

Contemporary Matters Affecting Muslims Today

BARAZA!

A Sisters in Islam Bulletin



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Political Uncertainty and a Pandemic

sisters in islam

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BARAZA! is a resource primarily for activists; policy makers; academics and students of law, Islamic and gender studies; and SIS funders and supporters.

It provides:

* a focus on contemporary matters affecting Muslims today, especially women's rights in Islam

* resources for reference

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EDITOR'S INTRODUCTION

POLITICAL UNCERTAINTY AND A PANDEMIC

Even before the pandemic was declared, the nation was already in crisis. In late February 2020, political machinations within two Pakatan Harapan (PH) parties led to the fall of the democratically-elected government, after less than two years in power.

The new backdoor government of Perikatan Nasional (PN), led by Muhyiddin Yassin, paved the return to power of UMNO (United Malays National Organisation) whose former president and Malaysia's former Prime Minister Najib Razak has been found guilty of all charges in a 1MDB-linked graft case. Several other party leaders, including its current president, Ahmad Zahid Hamidi, continue to face corruption charges.

Additionally, the coup led to PAS, with its aims for an Islamic theocracy, being included in the federal government.

Citizen groups protested in pockets. However, most Malaysians were soon more focused on having a government that could see them through the pandemic, than agitating for a return of the government they voted for.



DROP IN REPRESENTATION

The pandemic has been unfortunate for Malaysia's democracy. The dramatic change in government has also had a terrible impact on the rights, inclusion, and protection of women and girls.

To be clear, it wasn't like the PH government fulfilled its election manifesto of having at least 30 per cent women in policymaking positions after it came to power in May 2018. However, it did increase the number of women in the cabinet to five from three under the previous Barisan Nasional (BN) government. It also appointed Wan Azizah Wan Ismail as Malaysia's first woman Deputy Prime Minister. Even though she could have done more to advocate for women's rights, at least she improved the social safety net for housewives through I-Suri, and sought to tackle the vexatious issue of child marriage through a comprehensive national plan.

PH also appointed several women to high-profile positions in entities such as the Human Resource Development Fund, Bursa Malaysia, Majlis Amanah Rakyat, and the Malaysian Anti-Corruption Commission.

Additionally, it was under the PH government that a significant number of women were appointed to top judicial positions. A woman was appointed for the first time as Chief Justice of Malaysia. Another was appointed as the Court of Appeal president, the judiciary's second highest position. Three women appellate judges were also elevated to the Federal Court.

Once PN swept into power, these gains – except in the judiciary – were quickly undone. Under PN's enlarged cabinet, women only comprise 13 per cent of the current cabinet compared to 18 per cent under PH. There is no longer a woman deputy prime minister. Unlike their PH counterparts, the current Minister and Deputy Minister for Women, Family and Community Development have done little to forward the women's rights agenda. Under the guise of ending political appointments, several qualified women were replaced as heads of government-linked bodies midway through their terms by politically-connected men.

PROTECTION FOR WOMEN AND GIRLS STALLED

One of the casualties of the political upheaval has been the Sexual Harassment Bill. The bill was scheduled to be tabled in Parliament in March 2020. In July, however, Rina Harun, the newly-appointed Women, Family and Community Development Minister announced that the bill had to be resubmitted for the current cabinet's consideration and approval.

Of concern is the fact that the PN coalition, which coalesced as a matter of political expediency midway through an election cycle, does not have a manifesto, what more a clear policy promise on women's rights. Moreover, it is evident that the current administration severely lacks a gender perspective.

For example, in a series of public service announcements released in March 2020, Rina Harun provided tips on how women could avert domestic conflict during the national lockdown. Among others, it advised women to take on the voice of a cartoon character with their partners, essentially asking women to infantilise themselves. Then in April, Siti Zailah Mohd Yusoff, Deputy Minister for Women, Family and Community Development, who is also the PAS Wanita chief, posted a five-minute video. This offered tips on how to manage domestic violence during an extended lockdown. Among others, she advised perpetrators to keep calm and quiet until their anger subsided. To victims, she said to use the "magic words" of "thank you" and "I'm sorry".

Plans to enact a Gender Equality Act, which gained greater momentum under the PH government, are now up in the air. After PN came to power, the much-needed National Strategic Plan to Address the Causes of Underage Marriage was also shelved. The five-year plan launched in January 2020 was meant to curb the problem of child marriages at the grassroots. What is distressing is that PAS, which is now in federal power, has in the past refused to recognise child marriages as a problem. Indeed, in a parliamentary debate in July 2017, Siti Zailah argued that syariah law allowed child marriages.

IMPACT OF COVID-19

The pandemic's economic impact on women was especially immediate. In Malaysia, a quarter of women who work are either self-employed, informal workers, or unpaid family workers.

This places them in an economically vulnerable position during a lockdown. Women are particularly affected by how frontline workers are treated. Comprising 97 per cent of all nurses here, more women are at risk than men. Women also make up the majority of service staff who support healthcare facilities, including cleaners and caterers, adding to their overall risk profile.

Under the PN government's Prihatin Rakyat Economic Stimulus Package, nine million Malaysians were eligible for Bantuan Prihatin Nasional (BPN) cash payments. However, the package did not cover many individuals most susceptible to financial precarity. This included vulnerably-employed women, female-heads of households, and domestic violence survivors.

MANY OF THESE WOMEN ALSO FACED BARRIERS TO ACCESSING THE PROPOSED TRANSFERS FOR B40 AND M40 HOUSEHOLDS. BPN PAYMENTS WERE DIRECTLY TRANSFERRED TO THE HEAD OF THE HOUSEHOLD, TYPICALLY A MALE. THIS PREVENTED WOMEN IN ABUSIVE MARRIAGES AS WELL AS SURVIVORS WHO ARE SEPARATED BUT NOT YET DIVORCED, FROM RECEIVING FINANCIAL HELP

HOW MANY STEPS BACKWARDS?

During PH's 22 months in government, the coalition took a few notable steps forward in improving the protection and rights of women and children. Its election manifesto made it easier for citizens to hold the coalition accountable. At the same time, the inclusion of former Opposition Members of Parliament and former civil society activists in government meant more socially-conscious policies and programmes.

It wasn't perfect and, in some instances, less than satisfactory. Still, it was better than under the previous BN rule. Many of the gains under PH were the result of the decades-long persistence and diligence of human rights activists and civil society organisations. It was also the mobilisation and support of these groups that led to the BN's eventual downfall in the May 2018 elections.

Malaysia now has a backdoor government that the people did not vote for. Moreover, many of those who are back in power were the same politicians who perpetuated a system of ethnocentrism, sexism, and human rights abuses.

Significantly, Sisters in Islam (SIS) and other NGOs have been fairly quiet about these developments, and not been more vociferous in critiquing the lack of progress for women's rights and gender equality under PN.

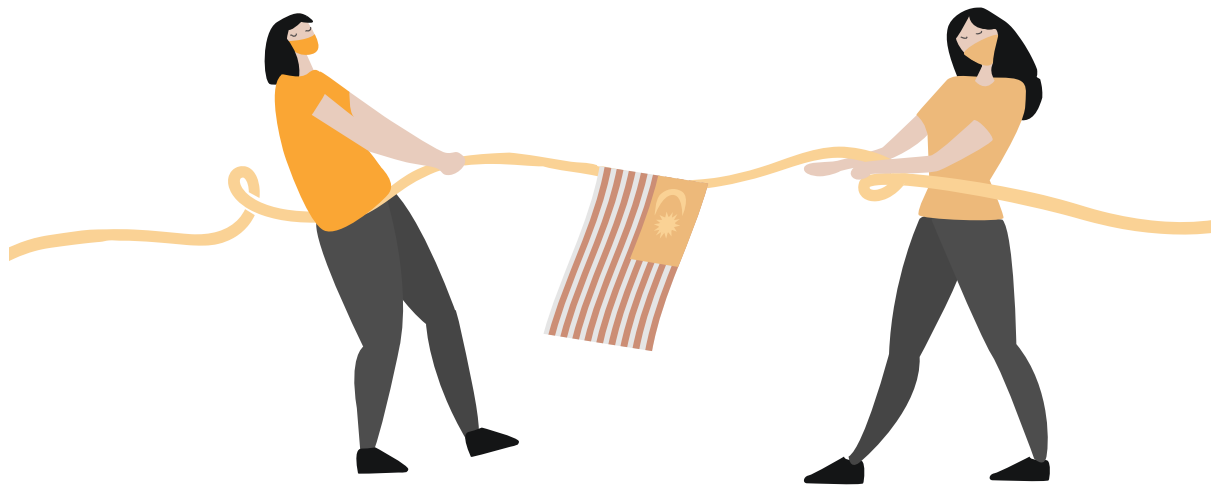
At the time of this writing, political uncertainty remains rife. The country is also experiencing another wave of Covid-19 infections, which will exacerbate the economic slowdown.

Studies have shown that empowering women is the key to sustainable development and economic advancement.

Unfortunately, with the uncertainties of politics and a pandemic, we can be certain the rights, protection, and inclusion of women and girls will once again be de-prioritised by those in power.

**Kuala Lumpur
23 October 2020**

From Pakatan Harapan to Perikatan Nasional: What Does This Mean for Women in Malaysia?



A On the 24th of February 2020, Prime Minister Mahathir Mohamad announced his resignation from his post without naming a replacement. This led to a few weeks of political scrambling as alliances were broken and reforged.

Following the subsequent withdrawal of Parti Pribumi Bersatu Malaysia (BERSATU) and 10 MPs from Parti Keadilan Rakyat (PKR), Pakatan Harapan, which also includes the Democratic Action Party (DAP) and Party Amanah Negara, lost its majority in Parliament, ending the former opposition party's historic run in government.

By 1 March, Muhyiddin Yassin emerged as Malaysia's eighth Prime Minister, helming the newly-formed coalition, Perikatan Nasional (PN). This comprised his party Bersatu, MPs formerly from PKR, as well as Barisan Nasional (BN) and Parti Islam Se Malaysia (PAS), i.e. parties

that lost in the last General Election. After over a year-and-a-half of living with the possibility that the country's longstanding one-party system could be reformed, Malaysians saw their democratically elected choices cast aside as familiar political manoeuvrings resumed.

It did not take long for the new government to swiftly rebrand its predecessor's work, which in some cases were also a continuation of practices started by the BN administration but repackaged. PN stated its commitment to PH policies like the Shared Prosperity Vision 2030 that outlined new 10-year goals for the nation. This, it believed, was an important step towards placing Malaysia on the path of sustainable and inclusive development.¹

How this would benefit women, however, was less clear. In fact, as the sections below show, the new government has been less willing to take on other PH initiatives

specifically introduced to advance the status of women in the country.

Given that the beginning of Prime Minister Muhyiddin's term coincided with the first wave of the Covid-19 virus in the country, the government's energies were directed at managing the pandemic and its effects. Some of these efforts have since come under scrutiny for restricting civil liberties including that of undocumented migrants², and for having an adverse impact on women. While it is too early to conclude that the future of women under PN is bleak, these early indicators are not a good sign.

¹ <https://www.thestar.com.my/news/nation/2020/03/10/shared-prosperity-vision-to-continue-on-says-azmin>

² <https://www.malaymail.com/news/malaysia/2020/10/20/democracy-human-rights-deteriorating-in-malaysia-since-covid-19-hit-says-wa/1914462>

Women, Leadership and Decision-Making



The 2018 General Election redrew Malaysia's political landscape with a historic increase in women holding public office. Although Pakatan Harapan (PH) fell short of its own minimum 30 per cent target for female policymakers, it made significant progress in cracking the glass ceiling, raising the number of women Cabinet members from three under Barisan Nasional (BN), to five.

Overall, however, change was incremental. The PH government attempted to support the creation of more female leaders, but through informal processes. Its failure to institutionally mandate gender quotas to address unequal political representation in Malaysia gave the current Perikatan Nasional (PN) government leeway to regress. Since the unveiling of the PN Cabinet in March 2020, the influence of women at the upper levels of government has seen a significant decline compared to previously under PH. Moreover, where women have been given leadership posts in the new government, they have not necessarily advanced the status of women in the country.

In April 2020, Rafidah Aziz, former BN Minister of Trade and Industry, criticised the “disgusting” manner in which the PN administration had removed heads of Government-Linked Companies (GLCs).³ She decried the premature removal of many competent women from these top posts midway through their terms, under the guise of ending political appointments. Their replacements were not only those aligned with the new government, but also men. Human Resource Development Fund (HRDF) chief Noor Farida Ariffin and Bursa Malaysia chairperson Shireen Ann Zaharah Muhiudeen were succeeded by former Malaysian Indian Congress (MIC) youth chief Nelson Renganathan and former senator Wahid Omar, respectively; while male candidates took over from Bursa Malaysia director Mariam Prudence Yusof and Majlis Amanah Rakyat chairperson Hasnita Hashim.⁴ Former Deputy Minister of Women, Family and Community Development Hannah Yeoh said that she accepted the inevitability of political appointments but pointed out that PN had effectively dismantled the progress that PH had made towards promoting women to decision-making posts during its term in power.⁵

While PN maintained the same number of women ministers (five) and deputy ministers (four), this no longer includes the post of Deputy Prime Minister. This figure is also based on a larger Cabinet of 32 ministers compared to 28 under PH, i.e. a lower proportion of female representation. The new Cabinet features around 13 per cent of women compared to the 18 per cent previously.⁶

Under the PH government too, a significant number of female judges were appointed to top positions in the judiciary. Tengku Maimun Tuan Mat became the first woman to hold the highest post in the judiciary with her promotion on 2 May 2019 as Malaysia's Chief Justice, while Federal Court judge Rohana Yusuf became the first woman to be appointed as president of the Court of Appeals, the second highest post in the judiciary. Four women Court of Appeal judges, Nallini Pathmanathan, Zaleha Yusof, Zabariah Mohd Yusof, and Hasnah Mohammed Hashim, were also appointed as Federal Court judges.

While all retained their positions under PN, and their continued appointments are an important marker of the progress women are making in public life, it is also true that not everyone understands, or supports, the idea that gender-based discrimination needs to be actively countered.

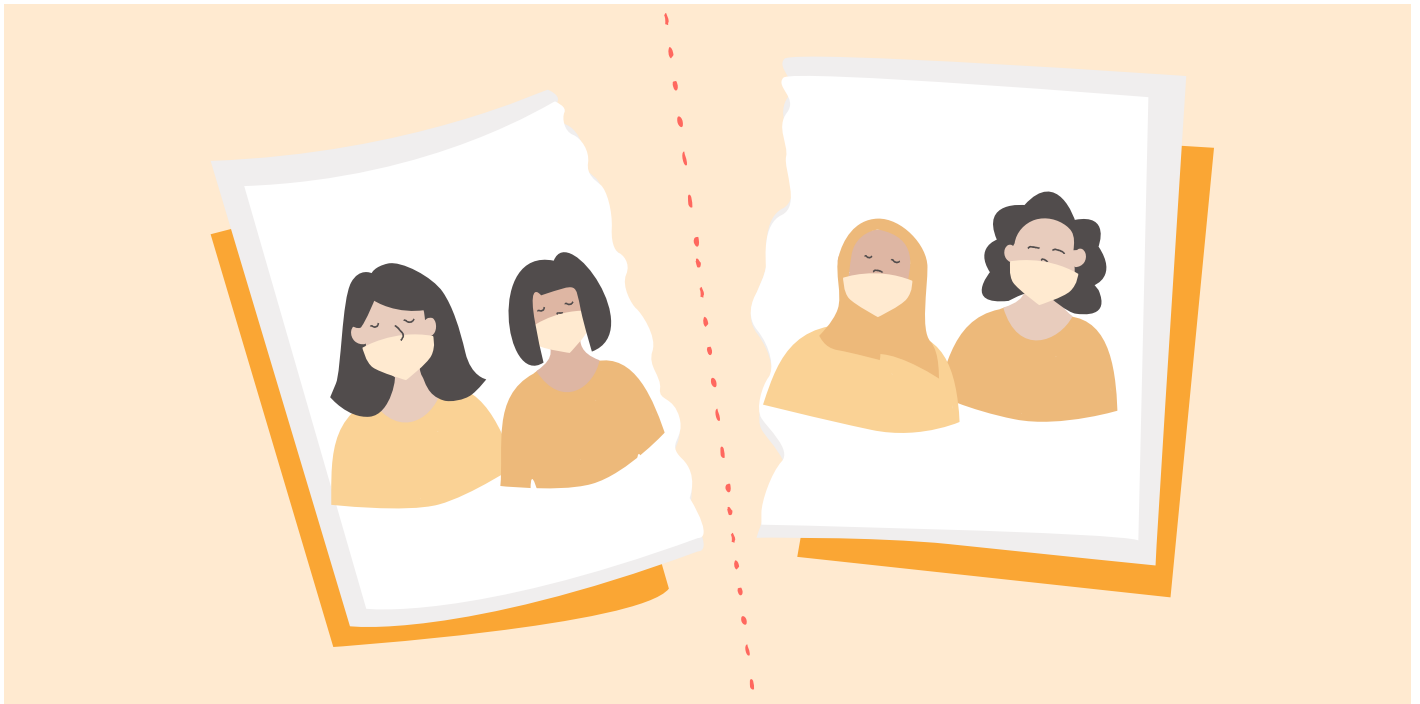
³ <https://www.malaysiakini.com/news/519711>

⁴ <https://www.straitstimes.com/asia/se-asia/women-leaders-collateral-damage-as-malaysian-pm-muhyiddin-secures-grip-on-power>

⁵ https://www.straitstimes.com/asia/se-asia/women-leaders-collateral-damage-as-malaysian-pm-muhyiddin-secures-grip-on-power?fbclid=IwAR107T6_9wXlBtsCeEF46T_nD05xH-4R4oU5rXBW16e_DxI-mIDrMxVQAvG

⁶ <https://www.malaymail.com/news/malaysia/2020/03/09/pakatan-mps-chide-muhyiddins-cabinet-as-bloated-lacking-representation-of-w/1844865>

Malaysia's First Woman Chief Justice



At the 2019 Regional Judicial Dialogue on the Elimination of Discrimination Against Women, Tengku Maimun Tuan Mat, Malaysia's first woman Chief Justice, shared her views on judicial activism. Citing former president of the Federal Court, Raja Azlan Shah, she maintained that anti-discriminatory legislation was important in combating bias and providing a crucial foundation for judges to build on related jurisprudence. She described redefining the boundaries of the law without a supporting basis in legislation as actions of "an overly activist" judge, and called on judges, lawyers, and legal activists to tread carefully.

Accordingly, she argued that of two possible approaches to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Malaysia — one, ensuring that domestic law conformed to CEDAW

standards to enhance protection for women; and the other, for judges to interpret the language of this international women's rights treaty as broadly as possible — the latter was less tenable.

Tengku Maimun also believed that gender-based discrimination was rare amongst judges. Using the Industrial Court as an example, she observed that awards in or determinations of disputes between employees and employers regarding labour practices had not been affected by gender. She further noted that the gender makeup of the judiciary at both the subordinate and superior court levels reflected that of the general workforce, each comprising 40 per cent women.

Nevertheless, she acknowledged the anachronistic rule of corroboration in sexual crime cases, which was based on the assumption that "the temptations of a woman to exaggerate an act of sexual connection are well-known and manifold." A baseless and blatantly discriminatory rule introduced by judges in the past, it

was apt that it be revisited. The Chief Justice also cautioned against making decisions about the care and custody of children based on stereotypes as that could uphold the rights of perpetrators. To counter such bias, she called on judges to undergo regular judicial training programmes, citing the United States and Europe as examples where judiciaries often hosted educational programmes to keep judges abreast of gender-related issues while also continuously reforming and revamping gender-discriminatory laws. She said that she intended to ensure a similar practice here to further sensitise judges about gender issues.

At the same time, she hoped that Malaysia would be able to work with the International Court of Justice (ICJ) to direct the mindset of judges away from stereotyping, and to rely strictly on evidence and the law.

Gender-Based Violence

SEXUAL HARASSMENT

After the tabling of the Sexual Harassment Bill was indefinitely postponed at the Dewan Rakyat in March 2019, the Ministry of Women, Family and Community Development (MWFC) arranged for a series of meetings with various stakeholders, including the Joint Action Group for Gender Equality (JAG). From April 2019, these meetings set out to further improve the Sexual Harassment Bill by reviewing a draft by the Women's Centre for Change (WCC) in 2001, and referring to sexual harassment legislation of other Commonwealth nations.

During this time too, JAG wrote a media statement to highlight three demands:

- 1** For a specific timeline for the Sexual Harassment Bill to be given;
- 2** That the Sexual Harassment Bill clearly defined the term based on international best practices, with minimum standards and oversight mechanisms, as well as civil standards and procedures to handle cases;
- 3** That changes be made to the Criminal Procedure Code (CPC) for court processes to become more sensitive to survivors of sexual offences.

After the second planned tabling in December 2019 was postponed to March 2020, JAG released an updated statement on 1 February outlining what else it wished to see in the proposed Sexual Harassment Act. Aside from improving the definition of sexual harassment, this included widening the law's coverage so more people would be protected from such acts, requiring public and private



actors to take proactive measures to combat sexual harassment, and enhancing protection and access to justice for those targeted.

The unexpected change in government at the end of February 2020 derailed these plans once more. On 22 July 2020, the new Women, Family and Community Development Minister Rina Harun said that although the bill was supposed to be tabled for first reading in March 2020, the change in government necessitated that it be forwarded again for the current Cabinet to consider and approve. She informed the Dewan Rakyat that the bill would be tabled in Parliament at the end of 2020.⁷

DOMESTIC VIOLENCE

In a series of public service announcements released during the Movement Control Order (MCO) in March 2020, MWFC issued 'tips' on how women could avert domestic conflict during the national lockdown. This caused an uproar for trivialising

domestic violence, including suggesting that women could minimise abuse if they impersonated the mannerisms of a cartoon character when talking to their partners. This reduced many women's legitimate fears of such conflict being a precursor to violence, to a joke.⁸

The lockdown saw people unable to work as only those in essential services were allowed to carry out their duties. At its strictest, the MCO banned Malaysians from leaving their homes except in emergencies, to buy food or to access healthcare.

In a country where small and medium-sized enterprises, including stallholders and family-run setups, comprise 90 per cent of the economy, scores of individuals across dozens of sectors experienced a huge loss of income. In the case of domestic violence survivors, this exacerbated financial dependence on their abusers, leaving them even more vulnerable to harm.

The government's welfare hotline saw a 57 per cent spike in calls from the beginning of the MCO in mid-March to early April, related to issues concerning domestic violence as well as other financial and marital problems. Women's rights groups also saw a similar rise in distress calls, with Women's Aid Organisation (WAO) reporting a 44 per cent increase in calls and enquiries between February and March.

In the first half of April, they received 264 calls and WhatsApp enquiries, a 111.2 per cent increase compared with 125 calls and WhatsApp enquiries over a 14-day period in February.⁹ In Penang, WCC reported a fourfold increase in domestic violence-related calls, with this period exceeding its 2019 monthly average.¹⁰

MANY DOMESTIC VIOLENCE SURVIVORS FACED UNCERTAINTY OVER HOW TO OBTAIN PROTECTION DURING THIS TIME. IN SOME CASES, LAW ENFORCEMENT RESCUED SURVIVORS FROM ABUSIVE HOMES; IN OTHERS, THEY TURNED AWAY THESE WOMEN AND TOLD THEM TO RETURN AFTER THE MCO HAD ENDED

The crisis had an impact on women who left their abusers as well. According to WAO, 30 per cent of its former shelter residents were unable to work due to the MCO, while 25 per cent were looking for jobs. Other NGOs had to stage interventions during the lockdown. The All Women's Action Society (AWAM) reported a case of a domestic violence perpetrator going through substance abuse withdrawal, making "a violent situation even more dire and dangerous for the survivor."¹¹

In May 2020, three PH leaders called on the government to pay greater attention to online sexual harassment and to act immediately against such threats. In a joint statement released on 27 May, Bandar Utama assembly person Jamaliah Jamaluddin, Kampung Tunku assemblyperson Lim Yi Wei, and Petaling Jaya Member of Parliament Maria Chin Abdullah said insufficient action by the authorities only promoted such toxic



Insufficient action by the authorities only promoted such toxic behaviour, allowing violent voices to have a stage and microphone to amplify their abusive actions. Citing the death and rape threats they each had received on social media as clear indication of how easily women can be targeted, the three women stated that such threats should be treated in the same way as if they were made offline.



behaviour, allowing violent voices to have a stage and microphone to amplify their abusive actions.¹² Citing the death and rape threats they each had received on social media as clear indication of how easily women can be targeted, the three women stated that such threats should be treated in the same way as if they were made offline.

Their statement also noted legal gaps that need addressing. For example, current laws do not allow victims to seek damages for sexual harassment. They also cannot obtain a Protection Order against sexual harassers.

This is why a comprehensive Sexual Harassment Act is necessary, one in which sexual harassment is addressed not only as a crime but tackled holistically and involving quasi-judicial processes too. People have the right to have protection against such acts, complemented by awareness, training, internal inquiry processes as well as counselling services for both harassers and survivors.

7 <https://www.malaymail.com/news/malaysia/2020/07/22/sexual-harassment-bill-to-be-tabled-by-year-end-says-minister/1887020>

8 <https://www.thestar.com.my/news/nation/2020/03/31/women-family-development-ministry-apologises-for-sexist-posters>

9 <https://wao.org.my/implement-emergency-response-to-domestic-violence-amid-covid-19-crisis/>

10 <https://www.msn.com/en-my/news/national/in-malaysia-domestic-violence-spikes-amid-lockdown-to-slow-coronavirus-infections/ar-BB12u1Qu?li=BB8Mk9>

11 <https://www.scmp.com/week-asia/people/article/3079456/malaysia-domestic-violence-spikes-amid-lockdown-slow-coronavirus>

12 <https://www.msn.com/en-my/news/national/govt-must-step-up-and-stamp-out-online-sexual-harassment-in-malaysia-now-say-pakatan-reps/ar-BB14F7MA>

Child Marriage

The long overdue National Strategic Plan to Address the Causes of Underage Marriage was launched in January 2020. This comprehensive five-year plan had 17 strategies and 58 programmes to be undertaken by 61 agencies.¹³

According to Wan Azizah Wan Ismail, then Minister of Women, Family and Community Development, the Syariah Judicial Department of Malaysia had already produced a Standard Operating Procedure (SOP) for marriage applications involving minors, while the National Population and Family Development Board (LPPKN) provided reproductive health services, including counselling and health screenings, to teenagers who engaged in premarital sex. The PH government had also agreed to introduce a Reproductive and Social Health Education programme for children as young as preschoolers to

combat sexual crimes against children and underage marriages. These were all initiatives in the right direction.

In her tweet on 9 March 2020, Marina Mahathir questioned the Perikatan Nasional government's appointments of Rina Harun and Siti Zailah Mohd Yusoff as the Minister and Deputy Minister of Women, Family and Community Development respectively, suggesting that this was a setback to the advancement of women in Malaysia.¹⁴ This concern proved true as not long after, the National Strategic Plan to tackle child marriage was cast aside.

Former Deputy Minister of Women, Family and Community Development, Hannah Yeoh, also voiced her concerns about her successor given the reluctance of PAS, Siti Zailah's party, to acknowledge child marriage as a problem. Siti Zailah herself has a track record of defending

this practice. For instance, in a parliamentary debate in July 2017, she argued that with the guidance of Allah, child marriage was permissible under syariah law. She also distinguished between sexual offences against children and underage marriage, claiming that the latter was a blessing.

Azalina Othman, Member of Parliament for Pengerang, has weighed in on this matter as well, stating that sexual predators should not be allowed to invoke religion and escape punishment through marriage. When Siti Zailah, having been asked if she would continue the fight against child marriage, replied that policies which did not clash with Islam, would go on, Azalina responded that marriage must not be used to justify sexual exploitation.¹⁵

¹³ shorturl.at/ICPW6

¹⁴ <https://twitter.com/netrakl/status/1236953749102325760?lang=en>

¹⁵ <https://www.thestar.com.my/news/nation/2020/03/14/azalina-don039t-allow-religion-to-be-used-to-justify-child-sexual-exploitation>

Employment Act



In October 2019, the Pakatan Harapan government announced that it had no plans to amend the Employment Act 1955 to protect jobseekers including those who were pregnant.¹⁶

Various parties including the Joint Action Group for Gender Equality (JAG) and the Human Rights Commission of Malaysia (Suhakam) had advocated for this

change, in line with the government's efforts to improve labour conditions.

Instead, the government chose only to extend maternity leave for the private sector from 60 to 90 days beginning in 2021. According to Mahfuz Omar, then Deputy Minister of Human Resources, the objective of the Employment Act 1955 was to supervise the terms and conditions of employees "who signed an

employment contract with an employer". This meant that the law only took effect once an employer-employee relationship had commenced and not before. However, he added, in line with the Discrimination (Employment and Occupation) Convention 1958 of the International Labour Organisation (ILO), the Ministry was reviewing prohibitions on workplace discrimination under the Employment Act 1955. This would cover areas including gender, religion, race, disability, marriage status, pregnancy and language.¹⁷

When Permatang Pauh Member of Parliament, Nurul Izzah Anwar, asked about additional measures to protect women who might face discrimination over the 90-day maternity leave ruling, Mahfuz said that there were no laws to use against employers who chose not to hire pregnant women.

¹⁶ <https://www.malaysiakini.com/news/493031>

¹⁷ <https://www.thestar.com.my/news/nation/2019/10/16/hr-ministry-no-plans-to-amend-employment-act-to-protect-job-seekers>

Covid-19, Labour, and the Economy



In December 2019, the Pakatan Harapan government revealed that it would scrap the monthly RM750 Critical Service Incentive Payment (BIPK) for new doctors, pharmacists, and dentists joining the public sector. For nurses, this meant losing an allowance of 10-15 per cent of their basic salary.¹⁸

After public outcry led by healthcare professional groups — they argued that the sector's scheme did not adequately compensate the nature and demands of the job and hence the BIPK was needed — the government temporarily shelved its decision for this to take effect from 1 January. Instead it said it would review the BIPK proposal by the end of 2020.¹⁹ The importance of adequately compensating healthcare workers was highlighted with the spread of Covid-19. At the outset of the pandemic,

the Ministry of Health (MOH) released a circular to detail which public healthcare workers qualified for the special RM600 monthly coronavirus allowance, and the claims process for this payment. According to a list of Frequently Asked Questions by its Human Resources Division dated 30 March 2020, frontline beneficiaries could claim the RM600 Covid-19 allowance starting 1 April 2020, limited to one claim per month.

This decision was criticised as being too limited since many others were involved in containing the outbreak, not just those MOH had identified. Emergency and Trauma Department staff, for instance, were denied this allowance as they were not considered part of the coronavirus team, even though Covid-19 is a respiratory disease and emergency workers in protective gears see all severe acute respiratory infection patients.

“

*Women are particularly affected by how frontline workers are treated. In Malaysia, they constitute 97 per cent of all nurses, meaning that more women are at risk due to their profession.*²⁰

They also make up the majority of the workforce that supports healthcare facilities, including as cleaners and caterers, adding to their overall risk profile.

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Budgetary and logistical compromises made by the government for the larger 'public good' also jeopardised the already limited access to women-specific healthcare like sexual and reproductive healthcare services. For example, the National Population and Family Development Board (LPPKN) closed its clinics during the Movement Control Order (MCO) period, which made access to contraception more difficult. This is concerning because of the impact it may have had on the occurrence of unintended pregnancies, which can cause distress and hardship for pregnant women and their families.

On 27 March, the government launched the Prihatin Rakyat Economic Stimulus Package that included cash payments in the form of Bantuan Prihatin Nasional (BPN) for which nine million Malaysians were eligible. While this relief was welcomed, the scope of the package did not cover the range of individuals most susceptible to financial precarity including women informal workers, female-heads of households, and survivors of domestic violence.

These women have had difficulty accessing the proposed transfers for B40 and M40 households as the BPN goes directly into the bank account of their household representative, typically the male head of household. This has prevented women in abusive marriages as well as survivors who are separated but not (yet) divorced – a process which can take up to two years once initiated – from receiving any meaningful financial help. Women and children who live with their abusers are thus denied the economic independence they need to leave.

Concurrently, the Movement Control Order (MCO) created a deeply unfamiliar situation for many Malaysians, particularly with regards to the need to work from home. Few were used to this arrangement and the challenges that came with it under the MCO. The restriction order meant that parents who would ordinarily be able to rely on schools or daycare centres for their children while they were at work suddenly found themselves in the position of being without reliable or affordable childcare, regardless of their working arrangements.

Women in particular have had a great deal to contend with as the demands for care has exponentially grown alongside financial instability.

A 2019 STUDY BY KHAZANAH RESEARCH INSTITUTE FOUND THAT MALAYSIAN WOMEN CARRIED A "DOUBLE BURDEN", SPENDING ALMOST 64 PER CENT MORE TIME THAN MEN ON UNPAID CARE WORK WHILE ALSO WORKING NEARLY EQUAL NUMBER OF HOURS IN PAID EMPLOYMENT²¹

Malaysia ranks 104 out of 153 countries in the 2020 Global Gender Gap Index report, with a female labour force participation rate of 55 per cent women compared to 80 per cent for men.²² A United Nations policy brief published on 9 April 2020 outlined how Covid-19 has exacerbated gender inequality and disproportionately affected women and girls. The pandemic has hit them hard; they earn less, have less savings, and experience greater job insecurity.²³ In Malaysia, a quarter of women who work are either self-employed, informal workers, or unpaid

family workers. This puts them in a vulnerable situation as they lack the security of those who are formally employed. They are easily susceptible to a loss of income under pandemic prevention measures.

Ultimately, the Covid-19 crisis has made visible in unprecedented ways, the fact that the daily maintenance of society is built on the invisible and unpaid labour of women.

18 <https://codeblue.galencentre.org/2019/12/24/no-critical-allowance-for-new-doctors-engineers-other-civil-servants-from-2020/>

19 <https://codeblue.galencentre.org/2020/01/09/critical-allowance-stays-for-government-doctors-health-workers-other-professionals-this-year/>

20 shorturl.at/pKLM0

21 shorturl.at/nyKMU

22 <https://www.dnevnik.bg/file/4006784.pdf>

23 <https://www.unwomen.org/en/digital-library/publications/2020/04/policy-brief-the-impact-of-covid-19-on-women>

"Given the often unequal and gendered division of labour in the home, this meant that many women found their workload multiplying during the MCO as they were expected to fulfil their job obligations and responsibilities as primary caregivers."

Malaysian Youth and Covid-19



Malaysian youth have had their own unique set of challenges under the Covid-19 pandemic. The sudden imposition of the Movement Control Order (MCO) gave learning institutions little time to prepare for implementing effective methods for online pedagogy. Adequate and equal technological access are among the primary issues faced. While many middle-class and urban students struggle with technical difficulties, others are left scrambling to source steady access to basic internet.

A large number of primary, secondary, and tertiary students have been unable to partake in online learning as they do not possess personal computers or broadband connections. A 2018 survey conducted by the Malaysian Communications and Multimedia Commission (MCMC) found a sizeable disparity between urban and rural internet users, where urban folks made up 70 per cent of internet users. Students

in areas with insufficient coverage and internet speed have thus had to contend with the risk of missing out on schooling as classes move online indefinitely.

The MCO has also impacted on the quality of teaching. The loss of face-to-face instruction without corresponding adaptive measures online has caused students greater difficulty in conducting dynamic discussions and long waits to have their questions answered. Evaluation has proven tricky without in-person cues for teachers to assess their students' individual responses and needs. This is especially true for those with special needs who are unable to learn as effectively via distance learning, which involves less tailored support.

Students whose families' incomes were affected by the MCO have had another layer of difficulty beyond a lack of resources. Many have needed to take on additional family responsibilities, whether it is taking on extra jobs to help pay for expenses, assisting with the family business, or caring for older

or younger relatives. These necessities have made it difficult for them to prioritise schoolwork, leading them to fall behind without additional support and accommodation to help them through the unprecedented demands of pandemic living.

The long-term consequences of the crisis on a child's life opportunities, prospects and social mobility must be seriously considered. Parents losing jobs due to the economic downturn could potentially result in higher dropout rates, especially among older children under pressure to earn an income. Additionally, the extended lockdown and concurrent economic pressures could have knock-on effects on children's physical and mental health. Statistics also suggest disproportionately more mental health problems and burdens in lower-income households.²⁴

The upheaval caused by Covid-19 has imposed additional mental stress and financial concerns on students. As schools gradually return to in-person attendance, the gulf between students of varying degrees of privilege is likely to widen further. Those who do not have strong social support will be most susceptible to being left behind.



24 <https://euobserver.com/coronavirus/147903>

Parlimen Digital



In July 2020, young Malaysians from four Non-Governmental Organisations — Challenger Malaysia, Undi 18, Liga Rakyat Demokratik, United Nations Association Malaysia (UNAM) Youth — organised and ran the world's first Parlimen Digital (Digital Parliament).

This culminated in new 'laws' and 'policies' on economic and education issues affecting the country's youth. The parliamentary session, which took place entirely online, emulated an actual sitting including voting and passing of bills. It was streamed live.

Parlimen Digital was a successful platform for Malaysian youths to engage in simulated policymaking and nation-building exercises. The digital nature of the event allowed for greater inclusivity in the representational makeup of participants.

Women occupied 30 per cent of seats while 64 per cent of seats for Sabah and Sarawak were elected from the indigenous community. Subjects discussed over the two days included the digital economy, the need to improve digital literacy, digitalising education, and strategies to improve accessibility for B40 communities, young people living with disabilities as well as young

migrants, stateless children, and other vulnerable communities. Parlimen Digital highlighted the necessity and benefits of including more youth in decision-making positions. The absence of youth voices in government decisions during the pandemic has often resulted in hastily-made announcements, which leave young people struggling in already turbulent times.

Young Malaysians have made it clear that there is much more to be done to support the youth through providing growth opportunities as well as removing socio-economic and technological barriers that hinder their progress.

"The absence of youth voices in government decisions during the pandemic has often resulted in hastily-made announcements, which leave young people struggling in already turbulent times."

Other Issues and Debates?



RUU355

In 2015, the Malaysian Islamic Party (PAS) voiced plans to table a bill to amend the Syariah Courts (Criminal Jurisdiction) Act 1965, also known as Act 355 (RUU355). This would expand the jurisdiction of syariah courts to mete out punishments to Muslims for syariah offences.

On 26 May 2016, Marang Member of Parliament and PAS president Abdul Hadi Awang tabled a bill in the Dewan Rakyat proposing that the syariah court be given jurisdiction to impose punishment in accordance with syariah requirements under Islam, excluding the death penalty. On 24 November 2016, he tabled a subsequent motion that clarified the previous bill's purpose. Specifically, this was to raise the maximum sentencing limits of syariah courts from three years' jail time, RM5,000 fine, and six strokes of the cane to 30 years, RM100,000, and 100 strokes respectively. On 6 April 2017, Abdul Hadi tabled another Private Member's Bill to increase the powers of the syariah courts. This motion was read out in Parliament but like his previous bill, it was not passed.

Since PAS became part of the ruling Perikatan Nasional (PN) government, it has downplayed the return of these

bills, with vice-president Mohd Amar Nik Abdullah saying that currently other issues needed to be prioritised. According to him, amendments to RUU355 had to be tabled in accordance with the order and framework of the Federal Constitution. If any changes were proposed, they should first be negotiated at the state level to ensure that the laws were holistic and represented each state's aspirations.²⁵

At present, no specific actions are being taken to amend RUU 355 as PAS and PN focus on more pressing issues brought about by Covid-19, namely restoring the Malaysian economy amidst a global recession.²⁶ However, in August 2020, Zulkifli Mohamad Al-Bakri, de facto Minister of Islamic Affairs, expressed hopes that RUU355 would be realised before his death.²⁷



TREATMENT OF MIGRANTS

At the start of the pandemic in March this year, the Malaysian government asked those who had been exposed to clusters and exhibited Covid-19 symptoms to present themselves for free testing, irrespective of their legal status in the country. It gave assurances that no arrests would be made, and in April announced that immigration operations would be suspended for the duration of the Movement Control Order

(MCO). However, in May, it back-pedalled on its promise. At the beginning of the month, the government authorised at least four immigration raids and arrested more than 2,000 undocumented migrants including refugees and at least 98 children.²⁸ The move echoed growing xenophobia amidst the pandemic-related economic slowdown. Malaysia's health response focused on treating all infected individuals without discrimination, but the roundups contradicted that.

Labour activists criticised the move to detain undocumented migrants during this time, fearing that this would force them into hiding instead of voluntarily coming forward to be tested. They also expressed concern that regulations in detention centres did not provide sufficient protection from Covid-19 for those held there, leaving them at high risk of contracting the virus.

Some Malaysians have been angry with the presence of migrant workers whom they erroneously blame for spreading the virus and for being a burden on public funds. Their calls for these migrants to be deported have been countered by human rights advocates arguing against the discrimination of these workers. Restricted movement, financial woes from income lost during the lockdown, and the abrupt return to work without adequate protection have left many migrants living in fear and uncertainty as they fight to balance the need to support themselves with keeping safe.

²⁵ <https://www.malaymail.com/news/malaysia/2020/08/10/religious-affairs-minister-i-hope-ruu355-amendment-happens-before-i-die/1892652>

²⁶ <https://www.malaysiakini.com/news/536518>

²⁷ <https://www.bharian.com.my/berita/nasional/2020/08/719797/insya-allah-ruu-355-akan-direalisasikan-sebelum-saya-mati>

²⁸ <https://foreignpolicy.com/2020/06/19/malaysias-coronavirus-scapegoats/>

Conclusion



During its 22-month rule, **Pakatan Harapan (PH)** made notable strides in improving the wellbeing of women. Its introduction of the **National Strategic Plan to Address the Causes of Underage Marriage** was significant in promoting the rights and safety of girls in a way that had not been done before.

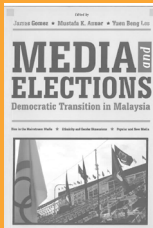
Likewise, moving the proposed Gender Equality Act forward together with civil society organisations, alongside issues like protection against workplace discrimination and paternity leave. With the exception of the Sexual Harassment Bill, it remains to be seen if the Perikatan Nasional (PN) government will be similarly committed to bringing about structural change on these issues. The representation of women in the PH cabinet was also a marked improvement

from that of previous governments, even though it did not meet the minimum 30 percent goal of female representation in the federal and state governments. The country also saw women in key decision-making positions for the first time. These reforms that rode on the back of decades of dedicated activism, now have an uncertain future under the rule of PN, particularly since the same civil society organisations have been rather quiet in their advocacy.

Indeed, many hard-won gains for women have been rolled back by PN. With real progress a long time coming for women in Malaysia, especially those from economically and socially disenfranchised communities, it is necessary to remember that empowering these women is key to sustainable development. Poverty and gender inequality are intrinsically linked.

THE PRESENCE OF WOMEN IN LEADERSHIP POSITIONS AS WELL AS THE REMOVAL OF BARRIERS THAT DISPROPORTIONATELY AFFECT WOMEN'S ACCESS TO EDUCATION, EMPLOYMENT, AND HEALTHCARE AMONGST OTHERS, ARE INEXTRICABLY TIED TO THE ADVANCEMENT OF THE COUNTRY AS A WHOLE

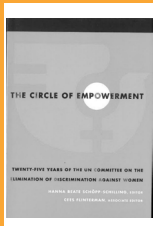
Recommended Readings



Media and Elections: Democratic Transition in Malaysia. (2018)
Edited by James Gomez, Mustafa K. Anwar and Yuen Beng Lee.
Petaling Jaya: Strategic Information and Research Development Centre.
ISBN: 978-967-0960-96-8



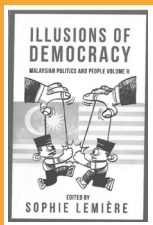
Ini Bukan Klise II. Analisa Terpilih Politik Semasa. (2015)
Amin Iskandar. Petaling Jaya: Strategic Information and Research Development Centre.
ISBN: 978-983-2344-28-5



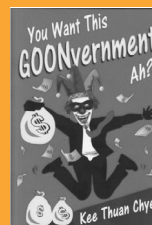
The Circle of Empowerment: Twenty-five Year of the UN Committee on the Elimination of Discrimination Against Women. (2007)
New York: The Feminist Press at the City University of New York.
ISBN: 978-1-55861-563-2



The Universal Periodic Review of Southeast Asia. Civil Society Perspectives. (2017)
James Gomez and Robin Ramcharan. Iskandar Puteri: Asia Centre.
ISBN: 978-967-0960-95-1



Illusions of Democracy: Malaysian Politics and People Volume II. (2017)
Edited by Sophie Lemiére. Petaling Jaya: Strategic Information and Research Development Centre.
ISBN: 978-967-0960-87-6



You Want This Government Ah? (2018)
Kee Thuan Chye. Petaling Jaya: Gerakbudaya Enterprise Sdn. Bhd.
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Bagaimana Dengan Anak-Anak? Hak Kanak-Kanak yang Mengalami Keganasan Rumah Tangga. Laporan Kajian Kes Tahun 2019 oleh Pertubuhan Pertolongan Wanita. (2019)
Petaling Jaya: Women's Aid Organisation.
ISBN: 978-967-14799-4-0

