



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
16 May 2022

Original: English  
English, French and Spanish only

---

**Committee on the Elimination of Discrimination  
against Women**

**Sixth periodic report submitted by Malaysia under  
article 18 of the Convention, due in 2022\*\***

[Date received: 25 April 2022]

---

\* The present document is being issued without formal editing.

\*\* The annexes to the present document may be accessed from the web page of the Committee.



## Glossary

ASEAN	Association of Southeast Asian Nations
BEA	Board Effectiveness Assessment
CBE	Clinical breast examination
CCP	Career Comeback Programme
CO	Concluding Observations
COVID-19	Coronavirus disease
DELIMa	Digital Educational Learning Initiative Malaysia
DOSM	Department of Statistics Malaysia
DSD	Department of Skills Development
DSW	Department of Social Welfare
DWD	Department of Women Development
EPO	Emergency Protection Order
ILKAP	Judicial and Legal Training Institute ( <i>Institut Latihan Kehakiman dan Perundangan</i> )
ILO	International Labour Organization
IPO	Interim Protection Order
JENDELA	National Digital Network ( <i>Jalinan Digital Negara</i> )
JKSM	Syariah Judiciary Department ( <i>Jabatan Kehakiman Syariah Malaysia</i> )
SIM	Social Institute of Malaysia
HPV	human papillomavirus
JAKIM	Department of Islamic Development ( <i>Jabatan Kemajuan Islam Malaysia</i> )
JAKOA	Department of Orang Asli Development ( <i>Jabatan Kemajuan Orang Asli</i> )
LAC	Legal Aid Centres
LAD	Legal Aid Department
LFPR	Labour Force Participation Rate
MAF	Malaysian Armed Forces
MAFI	Ministry Agriculture and Food Industries
MAPO	Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants ( <i>Majlis Antipemerdagangan Orang dan Antipenyeludupan Migran</i> )
MCC	Ministry of Communications and Multimedia Malaysia
MCO	movement control order
MEDAC	Ministry of Entrepreneur Development and Cooperatives

MPs	Members of Parliament
MGGI	Malaysia Gender Gap Index
MOE	Ministry of Education
MOH	Ministry of Health
MOHA	Ministry of Home Affairs
MOHR	Ministry of Human Resources
MRD	Ministry of Rural Development
MMR	maternal mortality ratio
MWFCD	Ministry of Women, Family and Community Development
NAPTIP 3.0	National Action Plan on Anti-Trafficking in Persons (2021–2025)
NAP 2.0	National Agrofood Policy 2021–2030
NCDV	National Committee on Domestic Violence
NDTS	National Dual Training System
NGHTI	National Guidelines on Human Trafficking Indicators
NGOs	Non-governmental Organizations
NPFDB	National Population and Family Development Board
PdPR	home-based teaching and learning
PEKERTI	National Reproductive Health and Social Education Policy and Plan of Action ( <i>Dasar Serta Pelan Tindakan Pendidikan Kesihatan Reproduksi dan Sosial Kebangsaan</i> )
PFAA	Perdana Fellows Alumni Association
PROSTAR	Healthy Programme Without AIDS for Youth ( <i>Program Sihat Tanpa AIDS untuk Remaja</i> )
PWDs	persons with disabilities
QFFD	Qatar Fund for Development
RMP	Royal Malaysian Police
SDGs	Sustainable Development Goals
SMEs	small and medium-sized enterprises
SOCISO	Social Security Organisation
SPED	Rural Economy Financial Scheme ( <i>Skim Pembiayaan Ekonomi Desa</i> )
SRH	Sexual and Reproductive Health
STEM	Science, Technology, Engineering and Mathematics
TalentCorp	Talent Corporation Malaysia Berhad
TIP	trafficking-in-persons

TVET	Technical and Vocational Education and Training
UNESCO	United Nations Educational, Scientific, and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
VDSC	Village Development and Security Committee
YBGK	National Legal Aid Foundation ( <i>Yayasan Bantuan Guaman Kebangsaan</i> )

## Contents

	<i>Page</i>
Part I .....	7
Article 1: Discrimination against women .....	7
Article 2: Measures to eliminate discrimination .....	7
Reservations .....	7
Constitutional and legislative framework .....	7
Parliament .....	7
Article 3: The development and advancement of women .....	8
Access to justice .....	9
Article 4: Acceleration of equality between men and women .....	9
Temporary special measures .....	9
Article 5: Gender stereotyping .....	10
Gender based violence against women .....	11
Criminalise marital rape in domestic legislation .....	13
Article 6: Suppression of trafficking and exploitation of women .....	14
Part II .....	16
Article 7: Political and public life .....	16
Political life .....	16
Public life .....	17
Women, peace and security .....	18
Article 8: International representation and participation .....	18
Article 9: Nationality and citizenship .....	18
Part III .....	19
Article 10: Education .....	19
Article 11: Employment .....	22
Unpaid Care work and social safety net .....	24
Article 12: Equality in access to health care .....	24
Article 13: Social and economic benefits .....	27
Article 14: Rural women .....	28
Part IV .....	30
Article 15: Equality before the law and in civil matters .....	30
Women migrant workers .....	30
Refugee, asylum-seeking and stateless women .....	30
Lesbian, bisexual and transgender women and intersex persons .....	31
Women human rights defender .....	31

Foreign wives.....	31
Article 16:.....	32
Equality in marriage and family law .....	32

## **Part I**

### **Article 1: Discrimination against women**

1. The Federal Constitution was drafted to reflect the spirit of Malaysia's multi-racial, multi-cultural and multi-religious society. It is the supreme law and maintains among others, the principle of gender equality and non-discrimination against women as stated in Article 8(2). Malaysia is working on the Anti-Discrimination Against Women Bill which will include the definition of non-discrimination against women.

### **Article 2: Measures to eliminate discrimination**

#### **Reservations**

2. To date, Malaysia maintains its reservations on Articles 9(2), 16(1)(a), 16(1)(c), 16(1)(f) and 16(1)(g). As stated in paragraph 10 of the CO, reservations on Article 9(2) of CEDAW which grants women equal rights with men in respect to the nationality of their children and Articles 16(1)(a), 16(1)(c), 16(1)(f) and 16(1)(g) on matters relating to marriage and family relations will be further explained under the respective articles of this report. Malaysia assures the Committee of the ongoing efforts undertaken to review and implement the provisions under Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) while upholding the rights of women in line with the Federal Constitution, national legislation, and policies.

#### **Constitutional and legislative framework**

3. The Government's efforts to adopt, domesticate and implement CEDAW's provision is reflected in statutes and amendment of the federal and state laws to eliminate discrimination. The new and amended laws as well as policies from 2017 to 2021 (**Annex A**) are efforts to fulfil the recommendations made in paragraphs 12 (a), (b) and (c) of the CO.

4. In response to paragraph 12 (d) of CO, the Government uses existing mechanisms to address individual complaints of gender discrimination via legislative and public channels including courts, media outlets and civil societies. Malaysia will continue to assess the need to ratify the Optional Protocol in future if deemed necessary.

#### **Parliament**

5. To address the recommendation made in paragraph 8 of the CO, the Parliament of Malaysia formed several select committees as a constitutional check and balance mechanism on the actions of the Government in all spheres including eliminating any forms of discrimination against women. The Parliamentary Select Committees of Malaysia are sub-legislative organizations each consisting Members of Parliament (MPs) from the House of Representatives, or Senators from the Senate, or a mix of both appointed to deal with particular areas or issues. In this regard, there are Special Select Committees formed to discuss on the rights and well-being of women in Malaysia demonstrating that the Malaysian government is committed to improve and uphold the rights of women through legislation and a change in the system. To help accelerate human rights, including the rights of women in Malaysia, the Parliament of Malaysia formed several caucuses and All-Party Parliamentary Groups Malaysia. Details of the committees are in **Annex B**.

**Article 3: The development and advancement of women**

6. To address the recommendations made in paragraphs 16 (a), (b), (c), (d) and (e) of the CO, Malaysia has constantly strived to make incremental improvements in relation to women's advancement and development through its policies or plans that have clear targets, indicators and time frames. Besides legislative and policy reforms, substantive progress was reflected in the national development plans to ensure better representation of women in politics, economy, and social sphere. This also includes initiatives taken towards realising the implementation of the 2030 Agenda for Sustainable Development.

7. Malaysia's focus on enhancing inclusiveness and equitable opportunities for all Malaysians including women, echoed in the Eleventh Plan from 2016 to 2020 and the Twelfth Plan from 2021 to 2025. Both national plans mirrored the multi-dimensional spirit of the Sustainable Development Goals (SDGs) in keeping women at the centre of development efforts while ensuring that no section of society is left behind. The Eleventh and Twelfth Plan reinforced the Government's earlier efforts to create a conducive environment such as improving women's access to quality services and increasing female labour force participation while moving towards substantive campaign on violence against women, celebrate women's achievements and accelerate women's rights for equal education.

8. The digitalisation effort of Malaysian Public Service through Public Sector Digitalisation Strategic Plan (PSPSA) 2021–2025 show commendable commitment towards a digital economy. It empowers social inclusion for all citizens regardless of their economic, social and political status including women whereby they could access basic necessities without discrimination and prejudice. The PSPSA serves all citizens and empowers women, as stipulated in the 5th, 8th, 11th and 16th goals of SDGs.

9. In 2018, the Ministry of Women, Family and Community Development (MWFCDD) joined forces with United Nations Development Programme in the "Strengthening and Enhancing the Inclusiveness of Women Towards an Equitable Society in the Eleventh Plan Project". The project took stock of what had been carried out in the Tenth Plan, addressing the gaps, reviewing the current policy and plan as well as increasing the capacity building in the whole government system. This is also in line with MWFCDD's Strategic Plan 2021–2025 which contains eight main thrusts on plans to empower women and strengthen the family institution, protect and develop children, improve and create a more conducive environment for the elderly, empower persons with disabilities (PWDs), develop and increase the resilience of special groups, boost the country's visibility internationally and improve the efficiency and effectiveness of public service delivery. Malaysia continued to invigorate women empowerment initiatives in its annual national budget (**Annex C**).

10. One of the major achievements by Malaysia between 2017 to 2021 is the publication of the Statistics on Women Empowerment in Selected Domains. It is an annual publication since 2017 which presents the national gender statistics in Malaysia. The Malaysia Gender Gap Index (MGGI) recorded an equality score of 0.714 in 2020 as compared to 0.709 in 2019. Achievement of women has surpassed men in the Educational Attainment sub-index with a score of 1.059. Health and Survival sub-index recorded a score of 0.956, followed by Economic Participation and Opportunity (score 0.738). Political Empowerment recorded the lowest at 0.100 indicating that women were still lagging behind in Ministerial position and Parliament (**Annex D**).

### Access to justice

11. In relation to the recommendation made in paragraph 14 of the CO, Malaysia has three types of legal aid bodies, namely the Legal Aid Department (LAD), National Legal Aid Foundation (YBGK) and Legal Aid Centres (LAC). LAD provides legal aid services to eligible Malaysians in accordance with Act 26. The services provided by the LAD include legal aid in civil, Syariah and criminal litigation matters, mediation for Syariah and civil cases and legal companion service. The day-to-day administration is governed by the Legal Aid (Mediation) Regulations 2006, Legal Aid Regulations 2017, Legal Aid (Fees and Contributions) Regulations 2017 and Legal Aid (Criteria and Means Test) Regulations 2017. YBGK provides free legal assistance in criminal cases to all Malaysians, irrespective of their financial means, at the police station, at remand hearings, and when they are charged in court.

12. LAC, privately funded by members of the Bar Council, provides legal aid in the areas of family law, employment law and criminal cases. The Bar Council Legal Aid scheme is established by the Bar Council under paragraphs 42(1)(g) and (h) of the Legal Profession Act 1976 [*Act 166*], to protect and assist the public regardless of nationality in all matters touching ancillary or incidental to the law and make provision for the promotion of a scheme whereby impecunious persons may be represented by advocates and solicitors. The LAC was set up throughout Malaysia to make sure that the scheme is known and accessible. Various activities were organised to promote legal awareness among the public, as well as legal aid programmes with various Non-governmental Organizations (NGOs), such as Women's Aid Organisation, All Women's Action Society, United Nations High Commissioner for Refugees (UNHCR) and Tenaganita. In response to paragraph 14(a) of the CO, the procedure for gaining access to legal aid is provided in **Annex E**. Meanwhile, the recommendation in paragraph 14(b) of the CO is addressed in Article 15 of this report.

13. In strengthening the gender responsiveness and the gender sensitivity of the justice system as recommended in paragraph 14(c) of the CO, the Government has introduced training programmes namely Judicial Programmes, Legislative Programmes, Advisory Programmes and Litigation Programmes, as well as Career Development and Administrative Programmes under the Judicial and Legal Training Institute (ILKAP). The details on the courses and number of judges, prosecutors and lawyers by sex in 2021 are provided in **Annex F and G**. The number of clients for legal aid and the number of clients and scope of coverage of LAD and YBGK in response to the recommendation made in paragraph 14 (d) of the CO is provided in the **Annex H**.

## Article 4: Acceleration of equality between men and women

### Temporary special measures

14. In response to the recommendations made in paragraphs 18 (a) and (b) of the CO, the Government introduced several initiatives and incentives to accelerate the realisation of substantive equality between women and men by emphasising on specific guidelines and mechanisms for their implementation, monitoring, and evaluation. The measures aim to promote work-life balance for women in the form of better access to childcare services and flexible work arrangements while ensuring equal representation of women, where the same opportunities available to men are made available to women.

15. The Government has initiated the Recruitment Incentive Programme (PenjanaKerjaya) under the Social Security Organisation (SOCSO) which is aimed at encouraging employers to recruit, train and foster pro-employment growth and job

creation strategy. Through this initiative, a total of RM1.22 billion has been channelled to 37,326 employers from June 2020 to 31 December 2021 to retain 271,570 local employees.

16. Employers were given a hiring incentive of 60 per cent (20 per cent higher than the regular hiring incentive) of monthly income per month for 6 months, to encourage job opportunities for single mothers, PWDs, individuals who are unemployed on a long-term basis, and retrenched workers. The initiative has resulted in 128,779 individuals securing jobs in 2020. Following the continuation of this initiative in 2021, the figure has increased to 270,292 individuals. In order to encourage women to return to the workforce who have been on a career break for at least two years, their earnings on maximum of 12 months' consecutive salary received was given personal income tax exemption between the year of assessment from the year 2018 to 2020.

17. Since 2015, the Career Comeback Programme (CCP) under Talent Corporation Malaysia Berhad (TalentCorp) has been a staple initiative to facilitate women on career breaks to return to the workforce. However, in 2021, more diverse initiatives emerging from three strategic thrusts which are advocacy, facilitation and development, were put in place to support a broader spectrum of women talent. Understanding that a supportive work ecosystem is equally significant to support women in the workforce, TalentCorp is vigorously advocating, engaging and facilitating industries especially small and medium-sized enterprises (SMEs) to enhance work-life practices through many forms of flexible work arrangements. Additionally, the Government has mandated TalentCorp through budget announcements in 2018 and 2021, to implement tax incentive in the form of an income tax exemption for women returning from a career break. This is another important inducement for professional women to re-join labour market and continuously contribute their potential towards the nation's development.

18. The Government's intervention to enhance women's capacity and increase their share as decision-makers was reflected through the policy on 30 per cent appointment of top management positions among women. As of December 2021, women holding decision-making positions of Premier Grade C and above in government agencies stands at 38.2 per cent. However, women representation in the top 100 public limited companies' board of directors currently stands at 25.8 per cent. The implementation of this policy is monitored using the assessment of gender gap through the MGGI to continuously improve the conditions of career advancement opportunities for women. The requirement for a minimum 30 per cent is a guiding principle towards equal representation for women, as the quotas can be flexible and revised to ensure that gender equality is sustained.

## **Article 5: Gender stereotyping**

19. In response to paragraph 20 (a) of the CO, Malaysia continues to adopt comprehensive strategies and measures to eliminate discriminatory stereotypes concerning the roles and responsibilities of women and men in the society. The commitment to support women by building a society of equal opportunities is reflected in its on-going legislation reforms, policies and plans, as described under the respective Articles of the Convention. While gender stereotypes affect both women and men, they often bring more harm to women especially in male-dominated sectors. Act 265 was amended in 2021 to propose that employees may apply in writing to employers for a flexible working arrangement according to hours, days or place of work. This is to promote shared responsibility within the household and the family which encourages employers to adopt flexible work arrangements for both parents, not only mothers as recommended in paragraph 20 (b) of the CO.

20. In relation to the recommendation in paragraphs 20 (c) of the CO, the Government reiterates its obligation to strengthen the understanding of the substantive equality of women and men through the Malaysian Communications and Multimedia Content Code (the Code) in compliance with the Communications and Multimedia Act 1998 [Act 588]. The Code articulates the need to break biased portrayal where women and men shall be portrayed with fair and equitable demographic diversity taking into account the civil status, race, ethno-cultural origin, physical appearance, background, religion, occupation, socioeconomic condition and leisure activities, while actively pursuing a wide range of interests.

21. The Malaysian government has placed Science, Technology, Engineering and Mathematics (STEM) education as a focus to combat stereotypes and eradicate the gender gap. To narrow down the gender gap and increase take-up of STEM at the grassroots level in Malaysia, the Ministry of Education (MOE) through National STEM Centre partnered with Arus Academy (social enterprise) and Mastercard in the integration of Agents of Tech, a Girls4Tech™ STEM education programme, within the Digital Educational Learning Initiative Malaysia (DELIMa) portal. According to a report by United Nations Educational, Scientific, and Cultural Organisation (UNESCO) in 2017 and the recent Women and Skills Report 2021, Malaysia stands out for being one of the few countries where women have reached parity in terms of representation among research scientists and engineers. STEM course enrolments among women learners in Malaysia increased from 29 per cent in 2019 to a significant 36 per cent in 2021. Programmes like Million Women Mentors exist to help guide young women into degree programmes in STEM and also provide resources to help them along the way, both academically and professionally, as they enter the male-dominated workforce.

22. Malaysia acknowledged the contribution of women in the STEM field by appointing outstanding women in the major science, technology and innovation related bodies/ agencies in decision making positions (**Annex I**).

23. The issue on Female Genital Mutilation mentioned in paragraph 22 in CO was expansively clarified in the previous follow-up report ([CEDAW/C/MYS/FCO/3-5](#)). Malaysia reiterates that the practice of female circumcision also known as *khitan* does not cause any maternal or perinatal morbidity or mortality. The Government has actively conducted various researches and engagements on female circumcision among government agencies, religious authorities, civil society organisations, medical experts and professionals as well as academicians. To demonstrate the Government's commitment in addressing the matter, series of roundtable discussions are continuously conducted with the Department of Islamic Development (JAKIM) and the relevant stakeholders, in line with the Federal Constitution, to bridge the gap and understanding on this matter.

#### **Gender based violence against women**

24. In line with the recommendations made in paragraph 24 of the CO, Malaysia continued to establish legislation, improve its policies and implement various initiatives to protect the rights of women and girls, and to ensure their safety and security. Department of Social Welfare (DSW) is one of the agencies responsible for handling cases of domestic violence under the provisions of Act 521. Under Act 521, family members especially spouses, former spouse, a child, an incapacitated adult or any other member in the family are protected from all forms of violence that stated under section 2 Act 521. DSW collects data on domestic violence based on age and gender (**Annex J**). In addition, the Guidelines for Handling Domestic Violence Cases was also published in 2015 for better coordination on handling domestic violence cases among relevant government agencies.

25. In November 2019, the National Committee on Domestic Violence (NCDV) was established as a multi-stakeholder platform to address issues with an effective approach related to domestic violence in Malaysia. The committee is led by MWFC and comprises of various government agencies. To ensure the issue is dealt with swiftly and effectively, several initiatives have been undertaken through NCDV such as intensifying advocacy, campaigns, awareness and promotional activities on domestic violence to government agencies and public as well as promoting the available support services including psychological support to meet the needs of the public. NCDV also facilitates the process of issuing Emergency Protection Order (EPO) by DSW to immediately rescue victims and also prevent the perpetrators from committing domestic violence against victims. Counselling services are provided to those in need of psychological support either face-to-face or online especially through *Talian Kasih* 15999 hotline under MWFC.

26. NGOs have identified the lack of data on domestic violence as a key barrier to evidence-based policymaking. Therefore, NCDV recommended to Ministry of Health (MOH) to include domestic violence data in the National Health and Morbidity Survey. The series of nationally representative survey done periodically covers various themes on health information within the Malaysian communities. MOH is conducting the survey in 2022 and the report will be published in 2023.

27. In October 2021, three working committees were established under the Domestic Violence Committee namely the Advocacy and Capacity Building Working Committee, Protection Working Committee and Data Working Committee to further strengthen the coordination on efforts to combat gender-based violence against women and ensure the services provided are more targeted and accessible to public. The Data Working Committee is responsible to collect, coordinate and circulate integrated national data on domestic violence to ensure a holistic and accurate national reporting on this issue. This effort corresponds to paragraph 24 (a) of the CO.

28. In combating violence against women, a squad for women against crime or SKUAD WAJA was established in 2021. Among the objectives of the programme is to make women as agents of change against these crimes in the community. The aim is to empower the community through psychosocial support and guidance in related issues and to help build a society that can work together towards ensuring increased harmony. To become a squad member, one needs to be 18 years old and above, as well as has interest in volunteering work. As of 31 December 2021, a total of 120,693 squad members have been trained and 408 guided cases have been handled involving 6,668 individuals through psychosocial interventions.

29. MWFC in collaboration with the Federal Territories Islamic Religious Department have established transit centres for domestic violence victims at dedicated mosques. These mosques function as an immediate shelter for victims whereby they will have access to psychosocial support. This project is still at pilot phase at two mosques in Kuala Lumpur that serve as shelters, while 12 other mosques serve as walk-in complaint centres where counselling services are also provided.

30. During the Coronavirus disease (COVID-19) pandemic, MWFC intensified and ensured procedures in handling domestic violence cases are subjected to requirements under the movement control order (MCO) and National Recovery Plan. Attention was given to ensure the application for EPO issued by DSW and Interim Protection Order (IPO) and Protection Order (PO) issued by the court are accessible to victims besides facilitating the movement of victims to make report of the incident during roadblocks with collaboration of Royal Malaysian Police (RMP). Continuous operation of safe place, optimising shelter homes under the Department of Women Development (DWD) in Kota Bharu, Kelantan and Kota Kinabalu, Sabah, collaboration with states and ensuring 24-hour One Stop Crisis Centre (OSCC)

treatment for victims at government hospitals (emergency departments) further help to accommodate the needs of the victims. In addition, the One Stop Social Support Centre was set up as reference centre under National Welfare Foundation for target groups such as women, children, families, senior citizens and PWDs to obtain holistic social services in one place and emphasize on the whole of society and whole of government approach during the COVID-19 pandemic.

31. MOH continues to provide OSCC services and aid to survivors of rape, domestic violence, and child abuse, including medical assessment and treatment, specimen collection, statement, and counselling. In 2019, a total of 10,880 cases of OSCC involving physical, sexual, and psychological abuse were reported. There was an 11 per cent decrease in OSCC cases with a total of 9,652 in 2020, compared to 2019. In 2021, there were a total of 8,902 cases of violence reported to OSCC. The reduction of cases could be the result of social isolation with the perpetrator, the MCO, or a fear of contracting COVID-19 during hospital visits. Statistics on reported cases attending OSCC services by age group, types of abuse and by gender from the year 2019 until 2021 (**Annex K**). Infographics and a video advocating for OSCC services during pandemic COVID-19 have also been distributed to the public via an online platform, primarily at COVID-19 Assessment Centres and Vaccination Centres.

32. Sexual, Women and Child Investigations Division (D11) under RMP is responsible to investigate all cases involving criminal violence against women and children and assist the complainant in applying for IPO and PO from the court through DSW. D11 collects data, analyses and administer the data into statistical form based on the number of police reports received, total number of arrests and cases investigated through Police Reporting System. D11 is directly involved in crime prevention campaigns against women and children with many authorities such as government, non-profit organisations and other related agencies. The main objective of D11 is to provide awareness on the risk of violence and discrimination against women and children, including men and boys. Apart from that, D11 also constantly enhances competency and expertise in information technology through capacity building, education and training for members of the judiciary, lawyers and law enforcement in collaboration with other agencies such as the Homeland Security Investigation and NGOs. D11 also collaborated with ILKAP in organising courses related to women's and children's right namely in Seminar on Domestic Violence, Course on the Law Relating to Sexual Crimes and Course on Child Abuse and Neglect in Malaysia.

33. Social Institute of Malaysia (SIM) is a training centre for social development. One of the trainings offered is Gender Sensitisation Course. This course introduces the concept of gender and its importance in human and nation development. It also discusses gender issues raised within the society and how to empower both male and female on gender sensitisation concept within job scope. Additionally, SIM has started to conduct a programme namely Training of Trainers on Anti-Sexual Harassment in support of the Anti-Sexual Harassment bill. Apart from these, ILKAP also conducted courses related to gender sensitisation and women empowerment to promote gender equality among law practitioners as mention in paragraph 13 in this report (**Annex F**). These efforts correspond to recommendations in paragraph 24(f) of the CO.

#### **Criminalise marital rape in domestic legislation**

34. In response to the recommendations in paragraph 24 (b), (c) and (d) of the CO, Act 574 and Act 521 sufficiently provide for the relevant offences and the punishments. Act 574 provides protection for women under section 326A which penalizes anyone who causes hurt to his spouse during a marriage by imposing. Meanwhile, section 352A provides that anyone who assaults or exerts criminal force

on his spouse during a marriage can be sentenced to six months of imprisonment, fined up to RM2,000, or both. Although the term “marital rape” is not specifically used, section 375A provides that any man who during the subsistence of a valid marriage causes hurt to his wife in order to have sexual intercourse can be imprisoned to a term which may extend to five years (see paragraph 9(1)(c)). Act 521 protects victims under registered marriages including *de facto* marriages. Intimate partner violence is dealt under sections 323, 324, 325, 326 of Act 574 and other related provisions on violence. On the other hand, section 376B and section 377CA provide punishments for incest and introduction of any object or any part of the body, except the penis into the vagina or anus of the other person without the other person’s consent.

35. To address the recommendation in paragraph 24 (e), section 289 of Act 593 specifies three categories of persons cannot be sentenced to whipping, includes women, men above the age of 50 except those convicted of rape and unnatural sexual offences, and men sentenced to death. Under Syariah law, whipping (up to six strokes), is allowed in some states, as provided under Syariah Courts (Criminal Jurisdiction) Act 1965 [Act 355]. The practice of whipping in Syariah law is different from the civil law practice and described in detail in **Annex L**. It is to be observed that Syariah whipping is just and effective as it sets out to punish and reform the convict while deterring the public from committing the crime. Statistically, from 2017 to 2021, only three women were sentenced.

## **Article 6: Trafficking and exploitation of prostitution**

36. To address the recommendations in paragraph 26 (a), (b), (c) and (d) of the CO, the Government of Malaysia, through the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO), Ministry of Home Affairs (MOHA) remains committed in its effort to eradicate crimes related to trafficking-in-persons (TIP). There are five current committees under the MAPO setup, namely the Legislative Committee, Enforcement Committee, Victim Care and Protection Committee, Media and Publicity Committee and the Special Committee to Monitor on the Issue of Labour Trafficking. All five committees work closely with various NGOs, Civil Society Organisations (CSOs), International Organisations (IOs) and foreign diplomatic missions in ensuring effective and successful implementation of policies, programmes, and activities planned to combat TIP in Malaysia.

37. Act 670 is Malaysia’s primary legislation against TIP crimes and an obligation as a state party of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Act 670 has been amended thrice respectively in 2010, 2015 and 2022. The main purpose of the latest amendments in 2022 is focused on several substantive improvements, particularly on the definition of “trafficking in persons”, the removal of the definition of “coercion” as the only critical element in determining TIP cases and also to propose heavier sentences to the perpetrators, as well as public officials in the performance of his public duties who are found guilty of complicity with the traffickers.

38. The amendment also provides the extension of the PO for foreign victims to record their deposition under section 61A of Act 670, the court order for further protection for the purpose of repatriation process and to place the victim in a shelter for such further period as the court deems appropriate. The constant review of Act 670 reflects Malaysia’s commitments to strengthen its legislation in addressing the issue of human trafficking and expand the responsibilities of the MWFC as the Chair of Care and Protection Committee. It is another milestone to reinforce MWFC’s role

in line with the Government's aspiration in the management of Protection Officers and shelters for victims of human trafficking.

39. The Standard Operating Procedures (SOP) for Enforcement Agencies (SOP Enforcement) and National Guidelines on Human Trafficking Indicators (NGHTI) was launched in year 2020/2021. It is an established formal procedure that is applied, contextualised and commonly adopted across the enforcement agencies such as RMP. The NGHTI document serves as a standard guide, particularly to the enforcement officers in the process of identifying trafficking victims in Malaysia particularly in fulfilling Malaysia's obligation as per Article 14 of the ACTIP. Moreover, the SOP Enforcement which was developed in 2013 has been reviewed, endorsed, and circulated to all enforcement agencies. The SOP has also included the indicators based on the NGHTI.

40. In the National Action Plan on Anti-Trafficking in Persons 2021–2025 (NAPTIP 3.0), the Government's commitment on gender related matters is highlighted in one of the NAPTIP 3.0 guiding principles which is human rights-based and gender responsive approach. There are various activities or programmes for relevant enforcement agencies planned in order to support this vision as a reflection of the Government's commitment and continuation of previous plans in efforts to combat TIP until 2025.

41. As provided under section 51A of Act 670, the Government through MAPO has streamlined the approval process for the permission of TIP victims to move freely and work by requiring that the Risk Assessments for approval be completed by the 14th day of the IPO period and submitted to MAPO. Any rejection of the permission to move freely by the respective Investigating Officer can be reviewed by MAPO.

42. MWFCDD with support from DWD and DSW is responsible for the care and protection of trafficked victims. To date, there are eight Government shelter homes (one shelter for men, five shelters for women and two shelters for children). MWFCDD is also planning to have two additional shelters in Kedah and Sarawak. A wide range of services are available for trafficked victims such as shelter, food, psycho-social support, income generation programme, language and vocational training, phone call services and clothes. A pilot Technical and Vocational Education and Training (TVET) project for victims of trafficking which covers eight programme areas is being carried out at these shelters. Trafficked victims are allowed to take the course at the shelters or join the programme at the nearest training institute. They will also be awarded certificates upon completion of the programme. This will allow the victims to generate income while in Malaysia and when they return to their home countries. Apart from that, DSW also provide care and rehabilitation to children with moral issues by fostering good attitudes and values that are appropriate to the norms of society at Taman Seri Puteri, an institution established for the care and rehabilitation of children designated under the Child Act 2011 [Act 611]. This institution provides services including protection and rehabilitation, guidance and counselling, formal and informal education including skills and vocational training as well as religious and moral education.

43. Malaysia's obligations and responsibilities at the regional and international levels are reflected through the active participation within Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights (AICHR), ASEAN Commission on the Rights of Women and Children, Senior Officials Meeting on Transnational Crime while implementing the ASEAN Plan of Action Against Trafficking in Persons Especially Women and Children in line with the recommendation made in paragraph 26 (e) of the CO. The Government also took the initiative to respond to the United States Trafficking in Persons Report annually to state the nation's comprehensive initiatives in combating human trafficking under the

3Ps strategy: (1) protect victims by providing benefits and services; (2) investigate and prosecute human trafficking crimes; and (3) prevent further trafficking-related crimes.

44. Prostitution in Malaysia is prohibited in all states and related activities such as soliciting and brothels are illegal. Regarding the recommendation made in paragraph 28 (a) of CO on prostitution, all data on trafficking in person victims (including women and girls in prostitution) are sent to MAPO monthly for analysis and recommendation. Regarding the recommendations in paragraph 28 (b) and (c) of the CO, JAKIM through the Islamic Social Action Plan has developed initiatives to address the growing social issues among the community including prostitution. Statistics on the number of arrests for prostitution by RMP is in **Annex M**.

45. In line with efforts to address and combat potential forced labour practices in Malaysia, the Government took a major step by launching a first ever National Action Plan on Forced Labour (NAPFL) 2021–2025. Developed by the Ministry of Human Resources (MOHR) with the support of the International Labour Organization (ILO), NAPFL focuses on awareness, enforcement, labour migration as well as access to remedy and support services with the aim to prevent and eliminate potential forced labour practices in Malaysia by 2030. Launched on 26 November 2021, NAPFL is an important tool which also sets out to protect the victims with improved access to remedy, support and protective services. Additionally, it encourages human rights-centred practices and awareness on this issue among workers, employers and the general public.

## **Part II**

### **Article 7: Participation in political and public life**

#### **Political life**

46. Malaysia is committed to guarantee and accelerate the equal participation of women at all levels as recommended in paragraph 30(a) and (b) of the CO. Based on the MGGI released by the Department of Statistics Malaysia (DOSM) in 2020, the gender gap is quite significant between men and women in political participation with a score of only 0.108 as compared to a full score of 1.0. Regardless, there is an increase of female representation in Parliament from 14.4 per cent in 2019 to 15 per cent in 2021. There are 33 female MPs, out of 220 seats representing only around 14 per cent of the entire House of Representatives (**Annex N**) meanwhile in the Senate, there are eight women representatives out of 53 members (**Annex O**).

47. In 2019, Malaysia appointed the first female member of Parliament to hold the portfolio of Chairman for Public Accounts Committee. Subsequently, in 2020, Malaysia appointed the first female member of Parliament to hold the portfolio of Deputy Speaker of the House of Representatives. In addition, the first female civil servant was appointed as the Chief Administrator of the Parliament of Malaysia in 2021. The Government firmly believes that PWDs including women are entitled to the same rights as others in decision-making positions in the political and public spheres. The relevant provision has been stated in the Strategy 5.15, National Policy for Persons with Disabilities and the Strategic Thrust 6, Strategy 1, Objective 1 (a), Plan of Action for Persons with Disabilities 2016–2022. Since 2017, as a commitment to these policies and Persons with Disabilities Act 2008 [*Act 685*], as well as commitment to the Convention to the Right of Persons with Disabilities, the Government has appointed two women with disabilities to represent the disabled community in the Senate.

48. In 2018, Malaysian women made progress in ministerial position with the appointment of the first women Deputy Prime Minister of Malaysia. As of December 2021, Ministries led by women are the Ministry of Tourism, Arts and Culture, Ministry of Higher Education (MOHE), MWFC, Ministry of Plantation Industries and Commodities and Ministry of National Unity.

49. In July 2019, the Parliament of Malaysia passed the amendments to Federal Constitution to lower the eligible age of voting from 21 to 18 years old. The amendment also provides for automatic registration of voters aged 18 and lower the qualifying age to be a member of the House of Representatives and state assemblyman from 21 to 18. The amendments show the significant contribution among youths in Malaysian political scenario. In addition, the Universities and University Colleges Act 1971 [Act 30] was amended in 2018 to allow students to involve in politics. This gives young women the opportunity, space, and voice to design the country's democracy through elections.

50. The Perdana Fellowship is a prestigious programme established by the Ministry of Youth and Sports to provide young Malaysians a first-hand experience in matters of national governance. Since 2013, Perdana Fellows are placed under the purview of Ministers at various Ministries to assist in the highest form of governance. Young women are exposed to the elements of leadership and politics when they become interns at government agencies, corporations, and work with politicians. It is also a platform for young women to understand and experience politics. Upon completion of the fellowship, fellows become a member of the Perdana Fellows Alumni Association (PFAA), which continues the culture of fostering a close network between youth leaders and government, corporate and NGO leaders. Its mission is to develop the next generation of Malaysian leaders across various sectors. The Prime Minister of Malaysia is the patron for PFAA. To date, in the ninth year of its implementation, the programme has gathered participation of more than 600 youths.

### **Public life**

51. Women holding decision-making positions of Premier Grade C and above in public agencies increased from 38.2 per cent in 2020 to 38.8 per cent in 2021. In line with the policy of one per cent of PWDs in public service, from 552 PWDs in public sector, 25 per cent or 113 PWDs are women with disabilities. In 2021, the first female aboriginal woman has been appointed as Director General of the Department of Orang Asli Development (JAKOA). MHLG proposed for local government to have a minimum of 30 per cent councillors' posts to be filled by women in its continuous efforts to enhance the representation of women. As of December 2020, 441 out of 2,828 (15.6 per cent) of Local Government Councillors in Malaysia are women. Back in 2019, Malaysia has also appointed the first female Anti-Corruption Chief Commissioner and the first female Chief Justice.

52. In 2020, the first woman with disabilities was appointed as the Chairman of the Malaysian National News Agency. This indicates that Malaysia is committed in protecting and promoting the rights of women with disabilities. The decision of the Cabinet Meeting dated 9th June 2021, agreed that the Communication Branch for Empowerment of Persons with Disabilities was established under the Ministry of Communications and Multimedia Malaysia (MCC) (the branch is now under the supervision of the Communication Services and Community Development Division, Department of Information, Malaysia). The objective of the establishment of the branch is to deliver and adopt government policies to the PWDs community through the medium of strategic communication in the formation of an inclusive society. The Head of the Communication Branch for Empowerment of Persons with Disabilities who is also a female PWDs was appointed on 12 July 2021 with three PWDs employees and two Sign Language Interpreters.

53. In the private sector, women's representation in the top 100 public listed companies' board of directors remain at 25.8 percent in 2021. Progress is monitored using the MGGI to continuously improve career advancement opportunities for women.

#### **Women, peace and security**

54. To address the recommendation in paragraph 32 of the CO, Malaysia has signed the Arms Trade Treaty (ATT) on 26 September 2013 and has yet to become a State Party to ATT. Malaysia is currently considering to ratify ATT. However, there is a need to review the existing legislations in Malaysia to ensure that the mechanism complies with ATT's requirements. In this regard, Malaysia is working with ATT States Parties and international bodies to strengthen existing mechanism as well as exploring other initiatives in fulfilling obligations under the Treaty.

### **Article 8: International representation and participation**

55. The number of women officers in the Malaysian foreign service has increased significantly over the years. As of December 2020, there are 49.75 per cent (711 out of 1,429) of women officers in the Malaysian foreign service as compared to 47.17 per cent (660 out of 1,399) in 2016. In 2021, 31.25 per cent (20 out of 64) of women officers in the Malaysian foreign service held positions at decision-making levels. The participation of Malaysian women in international organizations such as the UN generally falls into three categories or levels which are the professional, management, and support staff. Malaysian women are currently attached to various international organizations including UN bodies and International NGOs. Four out of nine (9) officers representing Ministry of International Trade and Industry overseas are women officers. Currently, the Malaysia Tourism Promotion Board has 35 officers at overseas offices and 12 (34 per cent) are women officers which comprise 5 Directors and 7 Deputy Directors. The role of Malaysia in ASEAN and APEC as well as in peace and security is summarised in **Annex P** and the list of Malaysian women honoured with International Awards is as per **Annex Q**.

### **Article 9: Nationality and citizenship**

56. To address the recommendation in paragraph 34 of the CO, laws on citizenship in Malaysia are based on provisions under Part III of the Federal Constitution, Citizenship Rules 1964 [LN82 / 1964] as well as other relevant legislation in force regarding marriage registration, child legitimacy and immigration rules where it is subjected to the application from individuals. Both women and men are given avenues under the Federal Constitution to confer Malaysian citizenship for their children. On 9 September 2021, the Kuala Lumpur High Court in the case of **Suriani Kempe & Ors v. Kerajaan Malaysia & Ors [WA-24NCVC-2356-12/2020]** held that the word "father" in paragraphs 1(b) and 1(c) of Part II of Second Schedule of the Federal Constitution shall be interpreted harmoniously to include "mother". However, the appeal against the High Court's decision is still pending at the Malaysian Court of Appeal. It is pertinent to note that the Government is taking continuous efforts to address the issue on citizenship. In this regard, the Government will establish a Special Committee to study, among others, proposed amendments to the Federal Constitution pertaining to citizenship issues. This Committee is co-chaired by the Minister in the Prime Minister's Department (Parliament and Law) and the Minister of the Home Affairs and consists of representatives from various relevant government agencies and experts.

57. As of now, Malaysia is not a state party to 1954 Convention Relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

### **Part III**

#### **Article 10: Education**

58. MOE and MOHE are committed to ensure all programmes and activities are gender responsive to eliminate traditional stereotypes and structural barriers that hinder the participation of girls through policies to empower women in addressing gender inequality. The Global Gender Gap Index score for educational attainment in Malaysia in 2021 was 0.99 while the MGGI 2020 reported the achievement of women has surpassed men in the educational attainment sub-index with a score of 1.059. During the same period, the enrolment transition rate for lower secondary to upper secondary level increased by 1.4 percentage points to 97.9 per cent. Meanwhile, the transition rate of enrolment from upper secondary to post-secondary decreased significantly at 14.4 percentage points. The decrease was due to student enrolment for the June 2020 session being postponed due to the COVID-19 pandemic situation.

59. In response to the recommendation in paragraph 36 (a) of the CO, the increase in the number of girls choosing non-traditional fields of study and career paths such as science, engineering and mathematics was reflected in the Form Five girls' participation in pure science stream for the past five years (**Annex R**). MOE is committed to ensure all programmes and activities are designed in gender responsive ways to assure equal participation of girls in the mentioned fields. Accordingly, the Government has implemented the 60:40 Science/Technical: Arts (60:40 Policy) in education since 1970. The policy refers to MOE's target for the ratio of students including girls with significant STEM education to those with a greater focus on the Arts.

60. The Malaysian Qualifications Agency and the Department of Skills Development (DSD) harmonised the accreditation systems to improve the learning pathways for TVET graduates. The Code of Practice for TVET Programme Accreditation was published in 2019 as the national reference for TVET programme accreditation. The quality and delivery of TVET programmes were enhanced by mainstreaming the National Dual Training System (NDTS) and Special NDTS. These systems offered industry-oriented training programmes to school leavers with a total of 5,808 trainees completed their training in 2020 and out of these, 3,149 trainees were female. TVET programmes were rebranded to focus on improving the quality of instructors and recognising TVET professionalism. The eProfiling System was established to collect information on skills and competencies of TVET instructors. As of 2020, a total of 29,780 instructors were registered across 675 public training institutions and 47 per cent (13,997) are women. In addition, the Malaysia Board of Technologists was established in 2016 to recognise technicians and technologists as professionals with a total of 29,443 registered members, whereby 25 per cent (7,427) are women.

61. During the COVID-19 pandemic, MOE ensured that teaching and learning could go on despite the disruptions caused by school closures, and that there was no loss of learning among at-risk and vulnerable groups, including those living in remote areas and students with special educational needs. The Government provided support through home-based teaching and learning (PdPR) such as the release of the Teaching and Learning at Home Manual, the launch of the DELIMa platform and the introduction of educational television programmes culminating in a terrestrial Education TV channel known as DidikTV MOE. The PdPR manual specified three

main modes of remote learning – online, offline and via the DELIMa platform, which already started in 2019. Teachers and students were able to access various resources such as videos, quizzes and games. The modules or materials were also delivered to the students *via* drive-throughs where parents could pick up the materials from schools or at designated areas closer to home. Some teachers joined district health officers on the ground to deliver materials to the indigenous communities and those living in remote areas. In some communities, off-site learning such as in religious centres and community centres were set-up. As a measure to be ready for the reopening of schools, the Government assisted the community and local authorities in making sanitisation preparations and classroom arrangements. MOE carried out the Malaysian Certificate of Education, the Malaysian Higher School Certificate and the Malaysian Higher Religious Certificate examinations while ensuring the students' safety, health, and appropriate preparation to sitting for the examinations.

62. Malaysia's higher education system, among others, aims to develop holistic and balanced graduates in line with the National Education Philosophy. The graduates would have relevant and appropriate disciplinary knowledge and skills, ethics and morality, along with the right behaviours, mind-sets, cultural and civilizational literacy. This will allow Malaysian graduates to advance to high level of personal well-being and enable them to contribute to the harmony and betterment of the society. This also can help the students to enhance positive and non-stereotypical portrayals of women. At the public universities, all academics programmes are offered equally to all groups without any discrimination. Meanwhile, the Department of Polytechnic and Community College Education, MOHE encourages women to enrol into engineering and technology-based programme. From 2018 until 2020, total number of women enrolls in engineering and technology programme at Polytechnic and Community College is about 63,803. Data of women enrolling in engineering or technology programmes in Polytechnic and Community College (**Annex S**).

63. A national policy known as the Accreditation of Prior Experiential Learning encourages working adults to gain admission into universities by leveraging their prior learning experiences. They can also use their experiences to earn credits to shorten their study duration.

64. To address the recommendations in paragraph 36 (b) of the CO, the Higher Education Leadership Academy provides a platform for leadership courses in identifying talent among women officers who have the potential to hold top management positions in MOHE and Malaysian Public Universities. Other initiatives include the University Transformation Programme Green Book: Enhancing University Board Governance and Effectiveness especially on the Board Effectiveness Assessment (BEA) programme. The main objective of BEA's implementation is to strengthen the Board of Directors of Universities' function and governance based on best practices. One of the elements evaluated is the composition of the University Board of Directors. These efforts can eliminate barriers and challenges related to discrimination as well as stereotype that prevent women from attaining top leadership position *via* clear guidelines on fostering a strong culture that focuses on performance management based on skills, expertise and attributes required by the university irrespective of gender or class or ethnic composition.

65. The global pandemic and subsequent series of MCOs imposed by the Government have severely impacted the tertiary education sector comprising both public and private universities in Malaysia. Private colleges and universities in Malaysia face increased financial pressures as enrolments of students have either been cancelled outright or deferred. The higher education community has improved its mastery of utilising digital technology, which is the emphasis of the Fourth Industrial Revolution that stimulated the development of e-learning modes, such as Massive

Open Online Courses which can be taken by any interested persons at their convenience.

66. To improve the quality of internet access to facilitate effective implementation of online teaching and learning activities, and the implementation of a reskilling and upskilling career advancement programme, *Pelan Jana Semula Ekonomi Negara*-Career Advancement Programme was launched. Additionally, MCC launched the National Digital Network (JENDELA) to improve connectivity and quality of communication services, especially in driving the post-COVID-19 digital economy across all the states in Malaysia. JENDELA aims to provide all Malaysians with quality access to digital connectivity nationwide. Under JENDELA Phase 1, the targets that have been set to increase 4G coverage at populated areas from 91.8 per cent to 96.9 per cent and the average speed of mobile broadband from 25Mbps to 35Mbps as well as to provide fibre optic access to 7.5 million premises. The Government also will gradually stop the 3G networks by the end of 2021 while planning for implementation of 5G for commercialisation. Meanwhile, the satellite connectivity will be improved for mobile coverage in remote areas.

67. When the Government decided on the reopening of campuses, MOHE offered free Reverse Transcription Polymerase Chain Reaction swab tests at government clinics for students entering Sabah, Sarawak and Labuan. MOH also has granted said exemptions under the Prevention and Control of Infectious Diseases [Fee for Coronavirus Disease 2019 (COVID-19) Detection Test] Regulations 2020 [P.U. (A) 190 / 2020]. Besides that, there are 20 per cent fee reduction worth RM175mil to benefit 555,340 public Higher Education Institution students for Semester One of the 2021/2022 academic session under the initiatives of KPT PRIHATIN and *Keluarga Malaysia* (Malaysia Family). Mental health-related programmes and counselling services such as tele-counselling and personal mental health management were also provided. MOHE worked closely with MOH to ensure the COVID-19 Immunisation Taskforce speed up vaccine rates through the VACC2Campus Programme for the campus fraternity before the reopening of campuses. As an alternative, lessons were conducted via a hybrid mode, and for courses or programmes conducted online, students can choose to learn online in their respective localities. Activities involving laboratories, workshops, studios and research (on campus) can be carried out in groups, guided by the established SOPs.

68. For recommendation in paragraph 36 (c) of the CO, Sexual and Reproductive Health (SRH) education in schools is provided through the Reproductive Health and Social Education as one of the main components of the Health Education Curriculum introduced from preschool to secondary school. Reproductive Health and Social Education comprises elements of personal and reproductive health to equip school children with knowledge, skills and values so that they can make informed and responsible decisions on matters related to social and sexual relationships. In addition, the National Population and Family Development Board (NPFDB) introduced the National Reproductive Health and Social Education Policy and Plan of Action (PEKERTI) to raise awareness about the importance of SRH education and to develop expertise in reproductive health and social among community members. PEKERTI also aims to enhance research and development to improve reproductive health and social education system as well as to improve the effectiveness of the programme.

69. Strategies have been formulated based on the four main aspects, namely advocacy, human capital, research and development, and lastly monitoring and evaluation. Various programmes throughout the nation have been implemented for adolescents in order to access and reach out the information especially on reproductive and social health education services through KafeTEEN. Currently, there are 18 KafeTEEN Adolescents Centre where the total of 1.7 million adolescents

benefitted from the programmes implemented since 2006 until now. Methods in reaching out teenagers and adolescents to SRH education need to be technology driven. Therefore, myKafeTEEN Apps was introduced besides conducting outreach programmes to gain wider coverage of audience.

70. During the COVID-19 pandemic, social media is the best platform to disseminate awareness *via* various online programmes. In 2021, NPFDB had implemented the SRH education campaign for 4 months on social and prime media and managed to attract 7.4 million viewers.

71. In line with the recommendation in paragraph 36 (d) of the CO, data on girls who are married before the age of 18 by DOSM is provided in **Annex T**. Access to education is made available irrespective of gender to include teenage mothers to pursue their education (provided that they are within the age limit below 18 years old) in public schools.

72. To address recommendation in paragraph 36 (e) of the CO, MOE and MOHE views bullying as a serious problem. In 2018, a survey “Bullying Experiences Amongst Children & Adolescents in Malaysia” conducted by Children4Change under the United Nations Children’s Fund (UNICEF) found that 83 per cent of students suffered from bullying in Malaysia while 70 per cent called for an anti-bullying policy to make schools a safe place again. In response, the MOE and UNICEF Malaysia commissioned Project ID to design a programme to recruit and prepare students to speak on ending bullying in schools to policy makers in Parliament on World Children’s Day in 2018.

73. In an effort to curb bullying in schools regardless of socioeconomic background and gender, MOE has introduced a concept known as “*Sekolahku Sejahtera*” (Prosper My School) to educate students about bullying. MOE is preparing a four-tiered framework to curb bullying in schools. The internal system would also allow pupils and parents to file complaints directly while protecting the identities of the complainants. MOE has also taken steps to review existing penalties so that the punishments meted out would be appropriate with the aim to act as an effective deterrence. Cyberbullying takes place over digital devices across social media platforms. MCC is preparing a Cabinet paper on enacting the anti-cyberbullying law. Currently, victims can lodge a complaint with the police and Malaysian Communications and Multimedia Commission where screenshots of degrading digital messages and contents can serve as evidence. The perpetrators will be charged under section 233(1)(a) of Act 588 which states that it is an offence for anyone to make a menacing or offensive comment with intent to annoy, abuse, threaten or harass another person.

## **Article 11: Employment**

74. The Government has always remained consistent in removing discriminatory practices in the labour legislations and policies in line with the recommendations in paragraph 38(a), (b), (c), (d) and (e) of the CO. In the context of international labour standards, Malaysia through MOHR has ratified the ILO Convention on Equal Remuneration Convention in 1997 which underscores the application of equal remuneration for men and women workers for work of equal value. MOHR has undertaken measures to implement the convention through reforming the relevant labour laws, objective job evaluation through the National Wage Index and implementing flexible working arrangement to increase women’s participation in the labour market. The efforts of making amendments to the law to address the challenges and issues faced by women in Malaysia under Act 265 were highlighted in Article 2.

75. MOHR through TalentCorp is steadfast in transforming its approach towards encouraging higher labour force participation among women. One of the key strategies is to focus on enhancing digital skills, which enables higher opportunity for hiring especially among women returnees who left the workforce for quite some time, and opens up new prospect for their participation in gig economy and entrepreneurship. Understanding that a supportive working ecosystem is equally significant to support women in the workforce, TalentCorp is vigorously advocating, engaging and facilitating industries especially SMEs to enhance work-life practices through many forms of flexible work arrangements. Additionally, the Government has mandated TalentCorp through budget announcements in 2018 and 2022, to implement tax incentive in the form of an income tax exemption for women returning from a career break. This is another important inducement for professional women to re-join labour market and continuously contribute their potential towards the nation's development. Since 2015, the CCP has been a staple initiative to facilitate women on career breaks to return to the workforce. However, in 2021, more diverse initiatives emerging from three strategic thrusts which are advocacy, facilitation and development, have been put in place to support a broader spectrum of women talent.

76. Statistics from DOSM on labour force participation rate (LFPR) for 2021 showed positive growth for both male and female labour force. Malaysia LFPR in December 2021 went up to 69.0 per cent from 68.9 per cent in November 2021, the highest LFPR recorded since January 2020. Analysing further, the number of female labour force recorded a total of 6.33 million persons as compared to 6.29 million persons in November 2021. By comparing with the same month of the preceding year, female LFPR posted a marginal increase of 0.1 percentage point to 55.2 per cent in December 2021 as compared to 55.1 per cent in December 2020.

77. The recent increased minimum wage came into force on February 1, 2020. Employees are now eligible to receive RM1,200 monthly regardless of gender. Furthermore, for employees earning an hourly wage, the rate has been increased to RM5.77. The median and mean monthly salaries and wages for both male and female employees decreased in 2020 due to the effects of the COVID-19 pandemic and the implementation of the MCO in the country throughout 2020. According to the findings of the Salaries and Wages Survey Report Malaysia 2020, the median monthly salaries for male has consistently higher than female since 2010. In 2020, the median monthly salaries and wages by male employees were RM2,093, fell 15.5 per cent as against RM2,477 in the previous year. Meanwhile, median value for female employees decreased by 14.8 per cent to RM2,019 (2019: RM2,370). In the Malaysian public sector, equal opportunity is given based on eligibility and merit. Women's official entry into the Malaysian public service is based on their academic qualifications and their performance during the selection interview. The age at which women hold top positions are mostly between 40 to 60 years old. Civil servants are paid according to the job scope based on the duties and responsibilities where gender was never a factor in determining the salary adhering to the principle of equal pay for equal work under the ILO Convention. Civil service also provides equal opportunities for career development and capacity building. Statistics of permanent appointed candidates from 2016 to 2020 in civil service based on sex is provided in **Annex U**.

78. The Government executed concrete measures such as law reforms to stop gender discrimination in the workforce while making available accessible and affordable care services for children and the elderly to enable more women to continue working. SOCSO provides social security coverage to employees and their dependants through social security schemes such as Employment Injury Insurance Scheme and Invalidity Pension Scheme, and promotes occupational safety and health awareness. Amendments of Act 265 proposes that employees will be allowed to make an application for flexible working arrangements. To address the issue of sexual

harassment, amendments to Act 265 in 2021 requires employers to conspicuously exhibit a notice to raise awareness on sexual harassment. The amendment also proposes to increase the fine which an employer is liable to pay for failure to, amongst others, inquire into complaints of sexual harassment from RM10,000 to RM50,000.

#### **Unpaid Care work and social safety net**

79. In anticipation to elevate the position of women in unpaid care work, the Malaysian government responded by launching *Skim Caruman Sukarela Insentif Suri* (iSuri) under the Employees Provident Fund to protect the welfare of housewives, single mothers, widows and single women. It acts as a safety net to provide savings in preparation of uncertainties rather than relying solely on the provision of help by the government or any organisation. The implementation of phase one and phase two are based on a voluntary contribution of the members.

#### **Article 12: Equality in access to health care**

80. MOH pledges to continuously create more gender equality policies to protect women and girls in the health sector and safeguard their rights and choices, regardless of age, sex or ethnicity to address the recommendations in paragraph 40 (a) to (c) of the CO. The increasing health threats and changing demographics pose several challenges towards Malaysia's healthcare system. The rise in non-communicable diseases and the necessity to handle the COVID-19 pandemic, which includes the deployment of the National COVID-19 Immunisation Programme, has put a strain on the healthcare system. In addition, Malaysia is preparing itself to meet the challenges towards aged nation by 2030. Hence, Malaysia healthcare system provides universal access to health care services to all through its network of 3,223 (2017) primary health care facilities nationwide. There is a full range and comprehensive public health services offered to people of all ages. This could be materialised by introducing or providing a promotional and preventive approaches, other than an efficient treatment. As a result of this comprehensive overarching policy:

(a) Malaysian life expectancy at birth increased compared to a decade ago. Baby born in 2021 on average is expected to live 1.3 years longer to 75.6 years old as compared to 74.3 years old in 2011;

(b) On average, from 2011 through 2021, life expectancy at birth for males increased by 1.1 years, from 72.1 years old (2011) to 73.2 years old (2021), while for females by 1.5 years as compared to 76.8 years old for the same period. Females have a longer life expectancy compared to males;

(c) Under-five mortality rate for 2020 decreased to 6.9 per 1,000 live births from 7.7 per 1,000 live births in 2019. The mortality rate for boys was higher (7.4) as compared to girls (6.4) in 2020.

81. The public health care services are largely funded by the Government and financed mainly through the general taxation of income. Malaysia provides highly subsidised health services at minimum or no cost at primary, and tertiary public health care facilities. In Government health facilities, a nominal fee of RM1 (equivalent 0.23 USD) is charged for each outpatient at primary care and this covers consultation, investigation and treatment. Services are accessible through 3147 static primary health care facilities comprising of 1,138 Health Clinics, 1,752 Rural Health Clinics and 257 Community Clinics (as of December 2020). In terms of access to static health facilities, (public and private) 84 per cent of population are within 5 km radius. Mobile services through water and air were provided for those who do not have access to the static facilities. As of December 2020, a total of 240 mobile health services comprising of 229 mobile health teams, 11 Flying Doctor Services teams provide

services to remote and hard to reach population. This includes provisions of health services to *Orang Asli* (Aborigines) and the natives in the interior Sabah and Sarawak.

82. Family Planning Programme is another key component of maternal services. It was introduced in Malaysia in 1960s. It emphasized on health perspectives in ensuring the health of the mother and children, thus the well-being of the family. Family planning services are provided by government and private facilities including community pharmacies, as well as NGOs. In MOH facilities, family planning services are provided in almost all 1,138 Health Clinics and 1,752 Rural Health Clinics.

83. Since its commencement, the service has undergone various improvements to ensure quality services are provided to the public. This includes changes to organizational structure, drug procurement, choice of contraceptives and integration into maternal health services. Contraceptive among high-risk women is another recent highlight for family planning services in MOH, as part of pre-pregnancy care. It is to emphasize the need for high-risk women in optimising their health before embarking on next pregnancy.

84. Female-related cancers, including breast and cervical, have led to hundreds of thousands of premature deaths among women. Whilst investments on cytology-based programmes to prevent and treat women's cancers such as cervical cancer have improved and led to strong reductions in high-income countries, in low-and middle-income countries, deaths among women remain high. Inspired by the success of a national human papillomavirus (HPV) vaccination programme, MOH recognizes the need to review the cervical screening programme. Recent advances in molecular technology have led WHO to recommend the use of HPV testing as a screening tool. The latest initiative for supporting this goal was the endorsement of cervical cancer screening policy embracing the high-performance HPV test as a primary screening tool for women aged 30-65 years which adopts a self-sampling method. The implementation of HPV screening is executed in several phases. The first phase was implemented in 2019 and is expected to complete its rollout by 2023/2024.

85. For breast cancer prevention programme, Malaysia currently practises opportunistic breast cancer screening. The current breast cancer screening policy recommended by the MOH includes encouraging breast self-examination in all women as part of a breast awareness programme. Clinical breast examination (CBE) involves all women above the age of 20 to 39 years. Every three years, they are encouraged to have a CBE by a competent health care professional. Individuals above the age of 40 and those at high risk for breast cancer should get a CBE every year, regardless of age. Women who are screened positive by CBE are referred to the appropriate facility for diagnostic mammography and other management investigations. Apart from that, since 2012, a targeted mammography screening programme has been made available to women with a high risk for breast cancer. In this regard, primary care clinics provide an entry point for high-risk women before being referred to mammography services in government hospitals or private hospitals.

86. As far as access is concerned, there are many ways for a woman to obtain mammography. A subsidized programme by the NPFDB and SOCSO were amongst other optional providers. Depending on their income, women would screen for free or for a nominal price of RM50. Women who earned RM10,000 and below will benefit from a subsidised of RM50 for a mammogram by NPFDB. Workers aged 40 years and over who have contributed to SOCSO will be entitled to medical screening with additional mammogram vouchers for female employees. Nevertheless, some of the state governments are also providing the services in their respective states. It is based on the subsidised ratio or free. The criteria depend on the income of a family. A woman may choose private hospitals, NGOs or pay out-of-pocket.

87. Malaysia through NPFDB will progressively continue to provide the reproductive health services such as family planning, subfertility service and clinical breast examination. A total of 835,639 family members have received the services from 2017 to 2021. These services can be accessed through 49 *Nur Sejahtera* Clinics all over Malaysia as well as 15 family mobile centres to reach out to target groups, especially in rural areas. Fertility treatments are among the major services for reproductive health by NPFDB including intra uterine insemination, in vitro fertilization and intracytoplasmic sperm injection with a total of 32,261 couples having undergone sub fertility programmes from 2017 to 2021. In 2022, focus will be given on subsidy programme for mammogram tests and HPV Deoxyribonucleic acid (DNA) testing for cervical cancer screening and expected to benefit 50,000 women.

88. Malaysia continues to improve access and quality of care for maternal and child health services by expanding health care facilities in rural and urban areas. In addition to hospitals and static clinics, there are also mobile health services meant for outpatients. These initiatives have made it possible for access to professional care during pregnancy and childbirth as well as access to quality family planning services and information. Efforts are also being taken to strengthen pre-pregnancy care services by educating women with chronic diseases to optimise their health before embarking on pregnancy and ensuring more choices of family planning methods are made available. The post-natal services also include wellness massage that aims to improve women and family's well-being and efforts to uphold this hereditary tradition. Currently, 1,431 women nationwide have been trained under the MamaCare programme and involved in post-natal care services to clients in their homes. All MamaCare practitioners have the necessary skills to provide postnatal services such as traditional massage, preparing special food for women in confinement and managing babies as they have been accredited by DSD. To date, a total of 54,271 women have benefited from the services provided by MamaCare practitioners.

89. Malaysia has made great progress in improving maternal health care with remarkable level of coverage for maternal health services. After year 2010, the main indicators were above 90 percent, i.e. the antenatal coverage (at least one visit), safe deliveries and postnatal home care nursing (at least 2 visits within first 7 days postnatal). In year 2020 the coverage for the services was 93.1 per cent, 99.8 per cent and 92.6 per cent respectively. The average antenatal visit per person was more than 11 visits. The services are given through static and mobile health facilities nationwide. Long-term trends of the maternal mortality ratio (MMR) for Malaysia have shown an impressive decline before year 2000. A steep decline in the MMR was noted in the decade between 1960 and 1980, when it dropped from 141 to 56 per 100,000 live births and 24.9 per 100,000 live births in 2020. Among several factors that contribute to the reduction of MMR are national commitment to improve maternal health, as reflected through allocation of resources for health care, access to professional care during pregnancies, childbirth and postpartum; and increasing access to quality family planning services. Many specific initiatives towards improving care and delivery of services for pregnant women were implemented. MOH has taken one step ahead namely pre-pregnancy care; preparing women in reproductive age with medical condition before they embark on pregnancy. It is to ensure optimal outcome for both mother and baby, thus reduce maternal death due to pre-existing medical conditions. One of interventions during the pre-pregnancy consultation is the use of contraceptive.

90. In strengthening the SRH, the Government through MOH established a National Guideline on Management of Adolescent Sexual Reproductive Health Problems at primary health care facilities. This Guideline covers management of teenage pregnancy and request for abortion, management of abuse, sexually transmitted infections and contraceptive services. All the 1,796 (2017) community clinics

nationwide also provide services for pregnant teenagers. The trend of new antenatal cases among adolescents registered at government primary health care facilities have decreased from 18,652 (2011) to 9,617 (2017).

91. The Healthy Programme Without AIDS for Youth (PROSTAR) is a community-based programme which involves young people aged 13 to 25 years who are trained to be Peer Counsellors run by MOH. The programme aims to improve knowledge on healthy lifestyle, sexual education and prevention of sexually transmitted diseases (STDs) and human immunodeficiency virus (HIV)/ acquired immunodeficiency syndrome (AIDS). PROSTAR module covers topics including healthy lifestyle, assertiveness skills, interpersonal relationship, appreciating own body and positive behavioural change.

92. Regarding the recommendations in paragraphs 40 (a) and (b) of the CO, Malaysia treats all women equally, regardless of nationality or socioeconomic status in terms of access to healthcare services and fees, which are based on the Fees (Medical) (Cost of Services) Order 2014 [*P.U.(A) 363/2014*]. MOH provides treatment to non-citizens in need regardless the patient could not afford to pay the deposit. In addition, emergency health services provided to migrants without requesting the initial deposit. However, upon admission to ward and patient is in stable condition, deposit fee will be collected and payment will have to be settled prior to discharge.

93. MOH's objective is to provide the best health services to the public regardless of nationalities. This has resulted in the quantity of outstanding bills by non-citizens being increased every year in tandem with higher healthcare cost. Currently, the Government subsidises 50 per cent of the actual cost of treatment for asylum-seekers and refugees registered with UNHCR.

94. In addition, Malaysia provides access to other health-care services including maternity, family planning and reproductive health-care throughout the country through static and mobile services for all women without discrimination regardless of nationality and income level.

95. Concerning the recommendation made in paragraph 40 (c) of the CO, similar to other jurisdictions, undocumented persons in Malaysia are treated in accordance with the related domestic laws, such as Immigration Act 1959/63 [*Act 155*] and the Passport Act 1966 [*Act 150*], public health facilities are instructed to report undocumented asylum seekers and migrants to the Department of Immigration.

### **Article 13: Social and economic benefits**

96. Inclusive developments have always been an important pillar of Malaysia's economic development. In this regard, Ministry of Entrepreneur Development and Cooperatives (MEDAC) continues its commitment in the empowerment of women in entrepreneurial landscape. The commitment is translated through the establishment of the Women Entrepreneurship Committee under MEDAC that supports the development of women entrepreneurship in various categories of businesses including informal sector. The committee is chaired by the Deputy Minister Entrepreneur Development and Cooperatives and comprises of representatives from relevant ministries, agencies, cooperatives and also women's NGOs. According to economic census by DOSM in 2016, women-owned enterprises registered only comprises of 20.3 per cent or 186,930 enterprises, out of a total of 907,065 enterprises registered in this country. As an effort to support and contribute to the advancement of women in all field, MEDAC has developed programmes targeted specifically for women entrepreneurs such as TEMANNita Financing Scheme and Women

Empowerment Programme under *Tabung Ekonomi Kumpulan Usaha Niaga (TEKUN) Nasional*, MySMELady by SME Bank and UDA Bizznita under UDA Holdings.

97. In addition, micro credit financing schemes such as the *Amanah Ikhtiar Malaysia* (AIM) and the Rural Economy Financial Scheme (SPED) are also provided. The Government formed a strategic partnership with AIM, a large microcredit organisation in Malaysia to provide financial assistance to women and to enable them to undertake viable economic activities and hence increase their household income. In June 2017, a total of 342,887 women entrepreneurs, most of whom are housewives, received microcredit financing under AIM. For underprivileged women, Cooperative Commission of Malaysia conducted empowerment programmes for women, single mothers and PWDs cooperatives through business coaching programme to increase the capacity and income of women cooperatives.

98. Strategic cooperation initiative is also established between MEDAC and MWFCD to plan and execute appropriate programmes for women. The programmes conducted under this collaboration cover the aspects of training, guidance and capacity building, financing, market access through cooperative movement and data sharing. Among the financing programmes that are available for women entrepreneurs are Successful Women Entrepreneur Engagement Talents Programme, *Program Tunas Usahawan Belia Bumiputera*, Women Entrepreneur Development and Business Financing Programme and MamaCare Franchise Programme. Summary on Malaysian women entrepreneurship opportunities is in **Annex V**.

99. The COVID-19 pandemic imposes a huge impact to the Malaysia's economy and to reduce the impact, the Government has allocated RM530 billion under eight economic stimulus and aid packages are namely Economic Stimulus Package 2020. The details on Malaysia's efforts to combat COVID-19 and the stimulus packages are in **Annex W**.

#### **Article 14: Rural women**

100. The recommendation in paragraph 42 (a) of the CO on access to education, employment and health care for all women including rural women and girls are explained in the Article 10, Article 11 and Article 12 above.

101. A special programme entitled Bringing School to the Community was introduced for indigenous students to increase their participation in formal learning. This is a collaboration programme between the Government, universities and CSOs. This programme will prepare the students to cope with the mainstream school environment. The Comprehensive Special Model Schools (K9 schools) were expanded and the existing K9 schools were transformed into the Comprehensive Special Model School 11 (K11 schools) to ensure students complete their 11 years of education. The K11 schools also extended to cover not only indigenous students but also those residing in remote areas. The introduction of K11 schools will provide the opportunity for indigenous students and those in remote areas to pursue tertiary education. Focus will be given to enhance skills development of these students by strengthening the delivery of TVET programmes. See statistics on indigenous women and girls who received scholarship to pursue higher education in **Annex X**.

102. The Rural Development Policy 2030 launched in 2019, underlines a specific chapter on Rural Women, to further develop the livelihood of rural women in terms of economy, education, health, social and leadership. Three policy statements, three outcomes, six strategies and eighteen programmes are outlined under this chapter. Targets and timeline were set for each programme under this chapter to ensure effective implementation of the policy. The Ministry of Rural Development (MRD) charted various programmes to provide skills and increase competitiveness of rural

women in the job market, including setting up their own businesses. The Skills and Career Training Programmes provide in-demand skills training to rural youth and assist them in finding jobs upon completion of the course. It is reported that 70 per cent of the participants secured a job after finishing the course. Approximately 6,787 rural women attended the training from 2016 to 2020. In addition, MRD has implemented the Income Enhancement Programme, where training and equipment worth up to RM10,000 are provided to assist the poor and hardcore poor where 3,166 rural women have benefitted from. It is estimated that the participants have increased their income by 30 per cent after joining the programme.

103. Additionally, there are programmes for rural women to learn basic skills such as baking, sewing, repairing computer and mobile phone, handicraft as well as basic entrepreneurship courses. From 2016 to 2021, 15,453 rural women (90.5 per cent from total participants) attended the various courses. To encourage rural women to participate in entrepreneurship and uplift their wellbeing, MRD provided various assistance including loans, grants, trainings and business premises. SPED, a collaboration financing programme between SME Bank and MRD aimed to provide SME entrepreneurs in rural areas the opportunity to sustain, expand and develop the business to the next level of success. From 2016 to 2021, MRD has assisted 110,276 women in entrepreneurship programmes. In addition, MRD has increased the number of trainings in digital marketing for rural women to cope with the effect of COVID-19. From 2017 to 2021, 2,755 rural women have attended training in digital marketing.

104. To increase the participation of rural women in the decision-making process, the Rural Development Policy 2030 outlines several strategies including establishing a 30 per cent quota for rural women in the Village Development and Security Committee (VDSC) as well as the Orang Asli Village Development and Security Committee. In 2021, 584 women were appointed as chairpersons, 2,237 women appointed as Secretary and 14,315 rural women appointed as committee members of VDSC. In addition, MRD organised leadership training and seminars for rural women to strengthen their capacity to engage in planning, development and implementation of programmes at the community level.

105. In response to the recommendations made in paragraph 42(b) of the CO, the Government launched the National Agrofood Policy 2021–2030 (NAP 2.0) to transform agrofood industry into a sustainable, competitive and high-technology sector. NAP 2.0 is a follow-up to the National Agrofood Policy 2011–2020. The policy is made up of key strategies that focuses on a competitive and innovative agrofood sector, people's well-being, and a paradigm shift toward a sustainable food system as a climate change adaptation strategy. Paddy and rice, fruits and vegetables, animals and fisheries are among the specific target sectors. In 2020, RM640 million (USD 154 million) was granted to Ministry of Agriculture and Food Industries (MAFI). RM4.79 million (USD 1.15 million) was also provided to MAFI in the 2021 Budget to help the agricultural and food industries, while RM1.53 billion (USD 358 million) in paddy subsidies and incentives. One of the high-impact programmes implemented by MAFI was the Farmers Organisation Authority movement, which would be replicated through the Organic Agriculture Project and the E-Satellite Farm Project, benefitting 1,700 farmers and their families.

106. In response to the recommendations made in paragraph 42(c), Malaysia is not a state party to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the ILO. Malaysian indigenous women rights are protected by the existing legal provisions and policies stipulated under the national law.

## Part IV

### Article 15: Equality before the law and civil matters

#### Women migrant workers

107. Consistent with the recommendations made in paragraph 44 (a), (b) and (c) of the CO, all migrant workers including domestic workers are protected under the employment laws and regulations. Similar to foreign workers in the formal sectors in Malaysia, the Government provides access for domestic workers to lodge complaints and grievances through various avenues.

(a) A standard contract of employment has also been established to ensure a proper terms and conditions during the tenure of employment of the domestic workers;

(b) Government also worked together with the Embassies and Government of the source countries on disseminating information on the rights and protections of domestic workers;

(c) Migrant domestic workers also have the same rights to file complaints as foreign workers in formal sectors. MOHR have come up with a book on Guidelines and Tips for Employers of Foreign Domestic Helpers which provides information regarding laws and practices related to the employment of foreign domestic helpers. This book was published in Malay and English;

(d) If there is any case of abuse on women migrant domestic workers by their employers, such as non-payment of salary, they may file a report with the Department of Labour to seek redress on the matter. Should there be an element of exploitation and indicator of trafficking in persons, then the matter may be investigated under Act 670.

108. In response to paragraph 44(d) of the CO, Malaysia has ratified 5 out of 8 fundamental conventions, 2 out of 4 governance conventions, and 18 out of 178 technical conventions. Nonetheless, Malaysia has always strived to adhere to the international labour standards, as per the 1998 Declaration. With regard to Discrimination (Employment and Occupation) Convention, 1958 (C111) and Domestic Workers Convention, 2011 (C189), Malaysia is taking steps towards ensuring that the domestic legislations and policies are in line with the obligations set forth in the convention, prior to considering to ratify those conventions. Example of steps taken include amendment to Act 265 in terms of discrimination and definition of domestic workers. Further, the Government is also looking into having a specific regulation for domestic workers.

#### Refugee, asylum-seeking and stateless women

109. Corresponding to paragraph 46 (a) of the CO, Malaysia through the National Security Council (NSC) is currently conducting a feasibility study on the issues. Although Malaysia is a non-signatory to the 1951 Convention Relating to the Status of Refugees or its Protocol, refugees are protected based on humanitarian grounds. In addition, Malaysia is currently developing a more comprehensive mechanism in managing refugees in Malaysia.

110. The recommendation in paragraph 46 (b) of the CO was addressed in the follow-up report ([CEDAW/C/MYS/FCO/3-5](#)). In further response to paragraphs 46(b) and (c) of the CO, Malaysia has always respected the principle of non-refoulement. Malaysia will only return any refugee including those registered with the UNHCR or

asylum seekers to their country of origin upon request by the person himself (voluntarily return) or is prejudice to the security of the country.

111. To address recommendations in paragraph 46 (d) and (e) of the CO, refugees and asylum seekers who had obtained the UNHCR card or Person of Interest Letter are not detained at detention centres. Malaysia is currently reviewing the policy to allow refugees to work in formal sectors. MOHA and MWFCDC have initiated a series of discussions to establish alternative to detention for unaccompanied children including girls to protect their rights according to Act 611. Regarding the recommendation in paragraph 46 (f) of CO, asylum-seeking and refugee women and girls have access to healthcare as Malaysia does not discriminate and provides healthcare services to all and refugees with a UNHCR card are awarded a 50 per cent discount on treatment fee as mentioned in the Article 12 above.

112. Malaysia has also cooperated with the Qatari Government through the Qatar Fund for Development (QFFD) that supports humanitarian relief around the world. In December 2019, QFFD Clinic, followed by several healthcare initiatives including catch-up vaccination, health education and outreach programme, a humanitarian clinic was launched through collaboration with three leading medical NGOs namely Mercy Malaysia, Islamic Medical Association of Malaysia and Malaysia Relief Agency. This three-year project has benefited around 180,000 refugees in the country. The maiden clinic in Ampang, Kuala Lumpur has provided medical treatments and vaccination to child refugees with a minimal charge for every visitation. The services include consultation, treatment and medicine. One of the projects under this cooperation is to provide vaccination to children. These catch-up vaccinations are administered by medical professionals working with the respective NGOs using the same children vaccination list as per Malaysians. As of December 2021, a number of 10,642 children has received their catch-up vaccinations.

### **Lesbian, bisexual and transgender women and intersex persons**

113. Malaysia maintains the principle of gender equality and non-discrimination against women as articulated in the Federal Constitution and as reported in the previous periodic reports.

### **Women human rights defender**

114. Regarding the recommendation in paragraph 50 of the CO, Malaysia ensures that women human rights defenders can carry out their work by guaranteeing their rights to freedom of expression, assembly and association as enshrined under the Federal Constitution, subject to the Malaysian law.

### **Foreign wives**

115. In relation to the recommendation in paragraph 52 of the CO, any foreign wife whose husband is a Malaysian citizen is entitled, upon making application to the Federal Government, to be registered as a citizen if the marriage is still subsisting and she has resided (with permanent resident status) in Malaysia, throughout the two years preceding the date of the application and intends to do so permanently and is of good character as stipulated under Article 15(1) of the Federal Constitution.

116. Furthermore, the Department of Immigration Malaysia permits a foreign wife of Malaysian citizen to work in Malaysia without having to change their social visa pass to the Employment Pass on condition that the spouse has acquired endorsement from the Department of Immigration. Such endorsement shall appear on the passport of the foreign spouse and is given free of charge. The application for the endorsement can be made at the Visa, Pass and Permit Division at the Immigration Head Quarters or at the nearest state Immigration office.

## Article 16

### Equality in marriage and family law

117. The recommendations in paragraphs 54 (a) and (c) were addressed substantively in the follow-up report (CEDAW/C/MYS/FCO/3-5). The judgment of the Federal Court in the case of *Indira Gandhi* echoes that Malaysian women have equal access to justice irrespective of their religion, ethnic identity or community. In addition, the latest amendments to the Act 164 ensures that the rights of spouses whose marriages were solemnised under the civil law are protected despite the conversion to Islam by one spouse.

118. To address the recommendation in paragraph 54 (b), Malaysia guarantees that Muslim women have equal rights in all family and marriage matters, including equal capacity as men to enter into marriage and to dissolution of marriage, covering matters related to maintenance, custody and guardianship of their children and inheritance. Each state has its own Syariah enactment and Syariah court to regulate the marriages and divorces of Muslim persons residing in the respective state. Such marriage is recognised as valid and enforceable marriage in the Syariah court. Where a marriage is not registered in accordance with the relevant Syariah enactment, the couple will not be able to seek any remedy or recourse in the Syariah court.

119. Under the Law Reform (Marriage and Divorce) Act 1976, no polygamous marriages are allowed for non-Muslims after 1 March 1982. A married man /woman cannot re-marry until his/her spouse dies or the marriage is dissolved/annulled by court order. Bigamy or marrying another person is an offence under Section 494 of the Penal Code and is punishable by imprisonment for up to seven years and liable to a fine. The subsequent marriage will also be deemed void which means the new spouse and children will not have a right to inherit the property of the person when he/she dies.

120. In relation to recommendation in paragraph 54 (d) of the CO, polygamy is permissible under Islamic law. The objectives of polygamous marriage in Islam are not discriminating women and children. It provides protection for women and children. In making sure that the existing wife's concerns are heard and considered before the court decides the husband's application to contract a polygamous marriage, the Syariah Judiciary Department (JKSM) has issued Practice Direction No. 7 of 2021 which stipulates that the Syariah court is to summon the existing wife as a party in the application case. The Islamic Family Law (Federal Territories) Act 1984 [Act 303] was amended in 2006 which gave the right to a woman whose husband is polygamous to claim matrimonial property and alimony for herself and her children. Section 23(9) states the following:

Every Court that grants the permission or orders a marriage to be registered under this section shall have the power on the application by any party to the marriage-

(a) to require a person to pay maintenance to his existing wife or wives; or

(b) to order the division between the parties of the marriage of any assets acquired by them during the marriage by their joint efforts or the sale of any such assets and the division of the proceeds of the sale.

121. In the event of a divorce, a Muslim wife continues to be protected where she can claim her maintenance during *iddah* period, *muta'ah* (gift of a former husband to his divorced wife), jointly acquired property by husband and wife during the subsistence of marriage, custody of children, maintenance of children as well as the

arrears of maintenance. For custody cases, decision is made in the interest of the child taking into consideration their welfare and choice, based on judicial discretion, and consistent with the established principles in Islamic law and international law.

122. Corresponding to the recommendation in paragraph 54 (e), previously the laws in 14 states stipulates the minimum age for marriage is 18 for men and 16 for women. JKSM has taken the initiative to discuss with all State Governments in charge of Islamic religious affairs and Syariah courts to propose amendments to the Family Law Act/Enactment to increase the minimum age for marriage of a woman from 16 to 18 years. As a result of these discussions, the State of Selangor has amended the Islamic Family Law Enactment in line with the proposal in 2018. The detail of the amendment was mentioned under **Annex A**. To promote and enhance the court's discretion in managing and regulating the marriage of a Muslim woman under the age of 16, JKSM has published the Underage Marriage SOP in 2020.

123. For non-Muslims in Malaysia, the minimum age of marriage as stipulated under The Law Reform (Marriage and Divorce) Act 1976 is 18 years old. Girls between the age of 16 to below 18 must obtain special permission from the Chief Minister of their state, and an application must be made to the Registrar of Marriage under the Law Reform (Marriage & Divorce) Act 1976. No marriage is allowed if the parties are below the minimum age requirement, and any marriage solemnized between persons below the required age is considered void. Permission may be given for girls to marry below the age of 18, but the girl must be above the age of 16.

124. Under Act 303, the permission and representation from a *wali* or guardian is required in a marriage. The role of *wali*, usually the biological father, is as both the advisor and protector in a woman's life affairs, including in choosing her life partner. In circumstances where the *wali* does not agree, or in the absence of *wali*, a woman retains her rights in deciding to obtain the permission from *wali Raja* or *wali Hakim* through an application to the Syariah court in advance. It is worthy to note that the *wali* will need to consult his daughter before arranging her marriage and cannot give her hand in marriage without her consent. It is essential in the contract of marriage to have the consent of both the woman and her *wali*. Marriage awareness programmes information is provided in **Annex Y**.

## Conclusion

125. Malaysia will remain committed to make efforts in improving and addressing the recommendations made by the committee.

---