

Media Release

CEDAW & Gender Equality in Malaysia: We have waited twelve years. Do we have to wait another twelve more?

Tuesday 6 March 2018, by [Joint Malaysian NGO Coalition](#) (Date first published: 21 February 2018).

The Joint Malaysian NGO Coalition for the 69th Session of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) congratulates the Government of Malaysia for undergoing a second CEDAW review after a long absence, but expresses its disappointment with the scant progress on gender equality reported by the government during its Constructive Dialogue.

Malaysia's twelve year delay in submitting its report to the CEDAW Committee reflects a lack of political will, which remains the great stumbling block in advancing gender equality in the country. Malaysia ratified the Convention in 1995, and is obligated to report on progress made every four years. However, the last time Malaysia submitted its report to the CEDAW Committee was in 2006. The Coalition wholeheartedly welcomes the CEDAW Committee's request to the Government for clear time frame and meaningful objectives, as well as for pressing the government to adopt principled approaches to issues pertaining to the rights of diverse women in diverse situations in Malaysia. We appreciate the fact that the Committee reminded Malaysia of its obligation as a State party to CEDAW to report on the status of human rights of women, and for raising critical issues that have adversely affected and regressed the advancement of human rights of diverse women in the country.

The Coalition regrets that the Malaysian government was unable to offer a principled response to many questions posed by the Committee, such as on the issue of the "bin Abdullah" case. While we are well aware that these cases are ongoing and pending judgement at the court level, we believe that it is important for the government to have a principled stance on these cases. In the case of Indira Gandhi whose verdict has already been passed, it is in fact more important for the government to uphold the integrity of the Federal Court's decision.

When posed with the case of the fatwa against Sisters In Islam, the government delegation responded that they will allow the legal recourse to take place. They however, failed to answer how fatwas are in line with Malaysia's obligation to ensure peaceful public spaces and why they accord more weight to fatwas than the constitutional rights of the people. The government went on to say that fatwas fall under state jurisdiction and if gazetted, becomes applicable in the respective state. The Committee remarks that there are 14 different states in Malaysia, and questioned the practicality of having 14 different interpretations of Islamic law in the country.

While using Islam in a plural legal system to justify unjust treatment of women have been rolled out in Malaysia, the Committee cited examples of how progressive Islamic practices has made headway for women's rights around the world. Malaysia defended its obligatory circumcision for Muslim girls

as not female genital mutilation (FGM) and that the “harmless” procedure is done under medical guidelines drawn by the Ministry of Health. The Committee remarked that there were six members from OIC countries in the review and that none of them attributed the practice of FGM to Islam. In fact, the practice is deemed unIslamic and against the law in Egypt. The Coalition is concerned that the principle behind the mandatory circumcision, being to “control” women’s sexual urges, was not disclosed by the government.

On the issue of the citizenship of children born overseas to Malaysian mothers, the Coalition is appalled to learn that the reason given as to why the process to register the child as ‘Malaysian’ takes far longer (as opposed to if the child was born to a Malaysian father), is due to national security and sovereignty reasons. The government’s failure to acknowledge the gross discrimination of this policy remains an item of grave concern to us.

When questioned about gender based violence, the government reported that the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons enjoy equal rights as all Malaysians do in the country. We would like to remind the government that existing laws criminalise persons based on sexual orientation, gender identity, gender expressions and consensual, sexual acts and in fact, the state spearheads and funds anti-LGBTIQ initiatives in the country.

Other issues that received vague responses by the government include child marriage, comprehensive sex education, inheritance, foreign domestic workers and reforms to existing Islamic family laws. While the government reports that it wishes to see progress towards gender equality in Malaysia, little has been done to advance this cause, the repercussions of which has resulted in a regression in the country’s administration of these and many other gender related issues.

The Coalition regrets that the review session left the Committee with more questions than answers. The government has cited its consultations with NGOs with regards to a range of women’s and human rights issues. However, in too many of these consultations, we are not privy to the outcomes. We strongly believe that this is evidence of the lack of political will when it comes to making meaningful steps towards gender equality in Malaysia.

As per the process of CEDAW, the Malaysian government has 48 hours to submit responses to unanswered questions posed by the Committee. The Coalition looks forward to strong commitments and accountability by the government in their responses.

The Joint Malaysian NGO Coalition

P.S.

Sisters in Islam

<http://www.sistersinislam.org.my/news.php?item.1516.27>