teenagers dropping out of school and/or reinstated has never been collected. The Ministry is working on enhancing data collection to have better tracking of such cases through the Initiatives to Reduce Dropout Rates among at risk students.

As for under-age marriages in Malaysia, approval from the Syariah Court needs to be obtained for Muslims prior to its solemnization. A number of 1,808 applications for the permission of under-age Muslims marriages were approved by the Syariah Courts from January 2016 to December 2017. In total, 2,486 under-age marriages including non-Muslims were recorded for the same period.

**10. What temporary special measures were in place to encourage girls to take up technical courses?**

Technical and Vocational Education Training (TVET) is one of the main focus under the Malaysia education transformation. Opportunities to pursue TVET are provided to all. Overall at the secondary level the participation in technical courses has almost reached parity. Data for the technical streams indicate there is a progressive trend in the percentage for female participation in 2017 in almost all courses in comparison to 2013 as illustrated in **Table 1**. A Resource Pack for Gender-Responsive STEM Education has been developed in collaboration with the International Bureau of Education, UNESCO for training of personnel in formulating policies, STEM Curricular, Teacher Education and Professional Development and Raising Community Awareness.

**Table 1: Percentage of Participation in Technical Courses, 2013 & 2017**

Technical Courses	2013		2017	
	Male	Female	Male	Female
Civil Engineering	43.05	56.95	41.68	58.32
Electrical And Electronic Engineering	71.94	28.06	72.88	27.12
Mechanical Engineering	80.92	19.08	74.94	25.06
Commerce	19.41	80.59	19.87	80.13
Agriculture Science	21.90	78.10	19.83	80.17
TOTAL	54.00	46.00	52.20	47.80

**Source : Ministry of Education, Malaysia**

ARTICLE 11

**11. How has Malaysia encouraged men and women to be dual earners, carers and to correct the gender wage gap?**

To encourage men and women to become dual earners, the government has introduced family-friendly initiatives by providing subsidy and grant for the childcare industry, flexible working arrangement and career comeback programmes for women.

The Minimum Wages Order protects all workers to allow the government to provide adequate social protection to workers throughout the country. Further, ratification of the Minimum Wage Fixing Convention, 1970 (No.131) of the International Labour Organisation (ILO) reflects Malaysia's commitment to comply with the standards required by the instrument. The continuous effort to review labour laws such as the Employment Act 1955 [Act 265] will benefit all workers, especially issues with regards to discrimination and facilitate in the execution of labour inspections by Labour Officers. Currently, Malaysia is developing a national Wage Index, other than collecting data on annual employment return and labour force survey to further assist in policy formulation.

## ARTICLE 12

### **12. What measures are in place to address lack of medical practitioners in rural areas?**

As of 31 December 2016, there were 36,403 medical doctors, 12,812 assistant medical officers and 65,227 nurses. As for facilities, there are 144 government hospitals, 1,060 health clinics and 1,803 community clinics, 357 and 1 Malaysia clinic. Recognising the manpower needs in the rurals, the Ministry of Health created a lot of initiatives and strategies to attract and retain medical practitioners. For instance, those who work in rural areas were given hardship allowance and career fast track for their specialist program. A request for transfer may be considered upon completion of the second year of service in rural areas.

### **13. Measures to expand premarital HIV/AIDS screening, cervical and breast cancer screening, the use of contraceptives among adolescents, and calculations of birth rates among adolescents.**

Premarital HIV screening for Muslim couples was an initiative introduced by one of the State religious departments in Malaysia which was later expanded to other States in 2007. Since 2010, the Ministry provides free voluntary HIV screening for any couple irrespective of religions.

Since the introduction of the Pap Smear Screening Programme in 1969, it has been expanded to all eligible women between 20 to 65 years, once every 3 years. The screening service is provided for free in all the Ministry's facilities. Apart from the Ministry, there are several other agencies providing this screening service including the National Population and Family Development Board (NPFDB), university hospitals, private hospitals and clinics, hospitals and health facilities of Ministry of Defence and facilities of non-governmental organizations such as the Federation of Family Planning Association Malaysia, National Cancer Society and National Cancer Council (MAKNA).

For breast cancer screening, the Ministry continues to promote Breast Self-Examination (BSE) and annual breast examination by trained health workers as part of the breast cancer awareness campaign. In 2012 the Ministry implemented nationwide mammogram screening for high risk women through primary healthcare facilities. Women who have risk factors (based on the Clinical Practice Guideline, Management of Breast Cancer - 2nd Edition) to breast cancer are identified and referred for a mammogram examination at government hospitals (34 hospitals with mammogram facilities) or join Mammogram Subsidy Program National Population and Family Development Board (NPFDB) or private hospital or non-governmental organizations at the choice of the client.

On the use of contraceptives for adolescents, it is available at the health clinics and will be prescribed on a case by case basis, after being reviewed and examined by a family medicine specialist.

Birth rate among adolescents aged 15-19 years are calculated based on Age Specific Fertility Rate (ASFR) which is reported by the Department of Statistics, Malaysia. It is the number of live births per 1,000 women in a specific age group for a specified geographic area as well as a specific point in time, usually a calendar year. Live birth among adolescents aged 15-19 years have shown a decreasing trend from 19,018 in 2010 to 13,847 in 2016 which contributed to 10 per 1,000 ASFR in the same year.

To improve the quality of expanded services, training of medical practitioners and continuous collaboration with other agencies will be enhanced.

#### ARTICLE 14

##### **14. Women and access to land.**

On women's access to land, the Land (Group Settlement Areas) Act 1960 [Act 530] which was amended in 2002 provides wives or ex-wives of settlers a joint stake in the land awarded to their husbands. Before the amendment, only husbands were recognized as sole owners of the settlement.