

## **“Advocacy and Awareness on Equity and Equality for Women”**

About 85 Soroptimists attending the 8<sup>th</sup> Soroptimist International Region of Malaysia (SIROM) Biennial Conference in Penang were exposed to facts and figures at a forum relating to the state of gender equality in Malaysia. Four Malaysian speakers, who are knowledgeable on the subject, spoke on gender equality in general and in specific areas, like Islamic family and marriage laws, in government and corporate sectors and in society, particularly in the elimination of violence against women. The Forum on the theme “Towards Equity and Equality” was held as a key programme of the Biennial Conference.

Laying the general foundation for the subject was Ms Shanti Diariam, Special Advisor to International Women’s Rights Action Watch (IWRAP) Asia Pacific and Representative on CEDAW in Malaysia, who spoke on “CEDAW –in Malaysia?” She reported that Malaysia has ratified CEDAW in June 1995 with reservations on 7 articles, most of which relate to issues which have implications vis-a-vis Malaysia’s implementation of Syariah law on certain issues, like marriage and family, guardianship, inheritance and position of syariah judges. Malaysia was reviewed by the CEDAW Committee in 2006, almost 10 years later.

Certain positive aspects of the implementation of CEDAW are the formation of a cabinet committee on equality and establishment of gender focal points. In the law reform aspect, there is the broadening of the definition of the Domestic Violence Act and adding provisions to existing laws to prohibit sexual harassment. The committee on the Convention has however recommended certain action for Malaysia to implement, in particular, its reservations on certain articles, especially article 16 covering marriage and its dissolution, guardianship rights and right to choose a family name and profession.

Recommendations also covered the need for the convention to be an integral part of the education of lawyers, judges and prosecutors to establish a legal culture supportive of women’s equality and non discrimination and to remove inconsistencies and conflicts between civil and Syariah law, to be in compliance with the Constitution and the Convention and CEDAW’s general recommendation 21 on equality in marriage and family relations.

Another point highlighted was the low level of women’s participation in political and public life and the need for concrete goals and timetables to accelerate the increase in representation of women in elected and appointed bodies in areas of public life, including at the international level and also at decision making level in the private sector.

Other efforts encouraged by the convention cover enactment of legislation to criminalise marital rape, to ratify protocol to prevent, suppress and push trafficking in persons, especially women and children, to intensify efforts to combat all forms of trafficking in women and girls and ensure that they are not punished for violations of immigration laws and have adequate support to be in positions to provide testimony against their traffickers.

The convention also covered the right of immigrant workers, asylum seekers and refugees and the need to adopt laws and regulations in line with International standards and the use of a gender sensitive approach.

Puan Zainah Anwar, Founder and Director of Sisters in Islam (SIS) presented on the topic **“Equality in Family and Marriage”** wherein she said that the Islamic Family Law have been made more regressive with the 2005 amendment to the Islamic Family Law Reform of 1984, which at that time was considered progressive and gender sensitive.

The offensive amendments included:

- Divorce pronounced outside the courts is allowed. (This led to recognition of divorce by SMS)
- Polygamy committed without the court’s permission is allowed.
- 5<sup>th</sup> Condition for polygamy, ie no drop in standard of living of existing family - was removed to make polygamy easier.
- Punishment for breaking the law is minimal, a fine of \$1,000 or less and does not act as a deterrent to the offenders.
- Only the biological mother is held responsible for the maintenance of the illegitimate child. The biological father has no responsibility.

However with lobbying through women Senators and other government channels and the resultant public outrage created in the media, the Cabinet had instructed the Attorney General, (not the Department in charge of the Islamic law), to take charge of a consultative review process of the amendments to the Islamic Family Law. With SIS and JAG (Joint Action Group for Gender Equality) being the sole voices in the committee advocating for reform, and the AG as the mediator, a new draft was reached in March 2007, but as of today, she reported that the new Bill has yet to be submitted to Parliament. It is hoped it will happen at the next session of Parliament in June 2009. She advocates that public outrage, public engagement and public demands for change can bring about the desired results and impact, although it is slow moving and hard going.

By comparison, she revealed that non- Muslim women in Malaysia enjoy more progressive laws, eg Law Reform (Marriage and Divorce Act 1976) which saw the banning of polygamy among non-muslim and divorce by mutual consent upon petition by either spouse. The guardianship of Infants Act was amended in 1999 to provide for the fathers and mothers to have equal rights to guardianship of their children. This benefitted only non-Muslims as guardianship of children for Muslims comes under Syariah Law.

Only a strategic lobby to push for an administrative reform through the Deputy Prime Minister in 2000, helped Muslim women to get the children’s application forms for passports, registration

and transfer of schools and permission for surgery, to include the signature of the mother as one of 3 permissible signatories, other than the father and the guardian.

Even in the case of Distribution of Inheritance, the laws for non-muslim provided for equal inheritance for widows and widowers, whilst the Muslim law, like the Insurance Act and distribution of EPF funds have made it more discriminatory against Muslim women.

Musawah (Arabic for Equality), the first global movement for equality and justice in the Muslim family was launched in February 2009 in Kuala Lumpur. A meeting was organised at the launch which attracted more than 250 Muslim scholars and thinkers from 48 countries demanding for equality and justice in Muslim family through laws and public policy. Zainah Anwar is Musawah's Project Director and is based in Kuala Lumpur.

The topic on “**Breaking the Glass Ceiling**” specifically referring to top positions in public and private sectors was presented by the chairperson of the newly formed Women Parliamentary Caucus, Mrs Nancy Shukri, a Member of Parliament from Sarawak. She explained that the Malaysian government policy under the 9<sup>th</sup> Malaysian Plan was explicit that from 2006 to 2010, the public sector will attempt to fast track at least 30% of women into decisionmaking positions. The Women Parliamentary Caucus is championing this cause. At the moment, there are only 22 women parliamentarians which form approximately 10% of Parliament. One of the ways to ensure the 30% is achieved, is for women voters as a group to be more concerted and determined in their efforts to vote in women into Parliament.

Getting the media to have more space and time in the media on women in top positions and the important roles they play would also help.

She argued that the situation has not been helped, by women being their own worst enemy and the Asian patriarchal thinking, the physical demands of certain positions that make it tougher for women to access and the Work Life Balance (WLB) phenomenon that suggest that women have a bigger role in building a quality family. She particularly welcomed Soroptimist International, an NGO with professional women, to be a partner in the cause to ensure that 30% of decision making positions are occupied by women.

The presentation on “**The Right to be Safe**” by Loh Cheng Kooi, Executive Director of Women Centre for Change, Penang, spoke on violence, whether physical, sexual or psychological, that occurs in the home, as well as in the community, at work and in schools.

Figures on violence including rape, incest, sodomy, and domestic violence in Malaysia has unfortunately gone up by 66% from 2003-2007, with part of the increase being attributable to more women coming forward to report, as well as better data collation by the Police. Malaysia has a Domestic Violence Act to protect women which means the right to make a police report against her abusive spouse, right to seek protection through an Interim Protection Order and the right to seek medical services at state hospitals.

Malaysia has a Code of Practice on the prevention and eradication of sexual harassment in the workplace since 1999. Unfortunately it is not mandatory and therefore ineffective as the majority of companies have not adopted the Code.

Crimes in the street has gone up too with the media giving it full blast, but not much done to make women feel safer. Certain recommendations by the speaker touched on improving the criminal justice system and for police to be better trained and professional and more sensitivity in handling cases of sexual abuse. Conviction rates can be improved through better collation of evidence and a gender sensitive judiciary. There is also a need for more trained medical service personnel for trauma counselling. Changing the embedded mindset of society regarding women's roles and sexuality is a big challenge. Getting more women to report is another.

Changing male attitudes can be part of a campaign that is necessary to have males more respectful of women and for children to grow up more gender neutral and not gender biased. Our male leaders should take a leading role in changing mindsets of the male, and as one of the speakers said, "starting in parliament, on male parliamentarians should be more gender sensitive in what they say."

In Malaysia, the women NGOs have successfully campaigned amendments to Rape Laws (1988) and in 2006 managed to have an amendment to the law, resulting in the inclusion of aggravated rape with an increase in the maximum sentence to 30 years and expanding the Sexual Harassment Act to include "use of any object in the vagina or anus". The passing of the Domestic Violence Act 1994 helped to see the setting up of One Stop Crisis centres in all state hospitals and service centres and shelters for abused women by women's groups.

The amendment to the Penal Code in 2006 saw to it that husband who cause hurt in order to have sexual intercourse with his wife can be punished up to 5 years.

Complete presentation papers of the 4 speakers are available at our SIROM website: [www.soroptimist.org.my](http://www.soroptimist.org.my).

The chairman, moderating the Forum was the only male participant, Dato' Dr Sharom Ahmat, who as one speaker said is an open minded person. His take on gender equality is that there should be no issues about women having equality, and if there are, they are all **man**-made.

Quote:

*"The first woman was created from the rib of a man. She was not made from his head to top him, nor from his feet to be trampled on by him, but out of his side, to be equal to him."*

**Prepared by: Siew Yong Gnanalingam**  
**SI National Rep, Malaysia**

**10 April 2009**