



Convention on the Elimination of All Forms of Discrimination against Women

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Eighty-eighth session

Summary record of the 2073rd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 22 May 2024, at 10 a.m.

Chair: Ms. Peláez Narváez

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Sixth periodic report of Malaysia (CEDAW/C/MYS/6; CEDAW/C/MYS/Q/6; CEDAW/C/MYS/RQ/6)

1. *At the invitation of the Chair, the delegation of Malaysia joined the meeting.*
2. **A representative of Malaysia**, introducing her country's sixth report (CEDAW/C/MYS/6), said that it was the first time that Malaysia was being represented by a minister at a meeting with the Committee. Her Government applied a whole-of-society approach to fulfilling its obligations under the Convention and, since its previous report, had repealed, amended or introduced 28 laws or regulations to improve the situation of human rights in the country, including those relating to women. It had enacted the Anti-Sexual Harassment Act in 2022 and established a tribunal to combat sexual harassment in March 2024. New guidelines to protect children from harassment, abuse and discrimination in schools had so far been adopted in more than 10,000 establishments. Legislation adopted in 2023 to criminalize stalking had introduced protection orders and had been applied in seven court cases. In July 2023, Malaysia had abolished the mandatory death penalty. Since that change, 34 of the 95 women on death row had succeeded in having their sentences reduced. In April 2024, amendments to the Human Rights Commission of Malaysia Act of 1999 (Act 597) had strengthened the role of the national human rights institution and had mandated that at least 30 per cent of its commissioners should be women and at least one commissioner should be a person with disabilities. The amendment to the Constitution to grant citizenship to children born abroad to Malaysian women was awaiting approval by the country's highest authority, the Conference of Rulers.
3. The Malaysia "Madani" policy framework launched by the Government in July 2023 had set a target to increase women's participation in the workforce to 60 per cent in 10 years. Amendments introduced in 2022 to the Employment Act of 1955 included several measures to protect the rights of women, notably restrictions on the sacking of pregnant female employees and an extension of maternity leave from 60 to 98 days for all female employees. It also introduced seven days' paid paternity leave for married male employees; flexible working arrangements; a prohibition on discrimination in employment; and an obligation on employers to raise awareness of sexual harassment. The Housewives' Social Security Act of 2022 provided for benefits such as health-care coverage and financial support, and had so far benefited more than 200,000 housewives. The "i-Sayang" programme enabled husbands to voluntarily allocate 2 per cent of their monthly Employment Provident Fund contribution to their wives' accounts. Since March 2023, 68,000 husbands had subscribed to the programme, transferring a total of 44 million Malaysian ringgit (RM). Malaysia planned to introduce a care industry framework later in 2024, with a major focus on alleviating the caregiving burden on women and improving the socioeconomic well-being of vulnerable groups. In 2023, the Government had allocated RM 8 billion in soft loans to 60 programmes supporting small and medium-sized enterprises owned by women. Currently, some 20 per cent of such enterprises were owned by women.
4. The Government's national development plans had successfully increased women's participation in leadership roles in the public sector and on corporate boards. The Statistics on Women Empowerment in Selected Domains report was a crucial tool for the Government and the private sector to review gender progress. It was indicated in the report that not only had gender parity been achieved in education, but women outperformed men in that area. However, women still needed to be better supported in their career development.
5. Women occupied 31 per cent of board seats in the top 100 public listed companies, surpassing the 2030 target of 30 per cent. In public agencies, 39 per cent of decision-making positions were currently held by women. Women accounted for 40 per cent of judges in the superior courts and 37 per cent in sharia courts. In the 2022 general elections a record number of 127 female candidates had stood for office, up from 75 in 2018. The Government aimed to further improve female representation. Currently, fewer than one fifth of members of the House of Representatives, the Senate and the State legislative assemblies were women.

6. The Government provided various forms of assistance and scholarships to improve women's access to education in rural areas. More than RM 91 million had been allocated to 39,000 pupils from aboriginal communities. Between 2021 and 2023, more than 1,000 students had received scholarships to further their studies at the tertiary level, in which 63 per cent of students were female.

7. Since the previous dialogue with the Committee, the Government had institutionalized a multi-stakeholder National Committee on Domestic Violence comprising three working committees focusing on awareness, protection processes and data collection. Protection order procedures had recently been simplified and the country now had 43 safe places and 12 temporary transit centres providing temporary refuge and assistance to victims of domestic violence. Four mosques also provided immediate temporary shelter for victims. Care and protection were provided to victims of trafficking in persons through eight government shelters, and the Victim Assistance Specialist Programme had been established. Since 2019, a total of 276 victims of trafficking, two thirds of them women, had been assisted.

8. Initiatives aimed at improving access to reproductive health care and services included the provision of affordable in vitro fertilization services to low- and middle-income families. The country's Family Well-Being Index, which helped the Government to identify areas that needed intervention, had shown that steady progress had been achieved in four key areas: family relationships; the role of religion and spiritual practices; family and community involvement; and family safety.

9. Recent progress in Islamic family law included the implementation of *hiwalah* orders in 2021, pursuant to which the bank accounts of fathers, husbands or ex-husbands who refused to pay alimony could be frozen by a sharia court. The same year, a fast-track divorce procedure had been introduced by the sharia courts, enabling couples ending their marriage through consensual agreement to resolve their case within one day of filing the application. The stringent process of applying for polygamous marriage under Islamic family law had resulted in a drop in the number of applications for such arrangements over the previous five years. The Government had launched the National Strategic Plan in Handling the Causes of Child Marriage 2020–2025. The Plan had helped reduce the number of child marriages, and the Government was undertaking a mid-plan review to assess any shortcomings. The States of Selangor and Kedah had increased the legal minimum age of marriage to 18 years.

10. **A representative of the Human Rights Commission of Malaysia (SUHAKAM)** said that birth registration provided a person with a legal identity and legal, social and economic rights but was not the same as conferring nationality. The Government should remove the barriers preventing persons from registering their birth in the country. SUHAKAM was concerned that amendments proposed in the Constitution (Amendment) Bill 2024 would exacerbate the issue of statelessness. Under the proposed changes, children born to permanent residents of Malaysia would no longer have automatic access to citizenship; the Malaysian citizenship of a foreign spouse would be revoked if the marriage to a Malaysian citizen was dissolved less than two years after the spouse was granted citizenship; and the age limit for stateless and undocumented children to apply for citizenship would be reduced from 21 years to 18 years of age. She urged the Government to adopt a holistic approach to addressing citizenship issues, including researching the potential impacts of the proposed constitutional amendments and consulting with a wide range of stakeholders.

11. There was a pressing need to increase female representation in the House of Representatives and the Senate. Increasing the target of leadership and management positions held by women from 30 to 50 per cent would help improve gender representation and promote gender equality. Although a higher proportion of women were enrolled in tertiary education than men, only 52 per cent of women participated in the labour force, compared to 78 per cent of men, who could also expect to earn, on average, approximately 50 per cent more than women annually. Women therefore had less income available to save for a financially secure retirement. SUHAKAM also encouraged the Government to establish a fair and secure social protection system for workers in the gig economy.

Articles 1–6

12. **Ms. Akizuki** said that she would like to know what efforts had been made to withdraw the State party's reservation to articles 9 (2) and 16 of the Convention and whether discussions were taking place on ratification of the Optional Protocol to the Convention. She wondered what measures had been taken to adopt a legal definition of "discrimination against women" in line with article 1 of the Convention, recognizing that discrimination could be direct, indirect or intersectional; could occur in public and private spaces; and could be perpetrated by both State and non-State actors. It would be helpful to know more about the status and content of the Anti-Discrimination against Women Bill and whether civil society organizations active in the area of women's rights had participated in its drafting. She wished to know what steps had been taken to harmonize national legislation and sharia law with the Convention and whether the process included consideration of practices of countries with similar cultural backgrounds and legal systems that had successfully harmonized their national legislation with their international human rights obligations, particularly those under the Convention. She would welcome information about any actions taken to eliminate discrimination against women and girls enshrined in some versions of sharia law, such as the criminalization of pregnancy and childbirth out of wedlock.

13. Information on the status and content of the proposed national action plan on women, peace and security should be provided. It would be interesting to learn of any cases in which the Convention had been invoked in courts and of any measures taken to enhance women's awareness of their rights and the legal remedies available to them to claim rights violations under the Convention. Lastly, she wished to know what measures were in place to address physical and economic barriers to access to justice for women, such as providing free legal assistance, using mobile courts, or translating laws into local languages for rural women and Indigenous women or other vulnerable women.

14. **A representative of Malaysia** said that his Government maintained its reservations to articles 9 (2) and 16 (1) (a), (c), (f) and (g) of the Convention but was committed to continuously assessing its obligations and commitments under the human rights treaties to which it had acceded. For that purpose, it had set up a technical committee and a multisectoral working committee to re-evaluate its reservations to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

15. The Constitution provided for equality before the law and equal protection before the law for all persons. Article 8 (1) provided for the general principle of equality while article 8 (2) specifically forbade discrimination on certain grounds, including gender. The two articles were intended to be read in conjunction with one another. Cases that were not covered by the specific grounds indicated in article 8 (2) were therefore still covered by the general principle of equality under article 8 (1). Although Malaysia had not ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, there were a number of legal and non-legal channels through which persons could submit complaints concerning rights violations. The Government was taking measures to improve the public's understanding of and support for the human rights enshrined in the international instruments to which Malaysia was a party. At the same time, it would continue to carry out institutional and legislative reforms and improve capacity-building with a view to fulfilling its international obligations. The Government was also committed to ensuring the harmonization of civil law and sharia law in accordance with the Convention. A variety of activities had been carried out as part of that process, including reviews of legislation, dialogue sessions between legal experts, community leaders and other stakeholders, and education campaigns to promote women's equality within the framework of civil and sharia law.

16. **A representative of Malaysia** said that work on a new gender equality law had commenced in 2018. Since then, a number of other legislative measures aimed at eliminating discrimination against women also had been taken. Further discussions and studies would therefore be needed to ensure that the draft law – which now went under the title of the Anti-Discrimination against Women Bill – was aligned with the laws in force.

17. The Anti-Sexual Harassment Act defined the offence of sexual harassment as any unwanted conduct of a sexual nature in any form, whether verbal, non-verbal, visual, gestural or physical, directed at a person and that could reasonably be considered offensive or humiliating or a threat to his or her well-being. The Act also provided for the creation of a dedicated tribunal tasked with resolving complaints of sexual harassment within a two-month time frame. In 2023, a national advocacy campaign on sexual harassment comprising a series of awareness-raising and training activities had been carried out, reaching over 3.5 million people. The Act had fully entered into force with the operationalization of the sexual harassment tribunal in March 2024.

18. In 2022, a provision on discrimination in employment had been added to the Employment Act. Previously, there had been no legislation specifically addressing the issue of gender discrimination in the workplace and the burden of proof had been placed on the employee facing discrimination. A clear legal definition of stalking had also been incorporated into the Penal Code in 2023, characterizing the offence as a repeated act of harassment of any form intended or likely to cause another person distress, fear or concern for his or her safety. Suspected stalkers charged under the new section of the Code could face a fine and/or a prison sentence of up to three years. Lastly, in 2023, the Federal Court had issued a landmark ruling in which it had declared section 498 of the Penal Code to be in violation of women's constitutional right to equality before the law. The provision had been repealed since it had not provided legal recourse on an equal basis to husbands and wives whose spouses were knowingly enticed by another person.

19. **A representative of Malaysia** said that his country was committed to simplifying its procedures to improve access to justice for women, especially those with lower incomes and living in remote areas. As part of those efforts, the Government had launched the "Justice on Wheels" programme. The aim of the programme was to ensure that rural populations had access to the services of the Legal Aid Department, which could only otherwise be requested in person at the Department's offices in urban areas.

20. **Ms. Akizuki** said that she wished to remind the State party that, even though state governments were granted exclusive power over sharia law under the Constitution, it was the responsibility of the Federal Government to ensure implementation of the Convention throughout its territory for all citizens, regardless of their citizenship status, ethnicity, sexual identity, disability status or any other personal characteristics.

21. **Ms. Hacker** asked whether any measures had been taken to assess the effectiveness of the "Justice on Wheels" programme.

22. **Ms. de Silva de Alwis** said that she would like to know whether the State party had considered using new technology, particularly in its mobile court system, to improve access to justice for poor people living in urban and rural areas.

23. **A representative of Malaysia** said that mobile courts had been established many years earlier to improve access to justice in the most rural areas of the country. The success of that initiative demonstrated the commitment of the judiciary to guaranteeing access to justice for all, as court staff often gave up their weekends to travel to remote areas.

24. **A representative of Malaysia** said that the "Justice on Wheels" programme had only recently been launched but the Government would give serious consideration to the idea of carrying out a study to evaluate its effectiveness.

25. **Ms. Morsy** said that she wished to know whether the Ministry of Women, Family and Community Development had been granted sufficient authority to enable it to design the policies required to achieve gender equality. She would also be interested to know how the Ministry ensured coordination between its own work and the activities of other national agencies and state governments. She would welcome further information on the human, technical and financial resources of the Ministry and on any planned measures to strengthen them.

26. It would be useful to know what results had been achieved to date under the Twelfth Malaysia Plan 2021–2025 and what measures had been planned to strengthen its impact on promoting gender equality. She would also like to know what measures the State party was taking to create an enabling environment in which women's civil society groups and

non-governmental organizations (NGOs) could participate meaningfully in the formulation of relevant policies. The Committee would welcome further information on the number of complaints from women received and addressed by the Human Rights Commission and the results of any investigations it had conducted into them. She would also appreciate further information about the nature of the relationship between the Commission and the Ministry of Women, Family and Community Development.

27. **Ms. González Ferrer** said that she wished to know whether the State party had adopted temporary special measures designed to accelerate substantive equality between women and men in areas such as political and public life, health, education and employment between 2018 and 2024. If so, she would be interested to know exactly what measures had been taken, how they had been implemented and what results had been achieved. It would also be useful to know to what extent the State party had implemented the recommendations on temporary special measures contained in paragraph 18 of the Committee's concluding observations on the combined third to fifth periodic reports of Malaysia (CEDAW/C/MYS/CO/3-5).

28. **A representative of Malaysia** said that, as at December 2023, over 66,000 civil society organizations had been registered in Malaysia, including 269 women's rights organizations. The rights to freedom of expression, assembly and association were guaranteed under the Constitution, subject to national law. The Government recognized the important role played by civil society organizations in the country's development and had taken into account their views during the preparation of the report submitted to the Committee.

29. **A representative of Malaysia** said that, as a result of training carried out for public officials, 27 government ministries and public agencies were implementing gender-responsive budgeting. At the time of the announcement of the government budget for 2024, a circular had been issued establishing the responsibility of all ministries to incorporate gender analysis into their budget management. To facilitate that process, the Department of Statistics had strengthened its collection of sex-disaggregated data. At the state level, a participatory budgeting approach had been adopted, taking into account the views and preferences of local communities. That approach was reflected at the national level, and the theme of the government budget for 2024 had been "Economic Reforms, Empowering the People". Under the 2024 budget, the income tax exemption on childcare allowances received by employees or paid directly by employers to childcare centres had been increased from RM 2,400 to RM 3,000 per year.

30. Within the framework of the national goal of empowering women, in July 2022, the National Social Council had decided to form gender focal teams in all federal ministries and agencies to promote gender equality through gender mainstreaming. Accordingly, in November 2022, 44 officials in decision-making roles had been appointed as gender focal points for their ministries and agencies. The gender focal teams and gender focal points played a central role in ensuring implementation of the national gender mainstreaming agenda, the aim of which was to improve the quality of public policies, programmes and projects. In 2023, the Government had also created the National Council for Women and Family to monitor women's policies and action plans and to make recommendations designed to strengthen their implementation. The Council was composed of representatives of government agencies, academia, the private sector and NGOs. In February 2024, the Council had held a meeting with agencies and organizations that were not represented within its membership to hear their views concerning the formulation of a new national women's policy, which was expected to be finalized before the end of the year.

31. **A representative of Malaysia** said that the scheme under which women were offered an income tax exemption to encourage them to return to work had been extended until the end of 2027. In 2023, the Government had also introduced an incentive initiative whereby employers received three monthly payments of RM 600 in return for recruiting workers from specific groups, including women, Indigenous persons and persons with disabilities. By the end of that year, over 14,000 women had benefited from the initiative. Furthermore, nearly 500,000 women had found work using the Government's online portal between 2020 and March 2024. Between 2023 and March 2024, women had also accounted for just over

50 per cent of nearly 400,000 job seekers who had been placed in high-skilled employment through the portal.

32. **A representative of Malaysia** said that women currently accounted for 14 per cent of members of the House of Representatives and 18 per cent of members of the Senate. Malaysia had been ranked in 122nd place in the Global Gender Gap Index for 2023. The Government continued to take steps to increase women's participation in politics, including in partnership with NGOs. Measures taken in recent years had included the holding of forums on women's leadership in politics, the monitoring of women candidates during the general election in 2022 and the organization of two workshops aimed at strengthening women's leadership skills. Since the introduction of quotas for political participation would require amendments to laws on elections and the Parliament, the Government was first focusing its efforts on securing the commitment of all political parties to equal opportunities. The Prime Minister had also announced in March 2024 that a further RM 5 million would be invested in training young women with a view to increasing women's participation in leadership roles in social and political spheres.

33. **A representative of Malaysia** said that the country's laws did not prevent women from standing for election. However, political parties identified their own priorities for selecting candidates, taking into account factors such as their duty to ensure that all ethnic groups were represented in state legislative assemblies. On the basis of her own experience, she believed that women candidates were at an advantage because they were more warmly received by the public when carrying out canvassing activities. The Ministry of Women, Family and Community Development had nonetheless identified the need to boost the participation of young women in politics, which was why it had requested extra funds from the State budget to carry out training in leadership skills. It was a positive sign that the request had been granted.

34. **Ms. Manalo** said that she would like to know whether there was any particular reason why Malaysia had never had a female Prime Minister and whether there was anything holding women back from standing as candidates for that office.

35. **Ms. González Ferrer** said that she would like to hear more about the action taken by the State party regarding temporary special measures adopted for women in the areas of education and health, not least because there was a grey area between temporary special measures and other activities that, although aimed at the advancement of women, did not necessarily include tangible action designed to accelerate equality between men and women in specific areas.

36. **A representative of Malaysia** said that each political party determined its leadership under its own rules and conditions. Most of the parties were headed by men, which was one of the reasons why Malaysia had not yet had a female Prime Minister.

37. **Ms. Rana** said that she wished to know how the State party monitored the impact of the Malaysian Communications and Multimedia Content Code in eliminating discriminatory stereotypes against women and what measures were being taken to address the discriminatory or sexualized portrayal of women in the media, including any awareness-raising or educational campaigns with media partners, religious and community leaders, and men and boys. She wondered how the Malaysian Media Council Bill promoted women's rights in the media and protected women journalists from online attacks and gender-based discrimination. She wished to know how the State party ensured that dress codes for women were not mandatory. She would like to know whether the State party would consider criminalizing female genital mutilation and ensuring that such criminalization could not be overruled by fatwas or religious or clerical authorities; what measures were being taken to promote the need to eliminate female genital mutilation, particularly among medical professionals, parents, community leaders and religious scholars; and whether any data was collected on the practice.

38. She wondered if an impact study of the National Action Plan on Gender-Based Violence for Malaysia 2021–2025 had been conducted, what changes the Plan had elicited, whether the Plan would be renewed and how civil society was involved in its monitoring and implementation. She wished to know what measures had been taken to address domestic violence, including intimate partner violence; to encourage the reporting of such cases; to

strengthen data collection on domestic violence; to use that data in policymaking; and to provide mandatory and recurrent capacity-building, education and gender-sensitive training on gender-based violence for members of the judiciary, lawyers and law enforcement officials.

39. **Ms. Dettmeijer-Vermeulen** said that she wondered what measures were planned to ensure that traffickers were prosecuted for the offence of trafficking, rather than migrant smuggling, and sentenced with full penalties under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act, rather than lesser penalties under the Employment Act. She wished to know what steps had been taken to investigate and address the alleged complicity of public officials in trafficking in persons, and how the National Action Plan on Anti-Trafficking in Persons 2021–2025 had addressed the detention, deportation and a lack of freedom of movement in government shelters to which victims of trafficking were subject, including victims identified during raids on massage parlours and entertainment venues. She wondered whether law enforcement officials monitored online spaces to prevent the trafficking and exploitation of citizens. She would be interested to learn how the Government ensured that the rights and dignity of all individuals, including female prostitutes, were protected and upheld within the sharia legal framework.

40. **A representative of Malaysia** said that the Government was amending the Employment Act to extend paternity leave and maternity leave in line with International Labour Organization (ILO) standards.

41. **A representative of Malaysia** said that the right to freedom of expression, including the freedom to choose attire, was a fundamental liberty guaranteed in article 10 (1) (a) of the Constitution and could be restricted only if necessary for the security of the nation or to maintain public order or morality. The dress codes applied in certain establishments were guidelines only, and no dress code was applicable to members of the public visiting government offices.

42. **A representative of Malaysia** said that the voluntary Malaysian Communications and Multimedia Content Code, developed by the Communications and Multimedia Content Forum of Malaysia in collaboration with industry stakeholders, stipulated that multimedia content should not condone the exploitation of women, should avoid negative portrayals of women's role in society and must not degrade women through implied lewd content, modes of dress or camera focus on specific areas of the body. An interactive training module on gender equality and violence had been completed by some 1,000 male school students.

43. **A representative of Malaysia** said that cases of gender-based violence had reduced in number between 2022 and 2023 owing to increased advocacy, awareness-raising campaigns and the promotion of support services. Emergency protection orders could be issued to protect victims of domestic violence and to prevent perpetrators from committing further violence. Face-to-face and online psychological support for victims, including through the 15999 hotline, was also provided to victims. Guidelines for handling cases of domestic violence, as revised in April 2023, envisaged rehabilitation programmes for perpetrators and simplified procedures for issuing emergency protection orders and for the operation of one-stop crisis centres. Between October 2021 and 31 December 2023, nearly 43,000 persons had accessed women's protection services, which included 43 safe places providing temporary refuge and assistance to victims of domestic violence; 12 temporary transit centres providing immediate community-based protection; a one-stop social support centre, opened in February 2024, providing comprehensive psychosocial services to those facing domestic violence, post-divorce trauma, neglect, abuse and harassment; nine mobile one-stop social support services; and a 24-hour hotline for those in emotional distress.

44. **A representative of Malaysia** said that the 2022 amendments to the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act of 2007 had made both trafficking in persons and migrant smuggling punishable by up to 30 years' imprisonment. The Employment Act had introduced the offence of forced labour, which was punishable by two years' imprisonment, in line with the ILO Forced Labour Convention, 1930 (No. 29). However, it was understood that issues of forced labour, particularly in the context of trafficking in persons, would be investigated first under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act. Consequently, no cases of forced labour had been opened

by the Department of Labour. To combat false job offers advertised by human traffickers on social media to exploit victims, most of whom were men, the Government identified recruiters and agents, raised awareness among the public and government agencies, and shared information with law enforcement agencies, particularly in destination countries.

45. Since its launch in 2023, the second edition of the National Guidelines on Human Trafficking Indicators had been used by law enforcement agencies and NGOs as the standard guide for identifying victims of trafficking and referring them to appropriate services, in line with article 14 of the Association of Southeast Asian Nations Convention against Trafficking in Persons, Especially Women and Children. The Government had provided legal briefings to shelters and psychosocial support, care kits, guidebooks, interpretation services, and repatriation and reintegration support to victims of trafficking in persons. In cooperation with implementing partners, the Government had repatriated 20 victims, 85 per cent of whom had been referred to service providers in their home countries and had received reintegration support. The Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act now provided for severe punishments for public officials who were complicit in trafficking in persons or migrant smuggling. Training was provided to law enforcement agencies, in partnership with the International Organization for Migration and ILO, to improve understanding of the offence of trafficking in persons and the provision of assistance to victims.

46. **Ms. Dettmeijer-Vermeulen** said that she wished to clarify whether victims of trafficking who were not Malaysian nationals had freedom of movement when housed in government shelters. She would appreciate a response to her earlier question regarding raids on massage parlours and commercial sex institutions.

47. **Ms. Hacker** said that she wondered how many shelters for victims of domestic violence were available in rural areas, what their capacity was, whether refugees and asylum-seekers could be housed in shelters for victims of domestic violence and what procedures were in place if those persons faced sexual or domestic violence while held in detention centres. She wished to know how potential trafficking victims were identified within detention centres and what procedure was followed following their identification as such.

48. **Ms. Rana** said that she would like to know how the Content Code was effectively applied and monitored, given that it was voluntary. She would appreciate a response to her earlier questions regarding female genital mutilation. She wondered what impact the squad for women against crime, introduced in 2021, had had on communities. She would be interested to learn how the State party ensured that shelters for victims of domestic violence had adequate financial and human resources and were accessible to all victims, including women with disabilities. She wondered what steps were being taken to address various forms of online gender-based violence, such as cyberbullying, unsolicited pornography and hate speech against women.

49. **A representative of Malaysia** said that victims of trafficking in persons were housed in shelters segregated by gender, age and protection order status. All persons under a protection order were accorded the same access to support services. The shelters operated by the Government and NGOs provided counselling, free medical assistance and skills training; victims also received logistical and psychosocial support during court hearings. Courts could order the payment of compensation to victims of trafficking under section 66A of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act or the payment of wages, in the case of no conviction, under section 66B. Amendments to that Act had provided for risk assessments to streamline procedures for granting freedom of movement, for which victims of trafficking had been eligible since 2015. Some 658 victims of trafficking in persons had been granted freedom of movement between 2019 and 2023, including 233 women; just 49 of them, including 38 women, had chosen to remain in Malaysia when offered the choice to return to their country of origin.

50. The National Guidelines on Human Trafficking Indicators covered indicators relating to sexual exploitation and prostitution, which were used to identify victims of trafficking during raids on massage parlours and commercial sex institutions. The Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act provided for the protection of all victims of trafficking, including those who were also victims of sexual exploitation or prostitution,

refugees, persons in an irregular situation and asylum-seekers. Shelters for victims of domestic violence were also available to victims of trafficking, through collaboration with the Ministry of Home Affairs and the Ministry of Women, Family and Community Development. Collaboration between the Government and NGOs had improved, in line with the Committee's recommendations; the Government provided support to organizations that operated shelters.

51. **A representative of Malaysia** said that the volunteer anti-crime squad, called Skuad WAJA, had been established by the Ministry of Women, Family and Community Development to address and raise awareness of crimes and discrimination affecting women. Between 2021 and 2023, its members had totalled 330,000, including 250,000 women. The Government offered training on psychosocial support skills to participants in the squad and shared information on sexual harassment, cybercrime, drug abuse, trafficking in persons and domestic violence affecting women.

52. The right to freedom of speech and expression must be exercised responsibly and within the law. The Communication and Multimedia Act empowered the Malaysian Communications and Multimedia Commission to counter the misuse of online platforms to spread offensive content or carry out cyberbullying. Requests to remove content were considered by platform providers based on their own community guidelines. Discussions were being held with media service and content providers to address cultural norms and the hypersexualization of women. Awareness of the Content Code had increased, but no study had yet been conducted on its effectiveness.

53. **A representative of Malaysia** said that discussions of female genital mutilation had intensified and were held at the highest ministerial level. They included the participation of religious authorities, civil society organizations, medical experts and academics to improve knowledge of female circumcision. In 2019, the Ministry of Women, Family and Community Development had created a video addressing the health implications of the practice. Female circumcision was not obligatory by law, and awareness that the practice had no health benefits was increasing. However, it took time to transform cultural practices, reconcile divergent views and address the issue within the national context of Malaysia, and abruptly banning the practice without community acceptance could have a negative impact.

54. **A representative of Malaysia** said that women and girls in Malaysia were protected against gender-based violence, including marital rape and intimate partner rape, by the Domestic Violence Act, the Penal Code, the Sexual Offences against Children Act, the Anti-Sexual Harassment Act and the Child Act. One-stop crisis centres in hospitals served as the first point of contact between victims and relevant agencies, such as the police and social services. In 2024, one-stop social support centres had been established to offer services such as counselling and temporary refuge to survivors of gender-based violence, while a 24-hour hotline continued to offer a lifeline for victims.

Articles 7–9

55. **Ms. Akizuki** said that the Committee had received information that persons advocating for the rights of Muslim women and lesbian, bisexual, transgender and intersex women continued to be at risk of arbitrary arrest, detention, criminalization, surveillance, harassment and intimidation by State authorities. She therefore wished to know about measures that had been taken to protect human rights defenders, politicians, journalists and other advocates from intimidation.

56. **Mr. Safarov** said that the State party had not ratified the Convention relating to the Status of Refugees or the Convention on the Reduction of Statelessness and had maintained its reservation to article 9 (2) of the Convention on the Elimination of All Forms of Discrimination against Women, which set out women's equal rights with men with respect to the nationality of their children. According to records of the National Registration Department, of the 33,000 applications for citizenship under article 15 of the Constitution, 4,534 had been approved and 2,396 had been rejected. Discriminatory nationality and citizenship laws in the State party allowed men to transmit citizenship to their children, including those born overseas, but did not afford women that right on an equal basis, thereby depriving them of much needed safeguards and protection for themselves and their children.

Children born out of wedlock were at high risk of statelessness. The process for granting citizenship to adopted children who were stateless was difficult, as was the adoption process itself. Having noted that the Cabinet had approved the establishment of dedicated committees to conduct a detailed study on proposed amendments to the Constitution in respect of citizenship laws, he wished to know whether the final report of that study would be made public. He also wished to know about the current status of the resulting constitutional amendments bill and the projected time frame for its processing. He further wished to know what measures would be taken by the State party to guarantee citizenship for children born abroad prior to the coming into effect of the amendments. Did the State party have any intention of withdrawing its reservation to article 9 (2) of the Convention?

57. The Committee would be grateful to receive data on stateless women and girls and to learn about the measures taken by the State party to decrease their number. He wished to invite the State party to ratify the Convention relating to the Status of Refugees, the Convention on the Reduction of Statelessness and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

58. **A representative of Malaysia** said that, regarding legal protection for women's rights defenders, all citizens were guaranteed the right to form an association under article 12 (1) (c) of the Constitution. In addition, as stated in article 8 (1) of the Constitution, the law protected all persons equally. Accordingly, all persons, including human rights defenders, were entitled to equal legal protection when carrying out their work within the bounds of the law.

59. **A representative of Malaysia** said that the Government was committed to increasing the representation of women in peacekeeping operations and fully supported Security Council resolution 1325 (2000) on women and peace and security. It had not developed a national action plan to implement the resolution but was considering doing so. A workshop on the women and peace and security agenda had been held in April 2024 in collaboration with the Asia and the Pacific Regional Office of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). The Government was collaborating closely with other United Nations agencies and with the Government of the United States of America with a view to gaining greater understanding of the issue and technical assistance in the development of a national action plan.

60. **A representative of Malaysia** said that laws on citizenship in Malaysia were based on provisions under part III of the Constitution, the Citizenship Rules of 1964 and other relevant legislation in force regarding marriage registration, child legitimacy and immigration. Women and men had equal rights and were given avenues under the Constitution to confer Malaysian citizenship on their children. The Government guaranteed three pathways to citizenship: under applicable law, through registration or through naturalization. As at March 2024, 3,000 applications for citizenship under article 15 (2) of the Constitution had been processed. As for the 14,000 outstanding applications under article 15A, which granted the Government special powers to register children as citizens under special circumstances, the Government had pledged to process them by the end of 2024.

61. The Government had welcomed views from various stakeholders to ensure a holistic approach was taken to amending the Constitution. NGOs, representatives of the national human rights institution, academics and members of Parliament had been invited to share their views on the constitutional amendment bill during multiple sessions. In addition, comparative studies had been conducted.

62. The Government had given much consideration to the recommendation for Malaysia to accede to the Convention relating to the Status of Refugees and the Convention on the Reduction of Statelessness. Although it was not a party to either of those instruments, Malaysia had always respected and adhered to international standards relating to the protection of refugees. Any decision to ratify an international convention was taken with due consideration of the Constitution, domestic laws and national policies. Every country must be allowed the time and space to consider whether to take on international obligations or commitments. Malaysia continued to assess the feasibility of acceding to those conventions in line with its national priorities and capacities.

63. **A representative of Malaysia** said that the constitutional amendment bill had had its first and second readings in Parliament on 25 and 27 March 2024, respectively. The bill,

which was aimed at resolving the citizenship issue, would be debated during the next parliamentary sitting. His Government was committed to ensuring that it would progress as expected through the due processes in Parliament, which would include debates in both the House of Representatives and the Senate and a review by a parliamentary committee. The bill would contribute to the Government's continuous efforts to reassess its reservation to article 9 (2) of the Convention.

64. **Ms. Hacker** said that, despite the fact that the Rural Development Policy 2030 had established a 30 per cent quota for women in local leadership, the guidelines set out by the Department of Orang Asli Development provided that only Orang Asli males could be village heads. In addition, representation of Indigenous women in Parliament and other government bodies was poor. She would be interested to know the ratio of women to men in the Village Development and Security Committees and the Orang Asli Village Development and Security Committee, and to learn more about the State party's plans to secure equal representation of women, including rural and Indigenous women, in all local and national political bodies. How would the State party ensure that women could take up the role of village head?

65. Indigenous persons continued to face numerous challenges in acquiring official documentation, especially birth registration. Such challenges included a lack of awareness of the importance of registration; low literacy levels; the costs of travelling long distances to register; and the additional cost, time and complexity of procedures resulting from the failure to complete processes within the stipulated deadlines. Children who remained undocumented and at risk of statelessness would suffer significant adverse effects on their education and health as well as on their employment prospects later in life. The delegation might provide information on measures envisaged by the State party to assist Indigenous women and asylum-seekers in successfully documenting their children and thereby protecting them from statelessness.

66. **Ms. de Silva de Alwis** said that she would be interested to learn about measures being taken by the State party to support women in assuming leadership roles in the Central Bank of Malaysia. She commended the State party for pledging to revise the law to ensure equality in the aftermath of the Suriani Kempe case, which had shone a spotlight on the disparity in rights between mothers and fathers in conferring Malaysian citizenship to their children. She would be grateful to receive information about the State party's intended timeline for fulfilling that pledge.

67. **Mr. Safarov** said that he remained unconvinced that women and men had equal rights in conferring citizenship to their children in the State party. He wished to underscore that the issue at hand was not the State party's reservation to article 9 (2) of the Convention per se, but rather its efforts to ensure that all members of the community were granted equal rights, not only to citizenship but, concomitantly, to health, education and other fundamental entitlements. Further to Ms. Hacker's observations, he would be grateful if the delegation would clarify the possible reasons behind the low representation of women in leadership positions. Observing that both the Minister and the Deputy Minister for Foreign Affairs were men, he wished to know the ratio of men to women serving as ambassadors of Malaysia. He also wished to know the ratio of men to women serving as judges in the State party.

68. **Ms. Manalo** said that, in view of the important role that women played in peacekeeping, she wondered to what extent women were represented in the armed forces in the State party.

69. **A representative of Malaysia** said that strengthening rural women's leadership at the village level, including in Indigenous communities, was a priority under the Rural Development Policy 2030. Several leadership roles existed in Indigenous villages and communities. The Indigenous Village Development and Security Committees had been established to assist in the administration and development of villages, including the implementation of programmes. Indigenous women in Peninsular Malaysia could act as chairpersons of those Committees. In fact, women chaired 14 per cent of the 276 Indigenous Village Committees and constituted 43 per cent of those Committees' membership. Some 10 per cent of Committees in Sarawak State were led by women. The Ministry of Rural Development would continue to strengthen rural women's leadership through a seminar to

be held from August to October 2024 which would be attended by some 800 women. In addition, the Government had plans in place to work with NGOs and social enterprises on developing a rural women's leadership programme. Regarding the issues relating to birth registration by Orang Asli and other Indigenous communities, it was worth noting that the National Registration Department had mobile services for identity card applications, identity card replacements and birth registrations that were available to Indigenous communities.

70. **A representative of Malaysia** said that the Government had implemented a policy requiring 30 per cent of decision-making positions to be held by women, first in the public sector, beginning in 2004, and then in the private sector, beginning in 2011. Women's representation in decision-making positions stood at 40 per cent in the public sector. As of September 2022, all publicly listed companies were required to have at least one woman serving on its board of directors. That requirement had been introduced on 31 December 2021 for publicly listed companies with a market capitalization of RM 2 billion or more. As at 1 June 2023, the ratio of women directors in the top 100 publicly listed companies and across all such companies was 31 per cent and 25 per cent, respectively. It was worth noting that a woman had served as the Governor of the Central Bank of Malaysia for 16 years, from 2000 to 2016.

71. **A representative of Malaysia** said that the constitutional amendment bill was evidence of the Government's dedication to addressing citizenship issues following the Suriani Kempe case. The Government had already established a number of mechanisms to assist undocumented persons in Malaysia, including an outreach programme, which provided advisory services and raised awareness about national documentation, including in rural and remote areas. Some 124,000 applications relating to identity cards, birth registration or death registration had been received and processed during the implementation of the programme. In addition, in line with recommendations made by the commission of inquiry on immigrants in Sabah, the Government had established a special joint committee chaired by the Minister of Home Affairs and the Chief Minister of Sabah. Town hall sessions were held among politicians, community leaders and representatives of NGOs to address the issue of citizenship. A special task force had been established in Sarawak State in October 2023 to address similar issues.

72. **A representative of Malaysia** said that 849 women were employed in the armed forces, of which 90 had been deployed to five United Nations peacekeeping operations.

Articles 10–14

73. **Ms. Akizuki** said that she would be grateful for updated information about the status of the draft law to amend the Education Act to make secondary education compulsory. She had understood that, in the State party, girls continued to be married and become pregnant before the age of 18. She wondered whether girls interrupted their studies owing to pregnancy, whether girls in such cases faced discrimination and what measures could be taken to effectively guarantee the right to schooling without discrimination for girls in such circumstances. She would be interested to learn about measures taken by the State party to narrow the digital divide by ensuring equal access to digital education for disadvantaged women and girls, such as Indigenous women and girls, women and girls with disabilities, and women and girls in rural, remote and impoverished areas. In the light of a study released by the United Nations Children's Fund (UNICEF) that had found that 83 per cent of students in the State party had experienced bullying and that 70 per cent had called for an anti-bullying policy, she would be grateful if the delegation would outline specific measures being prepared by the Ministry of Education to curb bullying in schools and action being taken to provide safe and inclusive educational environments free from discrimination, harassment and gender-based violence against women and girls. In addition, she wished to know whether financial incentives, such as scholarships, were in place to promote the enrolment of women and girls at all levels of education, particularly in non-traditional fields of study such as science, technology, engineering, mathematics, and information and communications technology. She also wished to know what measures had been taken by the State party to consolidate sexuality and reproductive health education in schools, and what had been done to ensure access to education, including skills training, for women asylum-seekers and refugees lacking legal status.

74. **Ms. Haidar** said that she commended the State party for its efforts to advance gender equality in the area of employment, including the incorporation into the Employment Act of a provision on the prohibition of discrimination. However, that provision did not explicitly mention gender-based discrimination. She was curious to know whether the State party had any intention of withdrawing its interpretation of article 11 of the Convention, wherein it defined the provision as a reference to the prohibition of discrimination on the basis of equality between men and women only, thus excluding intersectional discrimination against, for instance, women with disabilities; Indigenous women; lesbian, bisexual, transgender and intersex women; and refugee women. Given the troubling, persisting pay gap between men and women in the State party, she would be grateful for information about additional measures that the State party planned to implement to ensure equal pay for work of equal value across all sectors. The Committee remained concerned about women in the State party experiencing intersectional discrimination in employment, including women with disabilities; refugee women; Indigenous women; foreign spouses of Malaysian citizens; and lesbian, bisexual, transgender and intersex women. She wished therefore to know how the State party intended to support women belonging to those groups in gaining access to formal employment in the public and private sectors, and to prohibit workplace discrimination against such women. She also wished to know what steps the State party intended to take to extend labour protections, such as minimum wage requirements and annual leave benefits, to all domestic workers in the State party, and whether the State party intended to amend its social security legislation to fully cover domestic and migrant domestic workers. Did the State party intend to ratify the ILO Domestic Workers Convention, 2011 (No. 189)? She would be grateful to learn about the measures in place to ensure that all complaints of sexual harassment in the workplace were effectively investigated, perpetrators were prosecuted and adequately punished, and victims were protected from retaliation. Lastly, she would appreciate any relevant data available on sexual harassment in the workplace since the enactment of the 2021 amendment to the Employment Act, which had established requirements for information on sexual harassment to be displayed in workplaces and had increased fines for employers failing to investigate sexual harassment complaints.

The meeting rose at 1 p.m.