
Advance unedited version

Distr.: General
1 November 2023

Original: English
English, French and Spanish only

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

**Replies of Malaysia to the list of issues and
questions in relation to its sixth periodic report* ****

[Date received: 25 October 2023]

* 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.

Replies to the list of issues and questions

Introduction

1. This document is prepared in response to the List of Issues and Questions in relation to the Sixth Periodic Report of Malaysia ([CEDAW/C/MYS/Q/6](#)). Malaysia continuously strives to empower women and advance their participation through various initiatives and strategies as designated in the Malaysia five-year development plan. Malaysia's focus on enhancing inclusiveness and equitable opportunities for all Malaysians, including women echo in the Twelfth Malaysia Plan 2021-2025 (12MP). It also covers actions made to realise the 2030 Agenda for Sustainable Development (SDG 2030).

Reservations

Reply to Paragraph 1

2. The Cabinet has approved on the establishment of a Cabinet Committee and Technical Committee to conduct a detailed study on the proposed amendments of the Federal Constitution with regard to citizenship laws. The committees will present a final report of the study and proposed amendments of the citizenship laws to the Malaysia Conference of Rulers for approval prior to tabling in Parliament. Further efforts in reviewing the reservation to Article 9(2) will be taken into consideration upon tabling of the bill in the Parliament. Malaysia maintains its reservations to Article 16 (1) (a), (c), (f), and (g) on matters relating to marriage and family relations in line with the Federal Constitution and Syariah law.

3. The Federal Constitution clearly stipulates the separation of power between civil and Syariah matters. Please see for details paragraph 54 of Malaysia's Common Core Document Forming Part of the Reports of States Parties ([HRI/CORE/MYS/2016](#)) and paragraphs 64 until 76 of Replies of Malaysia on the List of Issues and Questions in Relation to the Combined Third to Fifth Periodic Reports of Malaysia (Addendum) ([CEDAW/C/MYS/Q/3-5/Add.1](#)).

Visibility of the Convention

Reply to Paragraph 2

4. The appointment of Gender Focal Points (GFPs) in all ministries and agencies aims to ensure that CEDAW principles are integrated in the capacity building trainings among judges, lawyers, prosecutors, police officers and other law enforcement officials. The Sixth Periodic Report of CEDAW which include the Concluding Observations on the Combined Third to Fifth Periodic Reports of Malaysia was published and disseminated to all ministries and agencies in February 2023 and is accessible from the Ministry of Women, Family and Community Development's (MWFCD) [website](#) (hyperlinked). The Ministry of Foreign Affairs (MOFA) collaborated with the Office of High Commissioner for Human Rights to translate nine (9) human rights treaties, including CEDAW and its Optional Protocol into the Malay language. This is to educate the public and increase their understanding of the core human rights instruments and international human rights standards and practices. On 18 May 2023, MOFA through its Foreign Minister disseminated the translated human rights instruments to all ministries and agencies to request the co-operation and assistance of each ministry to disseminate the copies accordingly.

Women's rights and gender equality in relation to the pandemic, recovery efforts, and global crises

Reply to Paragraph 3

5. Please see [Annex W] of Malaysia's Sixth Periodic Report [CEDAW/C/MYS/6](#) for detailed explanation on the efforts undertaken by Government during COVID-19 pandemic

from 2020 to 2022. Efforts made and mechanisms for Malaysia to recover from the long-term impact of COVID-19 pandemic were outlined in the [Budget 2023](#) (hyperlinked).

6. The [Health White Paper](#) (hyperlinked) was tabled in the House of Representative, Parliament on 14 June 2023 to reform Malaysia's health care system by identifying key challenges and limitations and presenting inclusive and responsive measures to address the population's health care needs.

Constitutional and legislative framework

Reply to Paragraph 4 (a)

7. Please see paragraphs 112 and 113 of Malaysia's Combined Third to Fifth Periodic Reports ([CEDAW/C/MYS/3-5](#)). Additionally in the recent case of *Sundra Rajoo s/o Nadarajah v Minister of Foreign Affairs, Malaysia & Ors* [2021] 5 MLJ 209, the Federal Court elaborates on the courts' approach in interpreting domestic legislation that deals with international law issues whereby priority will be given to domestic law over international law and in a case where a domestic legislation is ambiguous and capable of an interpretation which favours international law, the court ought not to put the State or the other branches of Government in a position which would render them in breach of international law whether it be conventional international law (treaty law) or customary international law.

8. As mentioned in paragraph 3 of Malaysia's Sixth Periodic Report ([CEDAW/C/MYS/6](#)), continuous efforts have been taken by the Government to ensure the provisions CEDAW are domesticated and reflected in the domestic laws to eliminate discrimination against women.

Reply to Paragraph 4 (b)

9. Please see paragraph 1 of Malaysia's Sixth Periodic Report ([CEDAW/C/MYS/6](#)).

Reply to Paragraph 4 (c)

10. Malaysia maintains its position in paragraph 1 of Sixth Periodic Report. Malaysia recognizes the importance of gender equality especially women empowerment and this is evident by the latest amendment to the Employment Act 1955 [*Act 265*] in 2022 which came into force on 1 January 2023 which, among others, inserted a specific provision of section 69F on discrimination in employment. With this amendment, the Director General of Labour is given power to inquire into and decide any dispute between an employee and his employer of any matter relating to discrimination in employment and to make order. The amendments are aimed at promoting and enhancing better protection to the workers including women, in compliance with international labour standards as well as CEDAW.

11. The Gender Equality Bill, which was renamed the Anti-discrimination Against Women Bill, is still under discussion and requires further study on the necessities and content of the bill.

Reply to Paragraph 4 (d)

12. The Federal Constitution clearly stipulates the separation of power between civil and Syariah matters. Please see for details paragraph 54 of Malaysia's Common Core Document Forming Part of the Reports of States Parties ([HRI/CORE/MYS/2016](#)) and paragraphs 64 until 76 of Replies of Malaysia on the List of Issues and Questions in Relation to the Combined Third to Fifth Periodic Reports of Malaysia (Addendum) ([CEDAW/C/MYS/Q/3-5/Add.1](#)).

Women's access to justice

Reply to Paragraphs 5 (a), and (b)

13. Individuals who feel that they are discriminated based on gender can lodge complaints under the existing law on a case-by-case basis. For example, the *Act 265* addresses

discrimination at workplace. Amendments to the *Act 265* included a provision relating to discrimination in employment under Section 69F(1) and that amendment came into force on 1 of January 2023. Referring to Section 69F(2) of *Act 265*, any conviction relating to discrimination in employment shall be liable to a fine not exceeding RM50,000.00 and shall be liable to a daily fine not exceeding RM1,000.00 daily for continuous offence.

Reply to Paragraph 5(c)

14. Number of investigations and prosecutions carried out from 2018 until March 2023 in cases of gender-based violence including rape, domestic violence and sexual harassment is in **Annex A**.

15. In addressing gender-based violence, there are laws and regulations that provide reparation, rehabilitation and compensation based on the needs of the victims such as the Penal Code [*Act 574*], Domestic Violence Act 1994 [*Act 521*] and Anti-Sexual Harassment Act 2022 [*Act 840*]. The *Act 840* was recently enacted to improve the existing judicial system through the establishment of a specific tribunal to handle sexual harassment complaints promptly by using the standard of proof on the balance of probabilities and awarding compensation on damages to victims.

16. To address domestic violence cases, shelter homes under the Department of Women Development (DWD) and Non-Governmental Organisations (NGOs) as well as 24-hour One Stop Crisis Centre treatment for victims at government hospitals (emergency departments) were provided to accommodate the needs of the victims. The Guidelines for Addressing Domestic Violence Cases was published and disseminated in 2023 as a guidance to all personnel in handling domestic violence cases. Initiatives by the DWD such as 'MATAHARI,' aims at improving women's wellbeing and 'IRIS' aims at increasing legal literacy and women's rights. In addition, a dedicated hotline for mental health issues, 'Heal 15555' has begun its operation in October 2022 for individual in distress to get early assistance. NGOs such as Women's Aid Organisation (WAO) and Befrienders also provide services for emotional support and mental health.

Reply to Paragraph 5 (d)

17. Malaysia is committed to address the barriers that prevent women from reporting cases of gender-based violence through initiatives such as guidelines, advocacy, gender sensitisation course, establishment of community empowerment mechanism, 'Talian Kasih Helpline' and 'Skuad WAJA'. These initiatives are continuously carried out in empowering women to come forward and report gender-based violence cases as reported in paragraph 24 to 33 of the Sixth Periodic Report.

National machinery for the advancement of women

Reply to Paragraph 6 (a)

18. The assessment of the National Women's Policy Plan of Action during the 10th Malaysian Plan identified the need for more capacity and expertise building, improvement of budget allocation and cohesive co-ordination of gender mainstreaming.

19. Malaysia consequently introduces specific strategies on women in the 12MP which emphasises the importance of empowering women to enable them to assume greater roles in society through the introduction of two initiatives which are Promoting Gender Equality and Enhancing Legal Protection. These initiatives are basically intended to empower women's participation in all sectors, especially in the economy by creating an ecosystem that focuses on women's well-being, safety and leadership.

Reply to Paragraph 6 (b)

20. Malaysia faced challenges to implement gender mainstreaming framework due to the lack of capacity building and experts to execute it. In this regard, focus will be given to increase and enhance the training and capacity building among GFPs and Gender Focal Teams (GFTs) to lead gender mainstreaming in their ministries and agencies.

Reply to Paragraph 6 (c)

21. Malaysia through the Department of Statistics of Malaysia has published various statistics with sex-disaggregated data including Census, Household Income and Expenditure Survey and Labour Force Survey. Since 2017, Statistics on Women Empowerment in Selected Domains that was published annually presents the national gender statistics in Malaysia including Malaysia Gender Gap Index.

Reply to Paragraph 6 (d)

22. MWFCDD through Social Institute of Malaysia (ISM) drafted a holistic gender equality training module that will be executed in 2023 and 2024. Public universities also offered gender equality courses such as in University Malaya, University Science of Malaysia and National University of Malaysia. In addition, MWFCDD will conduct gender training for all GFPs and GFTs that aims to provide knowledge hence deepening their understanding on gender equality. Training on gender equality also continuously being conducted by NGOs including National Council of Women's Organisation (NCWO), All Women's Action Society (AWAM) and WAO for public. At ASEAN level, under ASEAN Gender Mainstreaming Framework (AGMF) a training module on gender equality is currently being developed to further enhance implementation of AGMF.

Reply to Paragraph 6 (e)

23. Policy actions to advance women's rights of the 12MP have progressed towards the envisaged target despite being challenged by COVID-19 pandemic. These actions have produced some notable results. Among others, the increased of the percentage of women in the top-level management of public sector from 38.8 per cent to 39.0 per cent and that of the private sector from 25.8 per cent to 28.2 per cent between 2021 and 2022. Women participation in labour force has also increased from 55.5 per cent in 2021 to 55.8 per cent in 2022.

24. In the 12MP, the monitoring and evaluation of women's empowerment policy is performed based on the indicator approach since the nature of the policy subject is multidimensional and multilevel. This approach allows the impact of policy actions on the desired outcome to be holistically monitored and evaluated to help inform policy decision-making. For advancing policy on women's rights, the improvement of women's well-being over the 12MP is the desired outcome.

25. The mid-term review of the 12MP was tabled in the Parliament in September 2023 by Ministry of Economy. The mid-term review evaluated the achievements and revised all initiatives and strategies in the 12MP to be aligned with Madani economy framework towards achieving the targets.

Reply to Paragraph 7 (a)

26. There are trainings provided by the Judicial and Legal Training Institute (ILKAP) for the Judicial and Legal Service, public service, statutory bodies and local authorities officers who are involved in law enforcement. Among the courses conducted by ILKAP for the past 5 years related to women empowerment and gender equality are Seminar on Domestic Violence, Course on Human Rights: Child Marriage from Domestic and International Perspective, Course on Law Relating to Sexual Crimes, Workshop on Investigation and Prosecution under Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 [Act 670] (ATIPSOM) and Course on the Law Relating to Sexual Crimes.

27. In strengthening gender mainstreaming efforts, MWFCDD conducts gender equality training for GFPs and GFTs. In addition, 75 gender-related programmes were conducted in 2022 by DWD which involved 28,917 participants. These trainings aim to improve gender equality and women empowerment in all sectors. The National Institute of Public Administration (INTAN) and Razak School of Government conduct various leadership programmes for all management levels. Details on the list of training provided by INTAN and statistics on the participation for various levels according to gender from 2018 to 2022 are in **Annex B**.

Reply to Paragraph 7 (b)

28. In 2022, GFPs and GFTs had been appointed in 44 ministries and agencies to execute gender mainstreaming. Focus will be given to capacity building and enhancing the GFPs and GFTs knowledge on gender equality.

Reply to Paragraph 7 (c)

29. The Government through the Ministry of Finance (MOF) is committed to implement gender-responsive budgeting (GRB) which was reflected in the Budget Speech and the Annual 2023 Budget Circular to ministries which requires gender analysis framework. Apart from this, MOF through Department of Statistic had enhanced the sex-disaggregated data from all ministries and agencies towards the implementation of GRB initiative. MOF in collaboration with NGOs has conducted series of coaching sessions on Gender Responsive Budgeting-in-Practice to empower ministries and agencies in implementing GRB. At the state level, the implementation of GRB is enhanced by including the participation of local communities.

Reply to Paragraph 7 (d)

30. All ministries and agencies continue to engage all stakeholders and related women organisations based on needs and whole of society approach in implementation of public policies and programmes. Among the women organisations that involved in the engagement are Association of Women Lawyer, NCWO, WAO, AWAM and Women's Alliance for Family Institution and Quality Education. The engagements were done through various avenue including convening meetings and townhall sessions as well as appointment of relevant stakeholders as committee members. This is evident based on the National Council for Women and Family, the enactment of *Act 840*, amendments of *Act 265* and issues related to citizenship law.

Women human rights defenders**Reply to Paragraph 8 (a), (b), and (c)**

31. Malaysia continues to work closely with women human rights defenders, women activists and civil society organizations (CSOs) in ensuring that the implementation of initiatives to empower women and improve gender equality. Their rights are guaranteed and subject to the Federal Constitution and existing laws.

Temporary special measures**Reply to Paragraph 9 (a)**

32. Measures to increase women's participation in the labour force are continuously done by the Government as reported in paragraphs 74 to 79 of the Sixth Periodic Report. The *Act 265* was amended in 2022 for equal participation of both women and men in workforce. In this regard, maternity leave was increased from 60 days to 98 days in line with the international labour standards. This will ensure that working mothers have adequate time to care for their newborn and recuperate. Additionally, seven (7) days paternity leave was introduced in ensuring fathers play their part during the first seven (7) days following childbirth. The amendment also protects employee from termination during pregnancy and deletes provisions that restrict women's employment at night and in underground work to remove barriers that hinders women to participate in labour market.

33. In encouraging women participation in economy through entrepreneurship, Malaysia has taken initiatives to empower and support women in starting and growing their businesses. Various financial institutions and organizations in Malaysia offer funding schemes and grants tailored for women entrepreneurs. The Malaysian Industrial Development Finance provides financing programmes exclusively for women-owned businesses. Additionally, the Cradle Fund, an agency under MOF, offers grants and funding to innovative start-ups, including those led by women. Numerous training programmes and workshops are available to enhance

the entrepreneurial skills of women in Malaysia. Organizations like the National Entrepreneurship Institute (INSKEN), Malaysia External Trade Development Corporation (MATRADE), and the Malaysia Digital Economy Corporation (MDEC) offer entrepreneurship development programmes, mentorship and funding opportunities for women. Recently, a programme called Successful Women Entrepreneurship Engagement Talent (SWEET) under Perbadanan Nasional Berhad (Pernas) was introduced for women to get involved in the franchise sector.

Reply to Paragraph 9 (b)

34. The policy of 30% of women in decision-making positions in the public sector was introduced in 2004, while the 30% women's policy as decision-makers in the corporate sector was introduced in 2011. In 2022, women holding decision-making positions in public agencies stand at 38.8 per cent as compared to 37.2 per cent in 2019. Under the Listing Requirements, all Public Listed Companies (PLCs) are required to have at least one-woman director on its board. The requirement was introduced in January 2022 and came into effect on 1 September 2022 for PLCs with market capitalisation of RM2 billion and above as of 31 December 2021, and for the remaining PLCs on 1 June 2023. The statistics of women as directors on the Top 100 PLCs and across all PLCs as of 1 June 2023 stands at 30.6 per cent and 24.6 per cent, respectively.

Reply to Paragraph 9 (c)

35. Malaysia has achieved substantive equality in educational attainment and health and survival dimensions based on Global Gender Gap Index 2022 by World Economic Forum and recognise that more initiatives need to be done on economic participation and opportunity, as well as political empowerment. Among the initiatives, the Government introduced Women Career Comeback Tax Exemption that encourages women to return to work. Under this initiative the Government will give an individual income tax exemption of up to 12 months to eligible women returnees. In advocating and mentoring women to participate in politics, various training and capacity building programmes has been conducted in the collaboration of the Government and NGOs.

Reply to Paragraph 9 (d)

36. Please see paragraph 23 of Malaysia's Sixth Periodic Report.

Gender stereotypes

Reply to Paragraph 10 (a)

37. The Government's commitment to ensure all policies and programmes are gender responsive is translated through the appointment of GFPs and GFTs who will integrate and implement gender perspective in planning and decision-making. Continuous engagement and training are provided to give more understanding on the concept of gender equality. Hence this will eliminate discriminatory stereotypes and patriarchal attitudes within societies across all ministries and agencies as well as CSOs. In addition, the Women and Family Council and Parliament Special Select Committee on Women, Children and Community Development were set up to monitor the implementation of women empowerment policies.

Reply to Paragraph 10 (b)

38. To encourage men to share child-rearing and housework responsibilities equally, Malaysia introduced family-friendly policies *via* the amendment of the *Act 265* in year 2022. The amendments allow employees to apply for flexible working arrangements, increase paternity leave and provide greater protection against all types of harassment and discrimination, among others. A married male employee is now entitled to seven (7) consecutive days of paid paternity leave for each confinement, up to five (5) confinements to change the norms and for men to share responsibilities at home. Unpaid childcare leave for working parents can be applied for a maximum of five (5) years in helping mothers who require an extended period to care for their child in the public sector.

39. Under the National Population and Family Development Board (LPPKN), parenting skill programmes for married couples known as SMARTSTART are offered to ensure equal responsibilities for both male and female in the family. In 2021 to 2022, a total of 875,615 participants had benefited from marriage education programmes, parenting skills programmes, value strengthening and psychosocial programmes conducted by LPPKN together with other agencies such as Department of Islamic Development Malaysia (JAKIM), Community Development Department (KEMAS), Department of Syariah Judiciary Malaysia (JKSM) and NGOs.

Reply to Paragraph 10 (c)

40. The Parliament of Malaysia regards the act of sexist or condescending remarks as a serious offence in both House of Representatives and Senate. In February 2023, the Speaker for the House of Representatives reminded the Members of Parliament (MPs) that those who make racist and sexist remarks in both Houses of Parliament may be fined RM1,000. The Committee of Privileges of both Houses will consider any matter which appears to affect the power and privileges of the MPs. The Committee has the power to summon anyone to be present before it, to request for the issuing of letters, and issue statements to the House (Senate and House of Representatives) from time to time.

Reply to Paragraph 10 (d)

41. Attire regulations or dress code is only a guideline that imposed to both male and female in some of the buildings and public spaces to maintain professionalism that is based on the local legislation and culture. In addition, individuals who feel that they are discriminated based on attire can lodge a report to Public Complaint Bureau and *Act 265* as stated in para 12 of this report.

Reply to Paragraph 10 (e)

42. Malaysia strongly supports the programme to promote a positive and non-stereotypical portrayal of women and men especially in science, technology, engineering, and mathematics (STEM). The implementation of the Digital Education Policy which is expected to be launched in 2023 will provide a strong foundation for the next generation including girls/women to be successful in STEM as well as addressing the gender divide in digital skills. The Digital Education Policy formulated by Ministry of Education (MOE) is expected to bridge the gender gap by enhancing students' digital skills and accommodating them well into today's informative world. MOE anticipates that the exposure to digital education at young age would trigger the interest towards computer science and STEM as a whole. This would boost the involvement of women in STEM. In addition, the National Blockchain and Artificial Intelligent Committee established in 2022 aims to increase 45 per cent participation of women in Blockchain and Artificial Intelligence related programmes by 2025.

Reply to Paragraph 10 (f)

43. The Malaysian Communications and Multimedia Content Code in compliance with the Communications and Multimedia Act 1998 [*Act 588*] outlines that media will ensure, to the best of their ability, that their Content contains no abusive or discriminatory material or comment on matters of, but not limited to, race, religion, culture, ethnicity, national origin, gender, age, marital status acknowledging that every person has a right to full and equal recognition and to enjoy certain fundamental rights and freedoms as contained in the Federal Constitution and other relevant statutes.

Female genital mutilation

Reply to Paragraphs: 11 (a), (b), (c), (d)

44. Data on FGM is not available as there is no practice of FGM among girls up to 14 years old in Malaysia. Please refer to paragraph 36 of this report on this matter.

Gender-based violence against women

Reply to Paragraph 12 (a)

45. Statistical data on the number of complaints of domestic violence, disaggregated by sex, age, ethnicity, states and relationship between the victim and the perpetrator, the number and type of protection orders issued, the rates of dismissal and withdrawal of complaints are in **Annex C**. Please refer to **Annex A** for the data on other gender-based violence.

Reply to Paragraph 12 (b)

46. Unmarried women have access to protection orders under the new Section 98A of the Criminal Procedure Code [*Act 593*] due to the introduction of stalking as a crime under Section 507A of the Penal Code. The anti-stalking and protection order provisions which came into force on 31 May 2023 stated that a victim regardless of their status can obtain a Protection Order for Stalking, which stops the perpetrator from further stalking.

47. Sexual, Women and Child Investigations Division (D11) within the Royal Malaysian Police (RMP) is tasked to investigate cases involving criminal violence against women and children. D11 also assist complainants or victims of sexual crime related cases in applying for Interim Protection Order (IPO) and Protection Order (PO) from the court through the Department of Social Welfare.

Reply to Paragraph 12 (c)

48. Cases where perpetrators of rape married their victims are isolated cases. Malaysia continuously provide support to victims such as through provision of shelter for victims and psychosocial support.

Reply to Paragraph 12 (d)

49. Please see Annex L of Malaysia's Sixth Periodic report.

Reply to Paragraph 12 (e)

50. Please refer to paragraphs 15 and 16 of this report for information on strategies to combat gender-based violence against women and girls.

Trafficking and exploitation of prostitution

Reply to Paragraph 13 (a)

51. [The Royal Commission of Inquiry \(RCI\) Report on the Discovery of Transit Camps and Graves at Wang Kelian, Perlis](#) was established on 12 September 2019 and has been published for public reference through the official website of the Ministry of Home Affairs (hyperlinked).

52. Pursuant to the investigations of Wang Kelian case, the Government submitted an extradition request to the Government of the Kingdom of Thailand on 6 January 2017 against 10 Thailand nationals suspected to be involved in this case. This has led to the prosecution of 4 Thai nationals on 23 June 2023 in the Kangar Sessions Court under Section 26A of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 [*Act 670*]. Both countries are continuing the co-operation to track down the remaining 6 suspects for extradition.

Reply to Paragraph 13 (b)

53. Statistic of the number of victims of trafficking in the past 5 years is in **Annex D**.

Reply to Paragraph 13 (c)

54. Number of cases and suspect arrested for trafficking are in **Annex E**.

Reply to Paragraph 13 (d)

55. The Government, through National Strategic Office to Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants and MWFCDD, had given its continuous support in securing an annual budget up to RM6.10 million to support the anti-trafficking and anti-smuggling activities in Malaysia. Out of the total 209 activities outlined in the National Action Plan on Anti-Trafficking in Persons 2021-2025 (NAPTIP 3.0), 156 activities have been implemented from April 2022 to March 2023. It is also important to note that many of these activities are continual programme for the five-year period.

Reply to Paragraph 13 (e)

56. The National Guidelines on Human Trafficking Indicators (NGHTI) was developed in line with national and regional requirements, particularly in fulfilling Malaysia's obligations at the regional level under Article 14 of the ASEAN Convention Against Trafficking in Persons, Especially Women, and Children (ACTIP). The NGHTI document provides a common guide to be used by all related enforcement agencies and NGOs in Malaysia dealing with human trafficking. The Second Edition of the NGHTI (NGHTI 2.0) has been launched by MOHA on 22 March 2023. NGHTI 2.0 has been improved upon to include screening checklists based on the indicators as guidance for the enforcement officers, case studies as examples of practical applications of indicators, and some examples of the evidence required to prove the indicators.

Reply to Paragraph 14 (a)

57. The Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) in collaboration with the International Justice Mission is conducting NGHTI 2.0 trainings for law enforcement officers across six zones in Malaysia. The initial Training of Trainers session for Central Zone was conducted from 20 - 22 March 2023, involving 31 trainers from 5 enforcement agencies. At least two officers from each zone would be identified to be Victim Identification Champions, who will then be engaged as trainers for future capacity building sessions on NGHTI and victim identification. Project Liber8, an NGO, is supporting MAPO to develop NGHTI 2.0 web-based application to allow the enforcement officers to access the screening checklists in carrying out victim screening when they respond to potential trafficking in persons (TIP) cases.

Reply to Paragraph 14 (b)

58. Section 25 of ATIPSOM provides victim immunity from criminal prosecution where the trafficked person shall not be liable to criminal prosecution in respect of illegal entry, period of unlawful residence and possession of any fraudulent travel or identity document which he obtained, or with which he was supplied, for the purpose of entering the receiving country or transit country.

59. Malaysia continues to shelter TIP victims in segregated shelters according to gender, age, or protection order. Anyone who receives the IPO and/or PO is accorded with the same access to support services, regardless of nationality, age, legal status, religion, etc. Victim of trafficking are given protection in the shelter provided by the government and NGOs. This includes various support and assistance such as counselling services, free health and medical assistance as well as skill training. In addition, the victims will be provided with legal support by, for example, escorting the victims to court and providing logistic and psychological support during the court hearing. Further, Section 66A of ATIPSOM stated that the court can order for payment of compensation to the trafficked person. As of June 2023, Malaysia is back on the Tier 2 Watch List in the latest Human Trafficking Report 2023 issued by the US State Department.

Reply to Paragraph 14 (c)

60. The Child Act 2001 [Act 611] and the Sexual Offences against Children Act 2017 [Act 792] are the primary legislation governing children and the criminal justice system in Malaysia. Act 792 addresses several areas including child pornography, child grooming, physical and non-physical sexual assaults, abuse of position of trust, and evidence of child

witness. The Act also includes sexual offences against children under other Acts as specified in the Schedule of *Act 792*. A Special Guidelines for Handling Cases on Sexual Offences Against Children was introduced in December 2017 to enhance management of Court's proceeding regarding sexual offences. The recent amendment to *Act 792* introduced new Sections 15A and 15B, which criminalize any perpetrator who commits sexual offences online towards a child.

61. Section 211 (Prohibition on provision of offensive content) and Section 233 (Improper use of network facilities or network services) of *Act 588* provide fines, imprisonment or both for the providers or users of online applications which are indecent, obscene, false, menacing or offensive with the intent to harass or threaten any person.

62. The Government has also developed the Plan of Action on Child Online Protection (PTCOP) 2015-2020, which identified 5 cyber threats to children namely cyberbullying, cyber grooming, identity theft, pornography, and exposure to violent graphic or content. Moving forward, the Government has collaborated with UNICEF to develop a new National Child Policy and its Action Plan to address all the existing gaps and capture the Government's commitment to implement the principles of the Convention on the Rights of the Child (CRC); survival, protection, development and participation. The new National Child Policy is a comprehensive policy which combines National Child Policy, National Child Protection Policy, and some child-related elements in National Social and Reproductive Health Education Policy and PTCOP. Once the Plan of Action is developed, PTCOP will be subsumed into the NCP POA and no longer be renewed.

63. MWFCD has set up an integrated action committee to tackle cyberbullying and online sexual crimes against children which is aligned with Malaysia's commitment to protect children from sexual exploitation and abuse based on Article 34 of the CRC. The committee was set up on 15 Jun 2021, comprising various government agencies, the private sector, NGOs and social activists. On 5 September 2022, the Government launched an awareness campaign to spread awareness about child sexual abuse.

64. The Government in partnership with International Criminal Police Organization (INTERPOL), United Nations Children's Fund (UNICEF) and End Child Prostitution in Asian Tourism (ECPAT International) has conducted a study on "Disrupting Harm: Evidence to Understand Online Child Sexual Exploitation and Abuse" to address child online protection in order to understand the various dimensions of online child abuse, further develop action plans and strategies to protect children and adolescents more effectively, while bringing offenders to justice and launched on 22 September 2022.

Reply to Paragraph 14 (d)

65. Malaysia is a party to the ACTIP 2015. As an ASEAN Member States, Malaysia actively participated in various ASEAN processes related to anti-TIP including the Senior Officials Meeting on Transnational Crime (SOMTC) Working Group on TIP as well as in regional platforms such as ASEAN-ACT and Bali Process. The list of Multilateral Engagements and Cooperation in Combating TIP and SOM is in **Annex F**.

Reply to Paragraph 14 (e)

66. The Government has launched a national campaign that is comprehensive, aggressive and has a high impact on raising awareness and combatting TIP, including the exploitation of women and girls in prostitution. There was a total of 66,186 Public Service Announcements (PSA) broadcasted on national radio networks, 5,567 PSA broadcasted on television stations, 12 television interview slots, and 15 radio interview slots were made from 1 April 2022 to 30 Mac 2023. Malaysia continues to shelter TIP victims in segregated shelters according to gender, age, or protection order.

Participation in political and public life

Reply to Paragraph 15(a)

67. Please refer to paragraph 32 and 33 of this report.

Reply to Paragraph 15 (b)

68. Please refer to paragraph 4 and 22 of this report. To raise awareness of sexual harassment and women empowerment in public life, MWFCDD is organising an advocacy roadshow programme. The roadshow aimed to give exposure, convey information about MWFCDD's psychosocial assistance and services and also increase community awareness of the implementation of the Anti-Sexual Harassment Advocacy Programme. As of today, the roadshow has been held in 10 different states across Malaysia (except Kedah, Perak, Perlis, Johor and WP KL).

Reply to Paragraph 15 (c)

69. Please refer to paragraph 31 of this report.

Reply to Paragraph 15 (d)

70. Data on women participation in government and judiciary is in **Annex G**.

Reply to Paragraph 15 (e)

71. As of June 2023, since the establishment of *Perdana* Fellowship in 2013, the programme has gathered participation of 816 members, of which 517 (63%) are male and 299 (37%) are female.

Reply to Paragraph 15 (f)

72. Malaysia has achieved significant progress in implementing the women, peace and security agenda by increasing the number of civilians and uniformed women serving in peacekeeping at all levels and in crucial capacities as in **Annex H**. In this regard, Malaysia is also dedicated in providing peacekeepers training and capacity development through the Malaysian Peacekeeping Centre, particularly on gender-related modules. Moving forward, a National Action Plan on women, peace and security is in the development phase to further implement Security Council resolution 1325 (2000) on women, peace and security.

Nationality**Reply to Paragraph 16**

73. Please refer to paragraph 2 of this report. Malaysia does not have statistical data on citizenship applications by stateless mothers.

Foreign women married to nationals**Reply to Paragraph 17 (a)**

74. Statistics of Active Pass for Foreign Wives to Malaysian from 2019 until 31 March 2023 is in **Annex I**.

Reply to Paragraph 17 (b)

75. Issuance of Permanent Resident Identification Card (MyPR) is subjected to Sub-regulation 5(3)(b), National Registration Regulations 1990 and the statistics of MyPR issuance as in **Annex J**.

Reply to Paragraph 17 (c)

76. From 2018 to 2022, there is a total of 6,546 applications for citizenship under Article 15(1) of the Federal Constitution, 1,405 applications approved, 64 not approved and 5,077 still in process. Unsuccessful applications are due to failure to comply with the conditions set by the Federal Constitution.

Reply to Paragraph 17 (d)

77. The data requested is not available.

Education**Reply to Paragraph 18 (a)**

78. In increasing women representation in leadership positions in higher education institutions, Higher Education Leadership Academy (AKEPT) has collaborated with University of Science Malaysia in conducting a webinar entitled 'Women & Higher Education: Advancing Leadership in a VUCA World' to understand the causes of underrepresentation of women in leadership positions in higher education. Another webinar entitled 'Empowerment of Women in Higher Education: The Hands that Rock the Cradle' was successfully organized online. This seminar provided initial data on the necessary statistics, current practices and efforts taken, (locally and abroad) regarding women leadership.

79. AKEPT also collaborated with public and private institutions on 'Women and Leadership in Malaysian Public Universities' in a research that aims to identify leadership practices in Malaysian public universities (descriptive and substantive), analysing challenges faced by female leaders. The research also proposes a framework as a guide for public universities to improve female leadership in general. At present, the research is at the final stage of data collection with the analysis at near completion. An open seminar on Women Leadership in Malaysian Universities shall be organized in August to disseminate research findings and accommodate closing the loop mechanisms for the Malaysian scenario. Statistics of AKEPT participants by sex and statistics on women participation in higher education institutions are in **Annex K**.

80. ISM's research on 30% of women participation at the decision-making position showed that only 22.8% of women were appointed as Top Management members leading higher education institutions. The study also found that currently there are no standard requirements for placing female representatives in the University Management Board. In addition, there are 6 out of 20 public universities and 21 out of 78 private universities have at least 30% women in their Top Management.

Reply to Paragraph 18 (b)

81. MOE has established a special committee to improve procedures for cases of sexual violence and harassment. One of the measures that has been implemented in schools to prevent sexual violence and harassment is interventions module by using the Child Sexual Crime Intervention Module in Schools (IHSAN). This module, among other things, provides understanding and increases students' awareness of sexual crimes and the impact of the crime towards victims' well-being. A continuous awareness programme is also implemented through collaboration with government or non-government agencies to disseminate information on psychoeducation, reproductive health and the threat of sexual harassment.

Reply to Paragraph 18 (c)

82. In ensuring the safety of students, School Liaison Officers (PPS) from the RMP are also put in duty in all schools to monitor criminal misbehaviour such as sexual harassment and other disciplinary problems. PPS is also tasked to conduct visits to schools twice a month to give lectures on crime prevention to students. In the event of any incident of sexual harassment involving students, the Counselling Teacher will play a role in providing support to students through counselling sessions to ensure the well-being, health, and safety of students. The measures taken by MOE in addressing bullying in schools have clearly shown a significant result with the reduction of bullying cases reported. Total students in primary and secondary schools involved in bullying based on *Sistem Sahsiah Diri Murid (SSDM)* from 2019 until March 2023 is in **Annex L**.

83. If the perpetrator is an authoritative figure (civil servant) and is found guilty, then disciplinary action will be imposed under the Public Officers Regulations (Conduct and

Discipline 1993). Other than that, the perpetrator can also be punished under the *Act 611* or *Act 792*. Civil servants who are in disciplinary or court proceedings will not be considered for promotion until they are released from charges or complete disciplinary punishment. Civil servants who are found guilty may be subject to disciplinary measures such as warnings, fines, forfeiture of emoluments, suspension salary increases, salary reduction, demotion or dismissal.

Reply to Paragraph 18 (d)

84. The data requested is not available, however in ensuring girls who have married before the age of 18 do not drop out of the national education system, the Government always encourages all students to finish their secondary level education before they get married. This is to ensure that students can concentrate fully on all curricular activities and co-curriculum that are being implemented in schools. Along that line, the government has never denied the rights of girls who have married before the age of 18 to continue schooling. In Malaysia, children enrolment to school is based on the age cohort rather than according to the marital status. A specific initiative has also been created in the Malaysia Education Development Plan 2013-2025 under Increased Access from Preschool to Secondary level theme that aims to address the problem of school dropouts. An intervention module is well provided in the blueprint for teachers to run the intervention program for students at risk of dropping out for them to remain in school until the end of Form Five.

Reply to Paragraph 18 (e)

85. In Budget 2023, education was given a special priority with RM2.3 billion allocated to build the best infrastructure and learning facilities in all schools, including RM920 million to upgrade buildings and infrastructure in 380 poor schools, especially in Sabah and Sarawak. Moreover RM900 million was allocated for work maintaining the facilities of all types of schools. The allocation is also to equip schools with special needs students with disabled-friendly facilities, in addition to RM15 million to support the efforts of NGOs to hold remedial classes for children who are still dropping out of school.

86. Under the Persons with Disabilities Action Plan 2016-2022, the MWFCDD has implemented the expansion of early education programmes for children with disabilities under the Third Strategic Thrust to Increase Education Accessibility for Persons with Disabilities. Once children with disabilities are accepted into public or private schools, the needs and progress monitoring of these students are handled by the MOE.

87. The Government practices Zero Reject Policy which places students with special educational needs in government schools and government-aided schools. As of 31st October 2022, among 10,231 schools across the country, 4,620 schools have at least one of the four disabled-friendly facilities, namely handrails, ramps, disabled toilets, and disabled parking spaces. Meanwhile, 1,297 schools have been equipped with all four disabled-friendly facilities. A total of 2,632 special education integration programs have been set up in pre, primary and secondary schools throughout Malaysia (as of October 2022), which benefited 85,362 disabled children. In terms of duration of studies, the children are given 2 additional years as compared to normal children to complete their studies at the primary or secondary level. The Government also provides opportunities for disabled children to continue their studies at the tertiary level. A list of significant projects that highlighted MOE efforts in increasing accessibility to schools for rural girls and girls with disabilities is in **Annex M**.

Employment

Reply to Paragraph 19 (a)

88. Please refer to paragraph 13 in this report.

89. The Social Security Organisation (SOCSO) through the Employment Insurance System has been mandated to implement a program to help the unemployed who need a job. Therefore, several employment-related initiatives have been announced in the 2023 *Malaysia Madani's* Budget including the *Daya Kerjaya Programme*, *Nadi Wanita* or *Wanita Madani*

Programme and contribution grant for hardcore poor housewives. Details of the programmes are in **Annex N**.

Reply to Paragraph 19 (b)

90. Currently, there is no specific incentive given for employers and businesses to implement the new and increased 98-day maternity leave.

Reply to Paragraph 19 (c)

91. The Minimum Wages Order 2022 provisions apply equally to all employees, both national and foreigners. The provisions nonetheless do not apply to domestic workers as the rights and welfare of the domestic workers in Malaysia are guaranteed through bilateral agreements on the recruitment and employment of domestic workers signed by Malaysia with source countries. These agreements also provide measures for the protection of both employers and domestic workers in line with the applicable laws and policies. This includes provision on wages for domestic workers based on the national minimum wage or market forces, which is included in the terms of the contract of employment agreed in the bilateral agreements with source countries. The National Wages Consultative Council continuously reviews minimum wages order at least once in every two years for the purpose of evaluating the effectiveness of the minimum wages order and its implication on the social and economic development of the country.

Reply to Paragraph 19 (d)

92. Please refer to paragraph 32 in this report.

93. TalentCorp gives attention to empowering women talents and enhancing preparedness to rise in their career advancement. This comes in a form of initiatives like the Women-Industry Network mentoring programme that focuses specifically on leadership, and Women Career Convention. Apart from talents' empowerment, TalentCorp also advocates for diversity, equity and inclusion practices that should not discriminate promotion of employees based on their gender.

Reply to Paragraph 19 (e)

94. Minimum Wages Order 2022 under Section 23(1) of the National Wages Consultative Council Act 2011 (Act 732) practises the same minimum wages rate for all sectors, types of employment and regional areas, and wages are regulated accordingly to ensure its implementation.

Health

Reply to Paragraph 20 (a)

95. During COVID-19 pandemic in Malaysia, the essential healthcare services in Ministry of Health (MOH) clinics including for sexual reproductive health continued and were never halted at any point. The reproductive healthcare services in the public sector are accessible to all, without any discrimination, regardless of social grouping, or nationality, including migrant workers irrespective of their legal status. Antenatal, postnatal care and family planning services are given free for Malaysian women at public facilities, thus exempted from nominal fee.

96. Malaysia is not a Member State of the 1951 Convention Relating to the Status of Refugees nor the 1967 Protocol Relating to the Status of Refugees. As a non-Party to those instruments, Malaysia is not obliged to provide any protection or assistance to those claiming to be a refugee or an asylum seeker. However, due to compassion and humanitarian grounds, Malaysia has been providing temporary protection and shelter to these vulnerable groups of people since the 1970s. Part of the assistance provided includes access to the public healthcare system including antenatal and postnatal care, intensive care and family planning.

Reply to Paragraph 20 (b)

97. For non-Malaysians, there is unrestricted access to all ranges of health facilities in both public and private health sectors. Apart from public facilities, they could access the outpatient care for antenatal or postnatal care and family planning in private general practitioner clinics or NGOs clinics, relatively at lower fees. With the exception of several medical conditions, under the Fees (Medical) (Cost of Services) Order 2014, they are required to comply with the said order and corresponding MOH circulars when obtaining health services at MOH health facilities. For refugees (with cards issued by the United Nations High Commission for Refugees-UNHCR), the medical fees are 50 per cent subsidised by the Government with free vaccinations given to the children born in this country.

98. Malaysia has amended National Security Council Directive Number 23 which provides for the policy and management of refugees and asylum seekers in Malaysia. Under this new Directive, major changes have been approved including registering the refugees into national system, access to employment opportunity, healthcare and also education. In this regard, refugees and asylum seekers as defined in the Directive are allowed to remain or stay temporarily in Malaysia based on humanitarian grounds in the fulfilment of Malaysia's international moral obligations.

Reply to Paragraph 20 (c)

99. Undocumented persons in Malaysia are subjected to the Immigration Act 1959/63 [Act 155] and public health facilities are instructed to report undocumented asylum seekers and migrants according to Act 155. Hence, the whereabouts of these individuals should be referred and reported to the authorities. The directive concerning public hospitals to refer undocumented persons to the authorities is aligned with the current regulations and provisions. It is the prerogative of a sovereign State to detain and return any undocumented person staying illegally in the country. The detention of such person allows the Government to determine the security nature or threat that the person may hold against the country. In the event that the detained person can prove that they have a basis to seek asylum in Malaysia, the Government shall release the said person to UNHCR for further processing.

Rural women**Reply to Paragraph 21 (a)**

100. The Ministry of Agriculture and Food Security (MAFS) through Policy Thrust 3 under National Agrofood Policy 2021–2030 (NAP 2.0) has emphasized talent building to enhance inclusivity and gender equality for women in the agrofood sector. NAP 2.0 has identified initiatives to encourage women to participate in the agrofood sector by offering training and knowledge transfer on relevant skills required by the industry. Organisations such as *Kumpulan PeladangNita* provides training through guidance programmes to women farmers in aspects of education and entrepreneurship to provide opportunities for women farmers to exchange ideas, knowledge, experience and skills to achieve progress in the field of economics and family well-being. In addition, the MAFS through various agencies has offered the specific programmes for women such as *Kumpulan Usahawan Wanita* (KUNITA) and specialise loans for women (Agrobank).

Reply to Paragraph 21 (b)

101. As mentioned in Article 8(2) of the Federal Constitution, both women and men are equal before the law, including indigenous women and girls. Indigenous women and girls are equally protected under the law and have access to justice system as other women in Malaysia.

102. Under the Department of Development of Indigenous People (JAKOA) the department for the wellbeing of indigenous people, there have been many initiatives taken to improve the livelihood of indigenous women and girls. In ensuring equal access to quality education for indigenous students especially those residing in remote areas, Malaysia has

improved access to a more conducive and safe learning environment. These include improving teaching and learning as well as providing the necessary infrastructure for the indigenous community.

103. The National Registration Department of Malaysia also provides mobile services in providing services such as identity card applications, identity card replacements, birth registration and others for those living in the interior including indigenous people.

Disadvantaged groups of women

Reply to Paragraph 22 (a)

104. Under *Act 265*, foreign employees are entitled to all protections provided to any employee in Malaysia. Reading Section 2(5) of the First Schedule to *Act 265*, it would appear that domestic workers are included for most labour rights protections, in particular as regards the right to notice of termination. Section 10 specifies that employment contracts shall be in writing and have clauses regarding procedures for termination.

Reply to Paragraph 22 (b)

105. Please refer to paragraphs 95 and 95 of this report.

Reply to Paragraph 22 (c)

106. As mentioned in Article 8 of the Federal Constitution, all person rights are equal before the law.

Reply to Paragraph 22 (d)

107. On 16 June 2023, the Abolition of the Mandatory Death Penalty Act 2023 has been gazetted and came into force on 1 July 2023. The death penalty will no longer be a mandatory sentence and judges can decide on the appropriate sentence after considering the circumstances of the case. Although Revision of Sentence of Death and Imprisonment for Natural Life (Temporary Jurisdiction of The Federal Court) Act 2023 has also been gazetted on 16 July 2023, it has yet to come into force. Nevertheless, there is a moratorium on all executions of death penalty imposed before the passing of the Act. This is to ensure that the convicts are given the opportunity to get their death sentences revised under the newly enacted act.

Marriage and family relations

Reply to Paragraph 23 (a)

108. There is a slight downward trend in the number of approvals for underage marriage applications among Muslims in the past three years after the new Standard Operating Procedure for such applications was enforced. There were 2,098 approved cases of Muslim underage marriage applications from 1 September 2018 until 31 October 2021. This is less compared to the 2,885 approvals for underage marriage applications from 1 September 2015 until 31 August 2018 recorded nationwide. Data on underage marriage from 2019 to 2020 is in **Annex O**.

Reply to Paragraph 23 (b)

109. The Steering Committee National Strategy Plan in Handling the Causes of Child Marriage was established for the purpose of monitoring the implementation of the Plan. The most recent steering committee meeting was held on 8 December 2022. The implementation of the program that has started is either through the program that has been planned or to improve the existing program under the Ministry and the respective agencies including the international body such as UNICEF. MWFCDC is in the midst of preparing for the mid-term review workshop to review the programs for each strategy in the plan which is scheduled in August 2023.

110. The State of Kedah has raised the minimum legal age for marriage among Muslims from 16 to 18 years old to ensure girls will reach the minimum maturity age before entering marriage on 18 July 2022. Previously, the sole exception was the State of Selangor which had amended the minimum legal marriage age by raising it to 18 for both men and women in 2018.

Reply to Paragraph 23 (c)

111. JKSM has implemented *hiwalah* order as a measure for helping women and children affected by men who refuse to provide spousal support through the amendments to Schedule 11 of the Financial Services Act 2013 [Act 758], Islamic Financial Services Act 2013 [Act 759] and Development Financial Institutions Act 2002 [Act 618] which was gazetted on 10 February 2021. During the Women's Day 2022 celebration on 9 March 2022, the Government has announced an initiative to empower women through strengthening the role of the *Hakam* Institution under the *Syariah* Court to help and safeguard the welfare of women facing a lengthy divorce process.

Reply to Paragraph 23 (d)

112. The Federal Government and State Governments have no intention of prohibiting polygamous marriage which is permissible under the *Syariah* family laws in Malaysia that are applicable to Muslims in Malaysia. To ensure the basic rights of wives in polygamous marriage are safeguarded and protected, the existing laws, regulations and procedures relating to polygamy are continuously reviewed and improved. For instance, the laws require written permission from the *Syariah* courts to be obtained by the husband before contracting polygamous marriage, with strict conditions and requirements to be fulfilled by the husband. These includes the proposed marriage must be just or necessary, the husband's ability to treat the wives equally and absolute fairness, the state of husband's present income, particulars of his commitments and his financial obligations and liabilities that should be ascertained, the number of his dependants, including persons who would be his dependants as a result of the proposed marriage, and whether the consent or views of the existing wife/wives on the proposed marriage have been obtained.

113. Contracting polygamous marriage in Malaysia without prior *Syariah* courts' permission is an offence and may be penalised under the respective *Syariah* family laws. In addition, the existing wife/ wives can also apply to the same courts for her maintenance and jointly acquired property during her marriage to the husband to protect her rights when the husband enters into the subsequent marriage.

Reply to Paragraph 23 (e)

114. Please refer to paragraph 12 of this report.
