



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
6 March 2023

Original: English
English, French and Spanish only

Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of Malaysia*

Reservations

1. In the light of the State party report ([CEDAW/C/MYS/6](#), para. 2), please provide information on specific ongoing efforts undertaken to effectively lift all remaining reservations to articles 9 (2) and 16 (1) (a), (c), (f) and (g), and a clear timeline in which to do so, as well as on measures to harmonize the State party's civil law and interpretation of sharia law with the Convention.

Visibility of the Convention

2. Please provide information on the efforts made to give visibility to the Convention and the Committee's general recommendations so that they are made an integral part of the capacity-building of judges, lawyers, prosecutors, police officers and other law enforcement officials. Please indicate the steps taken to translate the Convention into various languages and to make it available in accessible formats. Please also provide information on measures taken to disseminate the Committee's previous concluding observations.

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

3. Please describe efforts made and mechanisms put in place to face the coronavirus disease (COVID-19) pandemic and its long-term impact, and ways to apply these in the State party's response to current and future crises, such as armed conflict, food insecurity and the energy crisis. Please provide information on strategies taken to ensure that gender equality and women's empowerment are a fundamental requirement in addressing such crises, and in elaborating adequate responses, such as policies, assistance programmes, recovery efforts and the consolidation of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in these processes, and that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

* Adopted by the pre-sessional working group on 28 February 2023.



Constitutional and legislative framework

4. Please provide information on and explain the following:
 - (a) Measures taken to ensure the direct applicability of the Convention, stating whether the provisions can be directly invoked before the courts;
 - (b) The timeline for amendments to article 8 of the Federal Constitution to include a definition of discrimination;
 - (c) The time frame and steps planned for the drafting and adoption of the Gender Equality Bill and to ensure that it defines and prohibits all forms of discrimination against women, encompassing direct and indirect discrimination in the private and public spheres and intersecting forms of discrimination against women, as recommended by the Committee in its previous concluding observations (CEDAW/C/MYS/CO/3-5, para. 12);
 - (d) The harmonization of civil law and sharia law in accordance with the Convention, and assessment of laws in view of addressing gender inequality.

Women's access to justice

5. Please inform the Committee about:
 - (a) Complaint mechanisms in cases of gender-based discrimination and tabulated data on complaints received in the past five years, disaggregated by age, sex, geographical location and disability;
 - (b) Specific judicial or non-judicial remedies and forms of redress available to women in cases of gender-based discrimination and for the overall protection of their rights under the Convention;
 - (c) The number of investigations and prosecutions carried out in the past five years of cases of gender-based violence against women, and the reparations, rehabilitation and compensation provided;
 - (d) Measures taken to address the barriers that prevent women from reporting cases of gender-based violence against them, including sexual violence, to ensure gender-sensitive procedures for the lodging of complaints by women and to support women throughout criminal court proceedings.

National machinery for the advancement of women

6. Please provide information on the implementation of the Strengthening and Enhancing the Inclusiveness of Women towards an Equitable Society in the Eleventh Plan project (CEDAW/C/MYS/6, para. 9), in particular:
 - (a) The result of the assessment of the National Women's Policy Plan of Action during the Tenth Malaysian Plan;
 - (b) Challenges and recommendations for a gender mainstreaming framework;
 - (c) Trends, gaps and challenges in relation to sex-disaggregated data;
 - (d) Training modules on gender equality;
 - (e) The status of implementation of the Twelfth Plan from 2021 to 2025 in advancing women's rights, and its monitoring and evaluation mechanisms.
7. Please provide information on the following:

- (a) Training provided to officials responsible for the planning and implementation of policies, strategies and action plans aimed at the advancement of women in the past five years;
- (b) Mechanisms in place to ensure that gender mainstreaming is applied consistently in the development and implementation of laws, policies and programmes in all ministries and legislative structures;
- (c) How gender-responsive budgeting is integrated in government agencies at the federal, state and local council levels;
- (d) Mechanisms to promote the participation of, and consultations with, women's organizations in the adoption and implementation of public policies and programmes.

Women human rights defenders

8. Please provide detailed information on:

- (a) How the State party promotes the work of women human rights defenders and civil society organizations, meaningfully consults with them and integrates their views into national strategies on gender equality;
- (b) Measures taken to provide a safe and enabling environment for women human rights defenders, women activists and civil society organizations to carry out their work and activities on women's rights and gender-related issues;
- (c) Protection mechanisms in place to address allegations of acts of intimidation, harassment and violence committed against women human rights defenders, and steps taken to investigate such acts and prosecute the perpetrators.

Temporary special measures

9. Please provide information on the following:

- (a) Measures to increase women's participation in the labour force, especially for those who do not earn taxable income, so that it is on a par with that of men, which stands at 80 per cent;
- (b) Awareness and enforcement measures taken to increase the number of majority women-owned businesses and to ensure that public and private companies adopt the state policy of women's representation in at least 30 per cent of high-level management positions, and whether there are any consequences for organizations that do not adopt it;
- (c) Measures envisaged to accelerate the achievement of substantive equality between women and men, in particular in political and public life and employment;
- (d) Measures to accelerate the realization of substantive equality between women and men and eliminate female genital mutilation, in accordance with target 5.3 of the Sustainable Development Goals, such as outreach or support programmes, allocation and/or reallocation of resources, and numerical goals connected with time frames.

Gender stereotypes

10. Please provide information on the following:

- (a) The plan to eliminate discriminatory stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men in the family and in society, including measures that target religious and traditional leaders and

government actors at all levels, and how the plan will be monitored and its impact assessed;

(b) Measures taken to encourage men to share child-rearing and housework responsibilities equally with women, including providing paternity leave in both the public and private sectors;

(c) The application of standing order 36 (4), as amended in 2012, to ensure that members of Parliament are held accountable for sexist or condescending remarks about women;

(d) Measures to prevent the regulation of women's and girls' attire and freedom in terms of dress, and the impact on them;

(e) Measures taken to ensure that teachers benefit from adequate capacity-building programmes regarding gender stereotypes and that curricula and teaching materials at all levels of education promote a positive and non-stereotypical portrayal of women and men;

(f) Efforts made to monitor the negative portrayals of women in the media and on social media, as well as in statements by public officials.

Female genital mutilation

11. Please provide information on and explain:

(a) The prevalence of female genital mutilation among girls aged 0 to 14 years in the State party;

(b) Measures taken in the criminal code to ban female genital mutilation, as recommended by the Committee in its previous concluding observations ([CEDAW/C/MYS/CO/3-5](#), para. 22);

(c) The programme to eliminate female genital mutilation, in accordance with target 5.3 of the Sustainable Development Goals, including: (i) planned measures targeting traditional and religious leaders, educators, health-care providers, social workers, magistrates and police officers; (ii) the annual budget allocation to support the programme; and (iii) the systematic monitoring and evaluation framework of the programme;

(d) Consultations with religious authorities, women's non-governmental organizations and the public to convey the point that female genital mutilation cannot be justified by religion.

Gender-based violence against women

12. Please provide the Committee with:

(a) Statistical data on the number of complaints of all forms of gender-based violence against women, disaggregated by sex, age, ethnicity, geographical location and relationship between the victim and the perpetrator, on the number and type of protection orders issued, on the rates of dismissal and withdrawal of complaints, on prosecution and conviction and on the amount of time taken for the disposal of cases;

(b) Information on measures to include intimate partner violence within the scope of the Domestic Violence Act, thereby allowing unmarried women access to protection orders and compensation under the Act;

(c) Information on cases in which perpetrators of rape married their victims;

(d) Information on measures to harmonize sharia law with section 289 of the Criminal Procedure Code to prohibit the whipping of women as a form of punishment;

(e) Information on measures taken to develop a comprehensive, long-term strategy to combat gender-based violence against women and girls.

Trafficking and exploitation of prostitution

13. Recalling the Committee's previous recommendations (ibid., para. 26), please provide the Committee with:

- (a) A detailed report on the outcome of the investigation into the mass trafficking in persons from Myanmar and Bangladesh to Thailand and Malaysia that led to the discovery in May 2015 of mass graves and abandoned camps for trafficked persons along the border between Malaysia and Thailand;
- (b) Data, disaggregated by sex, age, nationality and geographical area, on the number of victims and survivors of trafficking in the past five years and on the extent and forms of exploitation of women and girls;
- (c) The number of cases of trafficking in women and girls investigated, persons prosecuted and convicted, and sentences imposed;
- (d) Information about the human, financial and technical resources for the implementation of the National Action Plan on Anti-Trafficking in Persons 2021–2025, and the progress achieved in its implementation;
- (e) Information on measures to enforce and monitor the use of the new national guidelines on human trafficking indicators to ensure a uniformed approach towards victim identification and referral to appropriate services and protection.

14. Please provide information on:

- (a) Information on training provided to all relevant professionals on the protocol for the early identification and referral of and provision of support to women victims of trafficking;
- (b) Measures taken to ensure that women and girls who are victims of trafficking are exempted from any criminal liability and have access to adequate health care, shelters, counselling services and redress, including reparations and compensation;
- (c) Measures taken to prevent girls from online sexual exploitation and child sex trafficking;
- (d) Details of bilateral or multilateral cooperation agreements on combating trafficking in women and girls with countries in the region, including the identification of victims and the prosecution and conviction of perpetrators;
- (e) Information on measures to combat the exploitation of women and girls in prostitution and to provide assistance and rehabilitation to victims.

Participation in political and public life

15. Please provide information on:

- (a) Measures taken to ensure the equal representation of women in political and public life, including temporary special measures, at the national, state and local levels and in decision-making positions in the Government, the judiciary and the civil and foreign services;
- (b) Campaigns to raise awareness among politicians, the media, teachers, community leaders and the general public about the importance of the participation of women in decision-making at all levels;

- (c) Efforts to protect the human rights of women politicians and human rights defenders;
- (d) Statistical data on the current participation of women in all branches of government and the judiciary;
- (e) The number and percentage of young women who have benefited from the *Perdana* fellowship since its establishment in 2013;
- (f) Steps taken to adopt a national action plan for the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security.

Nationality

16. In view of the fact that the wording of section 1 (b) of part II of the second schedule of the Federal Constitution is discriminatory towards Malaysian mothers, please report on steps taken to amend all provisions of the Federal Constitution that deny women equal rights with respect to the transmission of their nationality to their children and foreign spouses. Please also provide the number of citizenship applications filed under article 15A of the Federal Constitution by stateless mothers seeking citizenship for their children in the past five years, the number of cases granted or denied, and the justifications provided.

Foreign women married to nationals

17. Please provide data on:

- (a) The number of foreign women married to Malaysian citizens;
- (b) The number of foreign wives who applied for permanent residence in the past five years, the number of cases granted or denied, and the justifications provided;
- (c) The number of foreign wives who applied to the Federal Government to be registered as a citizen in the past five years, the number of cases granted or denied, and the justifications provided;
- (d) The number of foreign wives who applied for endorsement with the Immigration Department to work in Malaysia in the past five years, the number of cases granted or denied, and the justifications provided.

Education

18. Please provide information on the following:

- (a) Causes of the underrepresentation of women in leadership positions in higher educational institutions and specific measures taken to address the disparity;
- (b) The work of the special committee set up in May 2022 to improve procedures for cases of sexual harassment faced by girls in schools, measures taken to investigate and prosecute cases of sexual violence and harassment against girls in schools and to adequately punish perpetrators, and data on cases prosecuted and their outcome;
- (c) Measures in place to protect students from bullying perpetrated by authoritative figures;
- (d) Data on the educational attainment of girls who married before the age of 18 and the number and percentage of girls who continued to pursue an education during and after pregnancy;
- (e) Plans to increase accessibility to school for rural girls and girls with disabilities and to decrease their dropout rates.

Employment

19. Please provide information on:

- (a) Plans to enact an employment equal opportunity law to help to regulate and address all forms of discriminatory and unfair treatment and practices in the workplace, including those relating to recruitment, pay and promotion opportunities, and to ensure equal access to employment;
- (b) Incentives for employers and businesses to implement the new and increased 98-day maternity leave without financial consequences;
- (c) Plans to include domestic workers under the recently revised Minimum Wages Order 2022;
- (d) Measures to remove barriers to women's access to decision-making positions in the private sector, and guidelines and mechanisms to ensure their effective implementation, monitoring and evaluation;
- (e) Regulatory mechanisms for employment and recruitment practices to ensure that the principle of equal pay for work of equal value is guaranteed in national legislation and adhered to in all sectors.

Health

20. In the light of the concerns expressed by the Committee in its previous concluding observations (ibid., para. 40), please provide information on measures taken to:

- (a) Reopen public clinics that were closed during the COVID-19 pandemic and that provided affordable reproductive health-care services to non-Malaysian women, including refugees and migrants;
- (b) Adopt a long-term legislative approach to ensure that women refugees, migrants and asylum-seekers have access to health services, including antenatal and postnatal care, preventive care, health education and family planning, exempting them from having to pay deposits and higher fees than nationals of Malaysia;
- (c) Repeal the directive requiring public hospitals to refer undocumented asylum-seekers and migrants to the Immigration Department.

Rural women

21. In the light of the launch of the national agrifood policy to transform the agrifood industry into a sustainable, competitive and high-technology sector (CEDAW/C/MYS/6, para. 105), please indicate measures taken to integrate and mainstream a gender perspective into agricultural policies, strategies, plans and programmes.

Disadvantaged groups of women

22. Please provide information on the following:

- (a) Migrant women employed as domestic workers: the number and nature of complaints lodged by women migrant domestic workers against their employer in the past five years, the number of complaints processed or rejected, and the remedial actions taken;
- (b) Refugee and asylum-seeking women: in view of the Committee's previous recommendation to adopt a legal framework as a priority (CEDAW/C/MYS/CO/3-5, para. 46), the findings of the feasibility study that was conducted by the National

Security Council, and the steps taken to ensure that law, policy or mechanisms developed are consistent and in compliance with the Convention;

(c) Lesbian, bisexual, transgender and intersex women: measures taken to eliminate discrimination and negative stereotypes against lesbian, bisexual, transgender and intersex women in the past five years;

(d) Women facing the death penalty: policies and procedures in place to ensure that women facing the death penalty are provided with access to competent and independent legal assistance of their choice from the moment of arrest to appeals and other recourse procedures, and plans to continue to observe the moratorium on all executions first established in July 2018, until the death penalty is fully abolished, and all death sentences are reviewed and commuted;

(e) Indigenous women: the State party's plans to extend protection to Indigenous women, given that they suffer from many forms of violence, including physical, sexual and emotional abuse, and that the lack of identity cards, poor transportation services, poverty, illiteracy and discrimination are all barriers that prevent them from reporting abuse.

Marriage and family relations

23. Please provide information on the following:

(a) The number of applications for marriage authorization before the age of 18 and the number of such applications granted in the past five years, and the assessment criteria to be used by sharia judges to authorize child marriages;

(b) Progress of the National Strategy Plan in Handling Causes of Child Marriage (2020–2025), and legislative and other measures taken to prohibit child and/or forced marriage, without exceptions;

(c) Steps taken to remove all discrimination in marriages and raise awareness about the Convention and the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations, among women, men and community and religious leaders;

(d) Measures taken to prohibit polygamy and timeline for implementation;

(e) Measures taken to harmonize civil law and Islamic family law with the Convention.
