



TELENISA

STATISTICS & FINDINGS 2020

sisters in islam

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Executive Director's Note

Year 2020 is a year no one will ever forget. The COVID-19 pandemic has forced us to adapt to a new kind of normal in every aspect of our lives.

Our clients, the public whom we serve from our Telenisa Legal Services, their challenges were multifold and often daunting. We anticipated that women at home would have to deal with so much the moment the words Movement Control Order (MCO) were declared. True enough. All of last year, we saw and heard what women had to go through: they had to work from home, care for their children full time, ensure that the children were on top of their school work, and on top of that, they had to cook, do house chores, a lot! These burdens would have been more manageable if their spouses were equally involved in managing the home and the children, because otherwise, stress and tension were bound to escalate.

Anticipating this situation, Telenisa and other NGOs that provide services and support to women made ourselves available for them as much as possible. We extended our days of service from three to five days. We also extended our office hours up to 10PM.

One of the key concerns we have during this pandemic period is how women would get help and protection during the various stages of MCO. In 2020, domestic violence cases had increased 57% since the beginning of the pandemic. And when you look at our Telenisa statistics for 2020, the number one cause of marriage breakdown is domestic violence at 23%, compared to 2019 at 15%. That says a lot about what women had to go through during this pandemic.

Another reason for the breakdown of marriage was due to husbands not providing maintenance, at 18%. Regardless of the pandemic situation, when husbands don't provide maintenance in households where the wives are either full-time homemakers or are not earning enough, these wives have no choice but to turn to employment or seek a second job. During this time of the pandemic, however, such options are limited if not non-existent.

In 2020, we observed two new causes of marriage breakdown that were not reported in previous years: financial problems and polygamy. With already limited resources, it is no wonder that some families had to face the hardship of economic strain more so than others. Additionally, wives only found out during the pandemic that their husbands had taken on another wife without their consent and knowledge.

We witnessed in 2020 a 94% increase in inquiries for fasakh divorce compared to 2019. Just from these very few examples alone, we can capture a picture of how the pandemic had imposed a tremendous strain on family relationships that created situations where women could no longer endure or tolerate.

The importance and relevance of the Telenisa Legal Services helpline to women and men during the pandemic cannot be overstated. We are incredibly grateful to Yayasan Sime Darby, and to other supporters and donors to Telenisa. Without them, providing this lifeline to the persons who reached out to us would not have been possible.

ROZANA ISA
Executive Director, Sisters in Islam



Responding To The Covid-19 Pandemic

Year 2020 was extremely challenging for Telenisa. In response to the COVID-19 pandemic, the Movement Control Order (MCO) was implemented on 18th March 2020. Initially, there was a total lockdown severely limiting the mobility of people. The lockdown has since been alleviated in stages. As of April 2021, movement of people is allowed within state borders, and many offices are still instituting work from home or adopting rotational attendance to work place.

We made several adjustments to cater to these new regulations. Due to concerns about the rise of domestic violence cases during the early days of the MCO, we temporarily extended Telenisa operating hours from 9AM to 10PM for five days a week. We then resumed our normal operating hours from 9AM to 5PM from Monday to Friday (for pre-MCO it was 10AM to 5PM from Tuesday to Thursday).

Telenisa was also expanded from a landline to a WhatsApp number (012-812 3424), from voice to text. We had to cater situations where

it was difficult for clients to call our helpline due to cramped living conditions at home, thus lacking privacy. In implementing a new method of communication via WhatsApp chat, we faced challenges in collecting data of our clients as compared to communication through phone calls.

Telenisa usually receives 29 students yearly via the NGO Legal Aid Programme. However, Telenisa managed to only receive 6 chambering students by the end of July 2020. Due to the surge of COVID-19 cases in the country, the Malaysian Bar Council had decided to temporarily suspend their legal aid programme for pupils in chambers. This impacted the number of legal advisors available for Telenisa's operation.

In adjusting to mobility and social distancing regulations during this pandemic, the Syariah court operating hours and case management system were affected. Many cases were suspended, resulting in mounting backlogs of court cases. Some Syariah courts were reluctant to allow chambering students attending open court, in

order to limit the number of people congregating. Hence, our court watch duty programme was not able to be carried out as usual.

Telenisa observed a drop in the number of calls received from the middle of March until the middle of April in 2020 during the immediate period following the implementation of the first MCO. Among cases received during this period were: the expiration of interim order for a child custody case during MCO, pending trial due to MCO and a non-communication on the next fixed date for said trial, conflicts on child custody and visitation rights during MCO, domestic violence cases, and the various requests for financial and food aid.

In order to continue our outreach to the public, we expanded our advocacy work to online platforms. We started a "Telenisa Tells Live" webinar series on Telenisa's and Sisters In Islam's Facebook pages. We conducted the first online streaming of "Telenisa Tells Live" on 7th May, 2020.

We managed to produce 22 online webinar sessions of “Telenisa Tells Live” in 2020. We tackled issues regarding women’s rights, women’s socio-economic challenges, child rights, Muslim family issues, Islamic Family Law topics, and gender discourse. Every webinar conducted we also included a real-time “Question and Answer” session where questions posted by viewers were answered directly by the resource persons during the live stream.

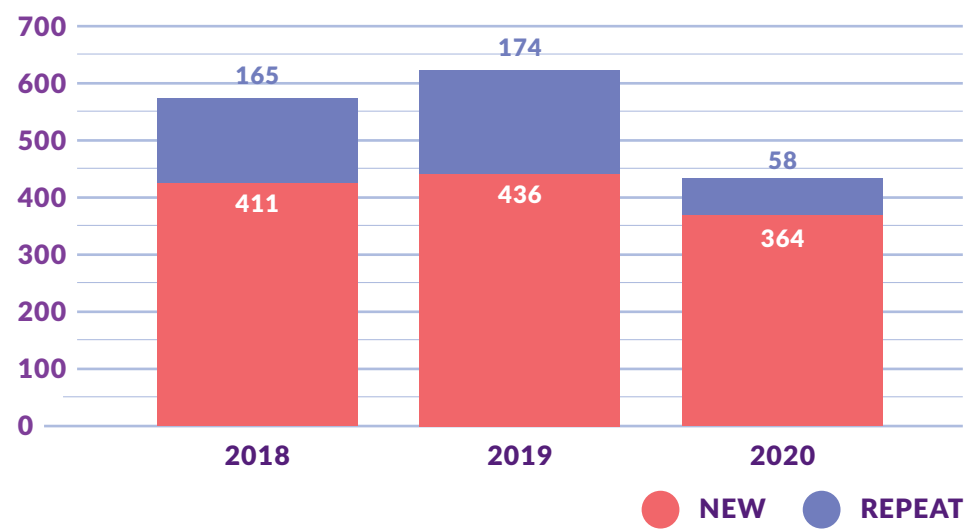
The engagement and new followings we received from this programme was very encouraging—we gained an average of 2,423 views per session. We would like to thank the 31 resource persons who contributed their time and knowledge to discuss the topics with our viewers. We plan to continue this programme for the foreseeable future.



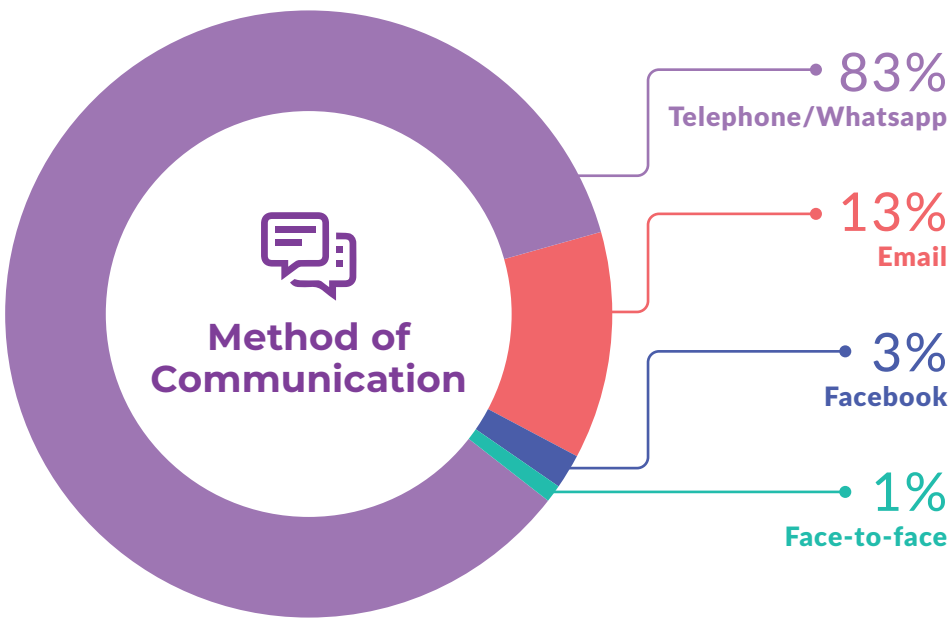
Client Demographics

In 2020, Telenisa had a total of 422 clients, a decrease from 610 clients in 2019. A number of 364 people were new clients, while 58 people were repeat clients. We had 373 clients who were women (88%), 31 clients were men (7%) and 18 (5%) clients were not identified. The significant drop in clients was likely due to the pandemic.

New & Repeat Clients (2018-2020)



Throughout 2020, a number of 352 clients (83%) preferred to communicate with us by telephone which included text messaging via WhatsApp, followed by email with 50 clients (13%), Facebook with 14 clients (3%), and 6 clients opted to personally meet us (1%).



Location & Household Income

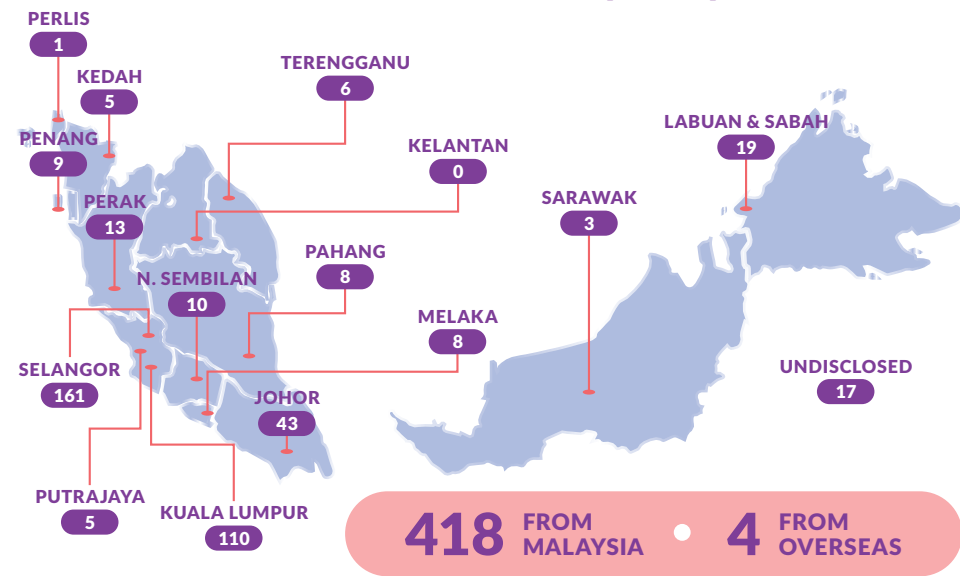
The majority of our clients in 2020 were tallied at 418 people (99%), which comprised of Malaysians and the citizens of Indonesia, the Philippines, Japan, India, Afghanistan, Pakistan, Sudan and Australia who were residing in Malaysia. The remaining 4 clients (1%) had contacted us from abroad.

Most of our clients were concentrated in Klang Valley with a total of 276 people (66%). This figure is further broken down into state and territories of Selangor with 161 clients, followed by Kuala Lumpur with 110 clients and Putrajaya with 5 clients.

Another 34% of our clients resided in other states. A number of them hailed from Johor with 43 clients, Sabah and Labuan with 19 clients, Perak with 13 clients, Negeri Sembilan with 10 clients, Penang with 9 clients, and Pahang and Melaka with 8 clients each. States with fewer than 7 clients are: Terengganu (6), Kedah (5), Sarawak (3), and Perlis (1). Two clients who lived abroad were located in Australia (1) and India (1), although there was also a number of 17 clients who did not disclose their location to Telenisa. We also had 22 clients from East Malaysia.

At a figure of 28%, we had clients who preferred not to disclose their household income. At 24%, our clients who disclosed their monthly income were living within the RM1,001 to RM2,500 bracket, and 21% lived within the next bracket of RM2,501 to RM5,000, while 15% of our clients only earned under RM1,000. Based on our statistics of income classification, at least 60%

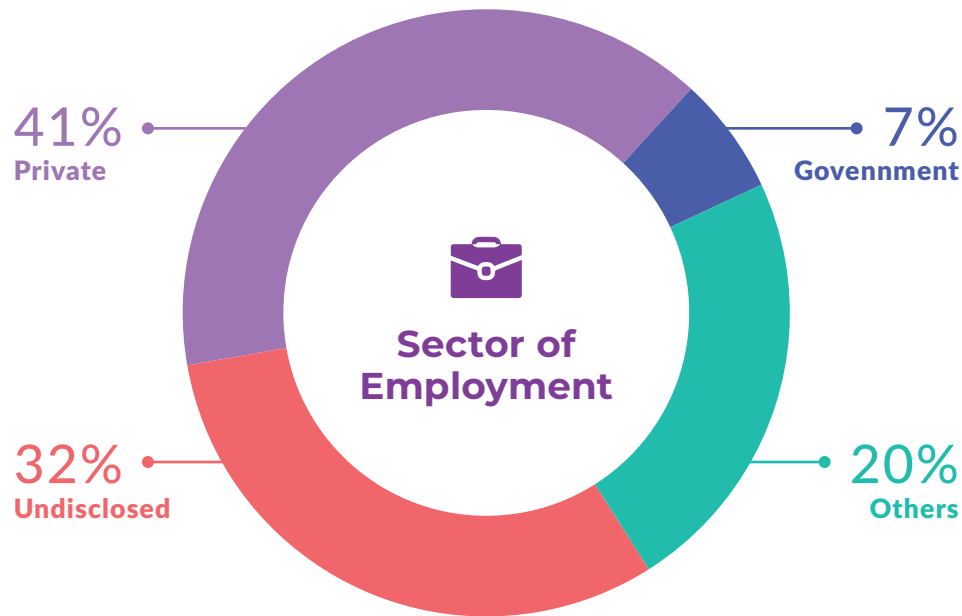
Client's Location (2020)



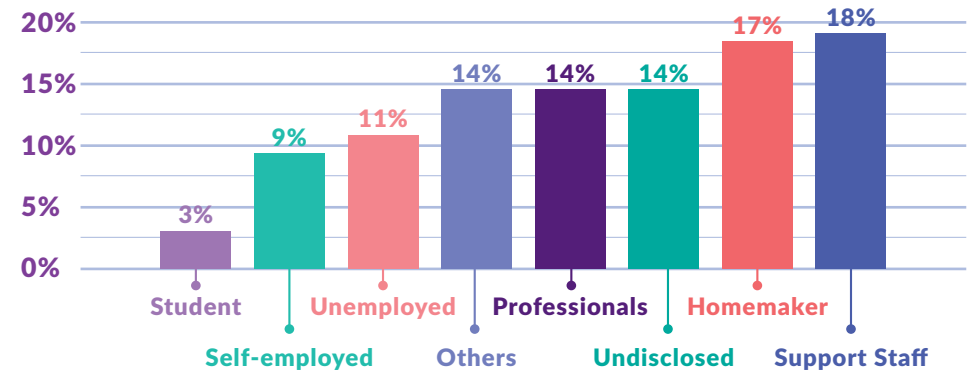
of our clients in the year 2020 came from the B40 group (lower-income tier) with monthly earnings of not more than RM4,360. This is followed by an amount of 10% in the M40 group (middle-income tier) with a monthly income that ranges from RM4,361 to RM9,619. It is less likely that our clients would come from the T20 group (upper-income tier) whose monthly earnings are more than RM9,620.

Sectors of Employment & Occupation

We tallied a figure of 41% of our clients who worked within the private sector, followed by 32% of clients who did not wish to disclose which sector they worked in. Other sectors are tallied at 20%, while those who worked for the government were counted at 7%.



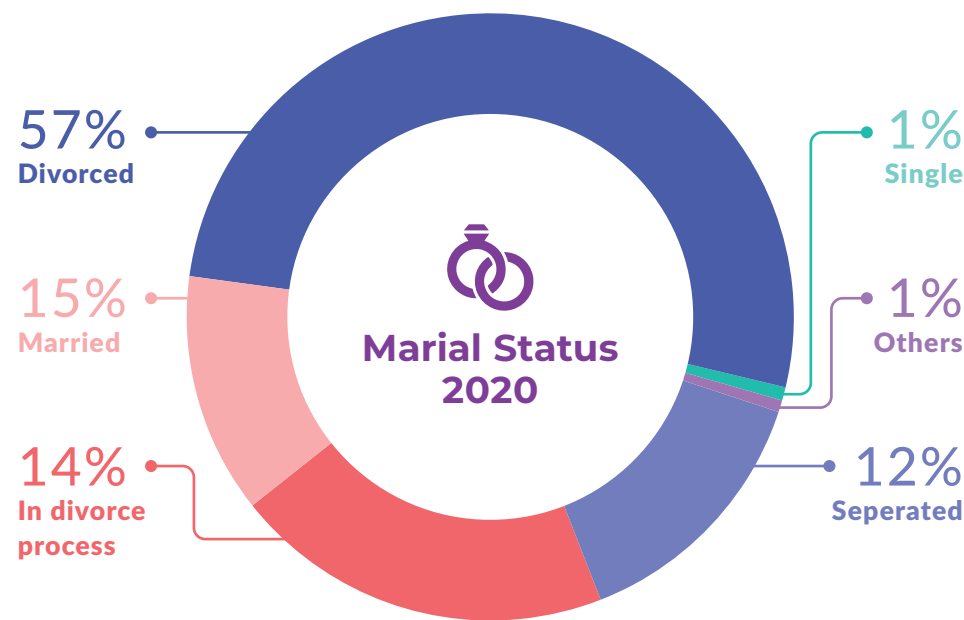
Occupations



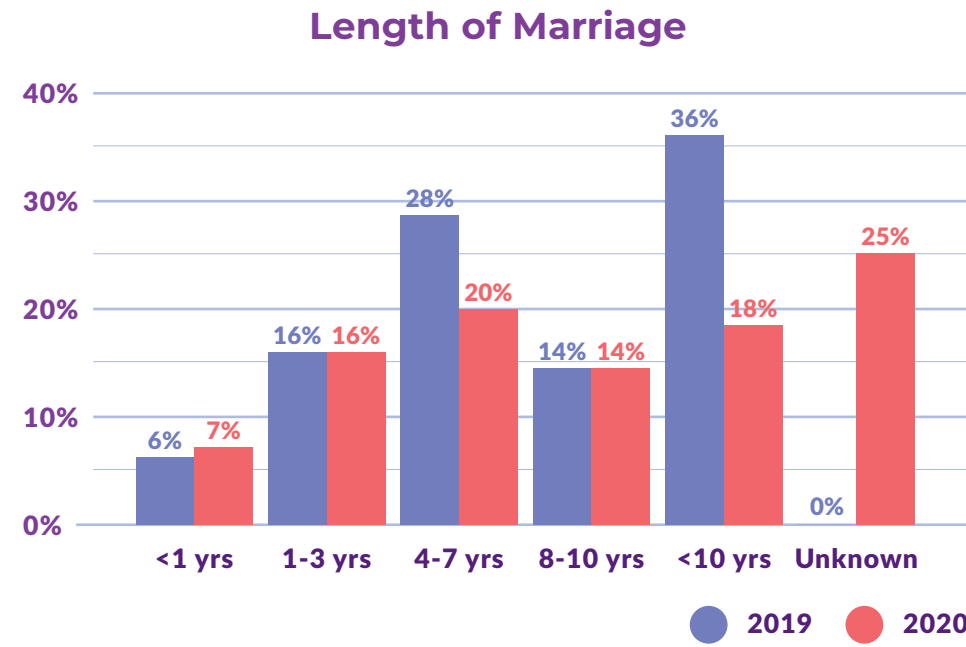
A majority of occupation held by Telenisa clients is categorised as support staff at 18%, followed by homemakers at 17%. On the other hand, career professionals, the various others and clients who preferred not to disclose their occupation is at 14% respectively. Those who were unemployed tallied at 11%, an increase from 2019 (7%), which was possibly implicated by the economic impact of the pandemic. Based on what our clients had shared with us, many of them and/or their husbands were laid off from work, and those who still hold an occupation had their basic salaries reduced by 30%-50%. An amount of 9% of our clients were self-employed, while 3% were students.

Marital Status & Length Of Marriage

The Telenisa data we collected in 2020 also noted down clients' marital statuses. We tallied 57% of our clients who were divorced, which contrasted with 15% who were still married. Among others, 14% of clients were in the process of divorce, while 12% were separated from their partners. Clients who identified in the categories of single and others have been tallied at 1% respectively.



The highest percentage of this finding consisted of clients who decided not to reveal their length of marriages (25%), followed by those who have been married between 4 to 7 years (20%), and those who have been married for more than 10 years at 18%.

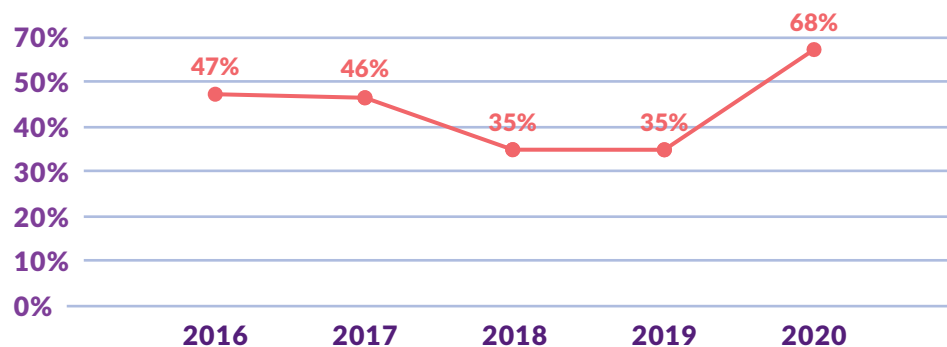


Fasakh Remains Highest Number of Enquiries

We also recorded inquiries made by clients regarding pathways to divorce. At a majority of 68% in 2020, fasakh has consistently remained as the highest number of inquiries for divorce every year since 2016.

Fasakh is a method of divorce prompted by the wife, particularly when the husband refuses to grant the divorce. Although this trend and its effects are worrying to family units within our community, we can also conclude that women are becoming more aware of their rights within marriage and are no longer tolerating marital injustices.

Fasakh Percentage (%)



"After a heated fight where he hit me a few times and things were still tense between us, my husband pinned me down and raped me. I resisted and cried but he did not stop. I felt so sad and violated, I couldn't look at his face, I covered my face with a pillow and continued to cry while he continued to rape me."

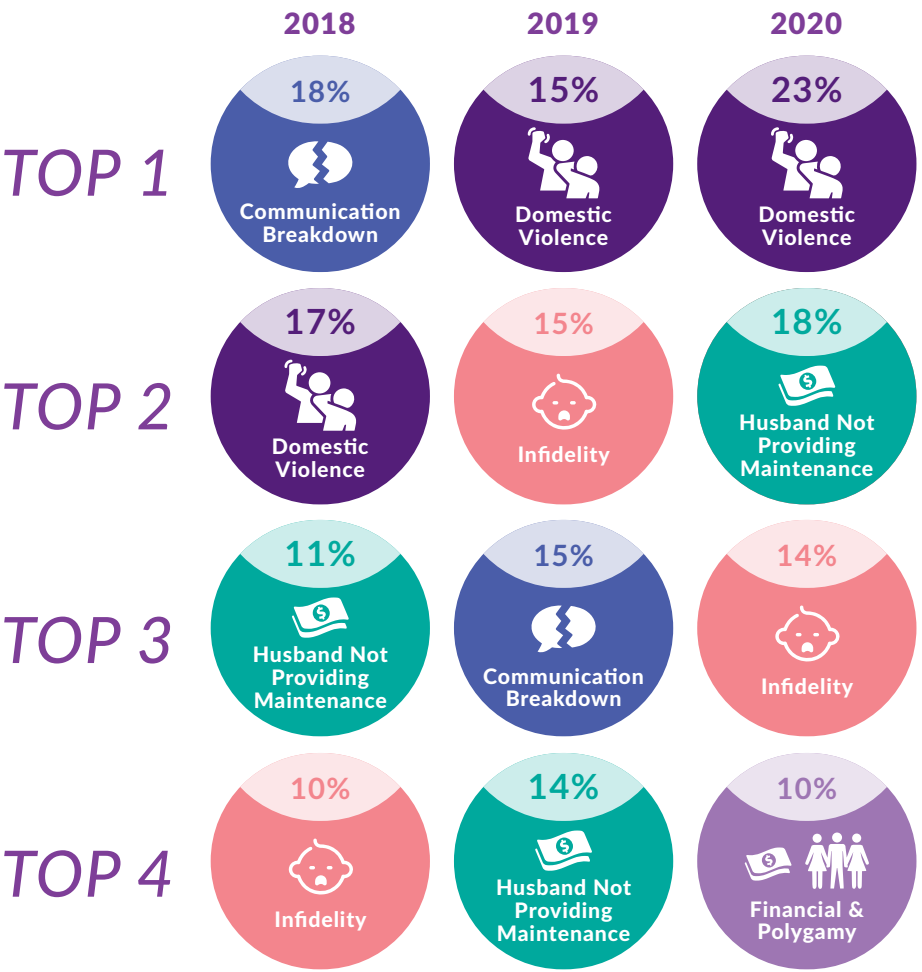
- Telenisa
client

Reasons for Divorce

Domestic violence is still the most stated reason for divorce at 23%. Domestic violence has consistently been one of the main reasons, and it remains as the most recorded reason for seeking divorce since 2019. Clients who experienced domestic violence in 2020 had reported that they went through various types of violence or abuse during the pandemic. Reports of physical violence is tallied at 37%, psychological abuse at 31%, social abuse at 11%, financial abuse at 16%, and sexual violence at 5%.

Among other reasons for divorce that Telenisa has tallied for the year 2020 involved cases where husbands did not provide maintenance at 18%, cases of infidelity at 14%, and polygamy as well as financial problems each at 10%. Telenisa has compared the four main causes of marriage breakdown from the year 2018 to 2020.

Top 4 reasons for marriage breakdown (2018-2020)



“During MCO and work from home, I found a MyKid in my husband’s wallet that did not belong to our children. The child carried my husband’s name. When I asked him about it, he confessed and admitted that he has another wife and that the child is his. What should I do now? I feel so betrayed.”

- Telenisa
client

Communication breakdown has always been one of the top reasons why married couples resort to divorce, even before the pandemic began. Couples were having a hard time discussing important matters, having unhealthy disagreements or misunderstandings which contributed to the lack of emotional intimacy between partners.

Other than husbands not providing maintenance, we can also observe a repetitive issue of infidelity among married couples. In 2020, there were two new causes for the collapse of marriage that were not perceived in previous years: financial problems and polygamy. In these trying times, many households are affected economically. Some had fallouts due to their inability to adapt and survive this economic strain.

The rise of polygamy as a cause for divorce in 2020 was due to wives finding out that they had unknowingly been in a polygamous marriage for years, without their consent or knowledge. The wives would only learn of the matter either through messages from the other party, or from finding belongings or documents of the husband that hinted to the matter.

Homemakers & Matrimonial Property

Telenisa has observed that claims for matrimonial properties have dropped over the years. Many of our clients, especially homemakers or housewives, are not aware of their rights in matrimonial property. In 2018, matrimonial property claims stood at 27%, which declined to 20% in 2019, and in 2020, matrimonial property claims plummeted to 17%.

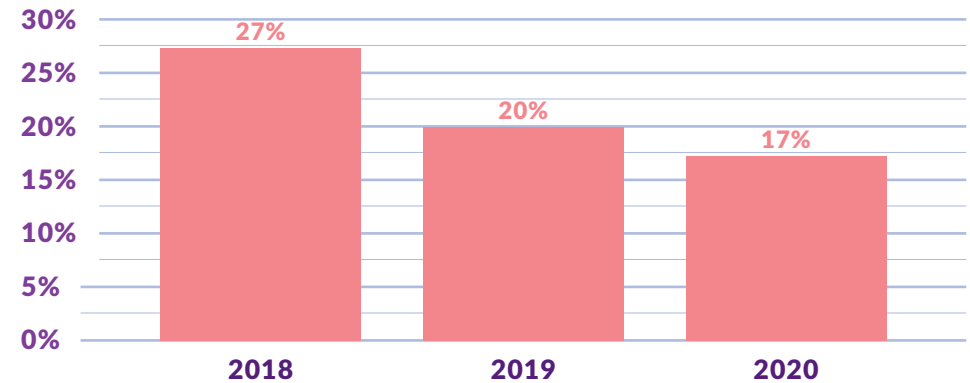
Usually, homemakers would assume they do not have any rights to stake a claim as they do not contribute monetarily to the acquisition of their matrimonial property. Feedback from our clients revealed that this false assumption was told repeatedly by their ex-husbands to discourage their wives to stake a claim on their matrimonial home.

According to Section 2 of Islamic Family Law (Federal Territories) Act 1984, matrimonial property is defined as property jointly acquired by husband and wife during the course of their marriage according to *Hukum Syara'*. The same section also states "*Hukum Syara'*" as "Islamic Law" in accordance to any recognised Mazhab.

Although the scope of matrimonial property covers a wide range, the majority of homemakers are mostly concerned about their matrimonial home.

Islamic Family Law recognises the rights of a wife to claim ancillary matters including claims against matrimonial property after the dissolution of marriage. Section 122(1) and (3) of Islamic Family Law (Federal Territories) Act

Matrimonial Property (2018-2020)



1984 clearly empowers the court to order the division of matrimonial assets acquired during marriage upon granting a divorce.

The section particularly highlights two sub-sections. Firstly, subsection (1) where the court orders the division between the parties of any assets acquired during marriage by the joint efforts of both parties, and subsection (2) where the court orders the division between the parties of any assets acquired during marriage by the sole effort of one party.

In determining the share, the court either abides by an agreement the spouses had made before divorce regarding the disposition of matrimonial property or the court may determine the extent of spousal contribution in the acquisition of matrimonial assets.

The court will consider the extent of direct contribution by money, property and/or work, and the indirect contributions of a homemaker. The extent of homemaking contribution is recognised for the wife's physical efforts and her services to care for the family, as in **Zaiton Binti Enchi Alli v. Hussin Bin Enchi Mat** (13100-017-0273-2007). The plaintiff was a full-time housewife and did not directly (such as through monetary contribution) contribute towards the acquisition of matrimonial assets. After considering her contribution to the family as a homemaker, the court ordered a quarter (1/4) share of the asset to the plaintiff according to the proportion for her indirect contributions in maintaining the asset, taking care of the children and for discharging her homemaker's role.

"My husband wants to give our matrimonial home to his second wife. He asked me to move out. When I was reluctant to do so, he told me that our matrimonial home was under his name and I have never contributed to the monthly payment for the house, it is his right to manage the house how he wants to."

- Telenisa client

Although the court also recognises the household work of a working wife by allocating the portion of the share of assets which she has not acquired as long as she substantially discharges her role as wife and mother, the court would most likely order a division of 50% of matrimonial property to the wife. This division can be granted only in cases where it can be shown that the wife's work or assistance in the managing and the running of a business or the wife's joint monetary contribution, for example, the sharing of her income towards monthly loan payment or contributing to the amount of deposit. Such settlement implies that most full-time homemakers are not considered by the courts as entitled to 50% of matrimonial property.

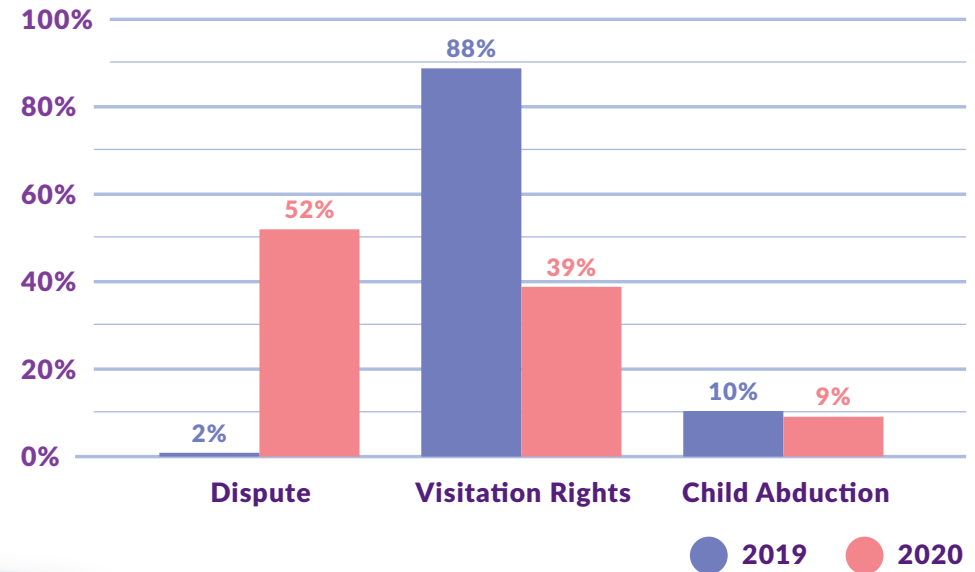
Child Custody During The Pandemic

In 2020, 52% of enquiries comprised of child custody cases, a massive leap from the 2% in 2019. This is followed by enquiries on visitation rights at 39%, taking a dive from 88% on 2019, and child abduction at 9%, a slight drop from 10% on 2019.

"I have a custody order for our children, and my ex-husband has visitation rights on weekends. However, my ex-husband meets with a lot of people everyday for his job, even during MCO he still attends face-to-face meetings. I am worried the children will catch the virus, but my ex-husband insisted that he come and visit the children this weekend. Which I am reluctant to allow, for the children's health and safety. Is there anything I can do? Can I prohibit him for that reason?"

- Telenisa client

Issues in Child Custody (2019-2020)



There is a major shift regarding parents' concerns on child custody during the pandemic when compared to 2019. This is due to the ban on interstate travel which restricted the parent who holds visitation rights to arrange said visitations. In some cases, some of our clients had to wait a few months to see their children. The risk of getting infected with the COVID-19 virus makes the parent with custody reluctant to grant visitations to the other parent. Hence, these situations triggered a rise in child custody disputes throughout 2020.

Special Concerns

CHILD MARRIAGE IN MALAYSIA DURING THE PANDEMIC

The economic downturn resulting from the pandemic has aggravated the poverty level of low-income families where child marriage is most prevalent. In December 2020, the Ministry of Women, Family and Community Development reported a staggering 543 child marriage applications from January to September 2020, with Sarawak being the state with the highest reported figures.

As for non-Muslim underage marriages, the ministry stated that the National Registration Department (NRD) had recorded 23 underage marriages within the same January to September 2020 period, with most cases recorded in Sarawak (seven cases) and Selangor (six cases). However, the ministry did not provide or release any further information regarding those numbers. It should also be noted that non-Muslim customary marriages are not included in these numbers as they are not recorded by the NRD but by other

agencies. Lockdown measures to prevent the spread of COVID-19 in the community have closed schools and certain public spaces. A growing risk of violence and sexual exploitation, combined with a worsening of food and economic insecurity make many parents feel they had no other option but to force their children to marry.

We at Telenisa have studied a report titled “Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence, Female Genital Mutilation, and Child Marriage: Pandemic threatens the achievement of the Transformative Results committed to by UNFPA”, with contributions from Avenir Health, Johns Hopkins University (USA), and Victoria University (Australia). The report has stated that COVID-19 is likely to have a significant impact on the implementation of interventions to reduce child marriage, particularly due to the implementation of social distancing obligations.

In addition, efforts in ending child marriage domestically have not progressed significantly. To date, there are no active efforts to curb child marriage despite the launch of a five-year plan called “National Strategy Plan in Handling the Causes of Child Marriage” by the Ministry of Women, Family, and Community Development January 2020. There is also no updated information or data released on how the pandemic has affected our children’s health, education, and specifically child marriage in Malaysia. The latest statistics released by the Department of Statistics Malaysia on underage marriages was last compiled in 2018. Telenisa urges all stakeholders to remain committed in continuing efforts to put an end to child marriages, especially in these trying times of the pandemic.

COVID-19 AID FOR WOMEN & FAMILY

The pandemic impacts men and women differently. Women are vulnerable to physical, psychological and emotional abuses due to escalated conflicts and heightened temper. The Women's Aid Organisation (WAO) recorded a shocking four-fold increase in the number of calls received compared to a time before the MCO was imposed.

Earlier responses to the pandemic by Malaysia's Ministry of Women, Family and Community Development were disappointing. The Talian Kasih hotline was suspended for the first two weeks of the MCO, but later resumed operation after receiving heavy criticism from the public. In early April 2020, the same ministry had launched an online campaign advising women to dress attractively, to stop nagging and to use high-pitched voice like that of Doraemon, a cartoon character, when speaking to their husbands in order to maintain harmony in their households. The campaign was later taken down after another round of public outcry.

The availability of shelters specifically for domestic violence survivors was already insufficient even before the pandemic began. The Ministry of Women, Family and Community Development reported that they had added only one shelter in

Kelantan for domestic violence survivors.

The ministry together with Yayasan Kebajikan Negara were opening support centres instead of shelters. On the other hand, there were efforts from Selangor Exco YB Siti Mariah who temporarily provided shelters at hotels and Airbnb for a few months.

The economic downturn has financially impacted families locally and around the world. During our engagement with grassroots women, we received feedback on the different struggles they had to face. Among the struggles women have to face during this pandemic are: providing and ensuring adequate nutrition for their children, adjusting to their children's online classes despite unstable internet connection or none at all, inadequate electronic gadgets to accommodate their children's classes, the struggle to shift their brick-and-mortar businesses to online platforms with little to no guidance, assistance or knowledge for women entrepreneurs, and a non-conducive environment for work or classes, especially in high-density residential flats.

In April and May 2020, Telenisa received a high number of inquiries on financial and food

assistance. Many families, wives, and mothers were struggling to adjust to the Movement Control Order (MCO). Based on the "Families On The Edge" Malaysian report by the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA), 1 in 4 heads of households was unemployed during the MCO, which is higher than 2019, and 5 times higher than the national average. Majority of those who lost their jobs had no employment protection.

In response, Sisters In Islam together with our members, staff and friends managed to raise funds for a one-off food and financial aid, which was then distributed to 74 households with 296 beneficiaries through three batches of collections. The location of beneficiaries we covered included Selangor, Kuala Lumpur and Sabah. With the help from a local supermarket "Pak Grocer", we managed to arrange and distribute food baskets to our beneficiaries in the Klang Valley.

The aid was focused on helping single mothers, senior citizens, and destitute families from the B40 tier among Telenisa clients and including those from the Gabungan Hak Wanita Islam Malaysia (GAHWI), a local women grassroots group.

RECENT DEVELOPMENTS

There have been some interesting cases related to religious laws and their status. Telenisa has highlighted some of them below for the benefit and knowledge of our readers.

In February 2021, the Federal Court in a unanimous decision, declared Section 28 of the Syariah Criminal Offences (Selangor) Enactment 1995 that criminalises unnatural sexual intercourse as void and unconstitutional. A 35-year-old man had initiated the constitutional challenge of Section 28, which was the provision used to charge him for an attempt to commit sexual intercourse against the order of nature. The Federal Court decided that Section 28 was enacted in contravention to Item 1 of the State List which stipulated that state legislatures have no power to make law on matters that are included in the Federal List. Following this judgement, Section 28 is no longer enforceable and should be amended out from the Syariah Criminal Offences (Selangor) Enactment 1995.

In the same month, a 39-year-old woman who was born to a Muslim man and a Buddhist woman has finally won a six-year legal battle to be recognised as a non-Muslim after the highest court allowed her bid. Rosliza had sought three court orders. She affirmed that she is an illegitimate child and that her natural mother was the late Buddhist woman Yap Ah Mooi. Following that, the word “parent” under Section 2 of the Administration of the Religion of Islam (State of Selangor Enactment) (ARIE) 2003 does not include the putative father of an illegitimate child. She is not a person professing the religion of Islam, thus all Selangor state laws for Muslims do not apply to her and that Selangor Syariah courts do not have jurisdiction over her.

A nine-member panel chaired by Chief Justice Tengku Maimun Tuan Mat unanimously held that Rosliza was not a Muslim to begin with as there was no proof or record that her mother had neither converted to Islam nor entered a Muslim marriage. This case is distinguishable to that of Christian

convert Lina Joy’s case, in which Joy was a person born into Islam but had sought to renounce the religion in court. Lina Joy is entirely distinguishable from the present case as the present case is an ab initio (from the beginning) and not a renunciation case.

Further in March 2021, in a completely different case, the Kuala Lumpur High Court had ruled that Christians nationwide can use the word “Allah” and three other Arabic words, namely “Baitullah”, “Kaabah” and “solat” in their religious publications for educational purposes. The court allowed the declaration in the practice of freedom of religion protected in Articles 3, 8, 11 and 12 of the Federal Constitution. Under Article 8 of the Federal Constitution, the court explained that the applicant is guaranteed the right to equality among citizens, including on religious grounds in the administration of law.

What Can You Do To Help?

Contributions can be channelled through:
SIS Forum (Malaysia) - 5641 8240 5457 (Maybank)

Organisations That Help & Support Women

**All Women's
Action Society
(AWAM)**

03-7877 4221

*Counseling, sexual
harassment & rape*

Talian NUR

15999

*Domestic violence,
child abuse*

**Legal Aid
Centre
(Selangor)**

03-5510 7007

*Free legal
representation*

**Women's Aid
Organisation
(WAO)**

03-7965 3488

*Counseling & shelter for
violence against women*

**Perak Women
for Women
(PWW)**

05-546 9715

Counseling

**Sabah Women's Action
Resource Group
(SAWO)**

088-269 291

*Counseling &
free legal advice*

**Sarawak Women for
Women Society
(SWWS)**

082-422 660

*Counseling &
free legal advice*

**Legal
Aid Centre
(Kuala Lumpur)**

03-2693 1440

*Free legal
representation*

**Women Centre
for Change (WCC)
Seberang Prai**

04-398 8340

*Counseling &
free legal advice*

**Women Centre
for Change (WCC)
Penang**

04-228 0342

*Counseling &
free legal advice*

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Operates every Tuesdays, Wednesdays & Thursdays
From 10:00 a.m. – 5:00 p.m.