

**Universal Periodic Review of Malaysia  
45th Session  
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**Report submitted by:**



**Reproductive Health Association of Kelantan (ReHAK)** is a not-for-profit organisation providing sexual and reproductive health services to women, men and young people in Kelantan, Malaysia.

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**Asian-Pacific Resource & Research Centre for Women (ARROW)** is a regional non profit organisation that strives to enable women, non-binary people and young people to be equal citizens in all aspects of their lives by ensuring their sexual and reproductive health and rights are achieved.

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## **Sexual Rights Initiative**

The Sexual Rights Initiative is a coalition of national and regional organisations based in Canada, Poland, India, Argentina, and Southern Africa that work together to advance human rights related to sexuality at the United Nations.

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1. Malaysia is a multi-diverse country in Southeast Asia that comprises two regions - Peninsular and West Malaysia. Malaysia's population in the first quarter of 2023 was estimated at 33.2 million, with an overall sex ratio of 111 males per 100 females<sup>i</sup>. Considered an ageing nation, Malaysia has seen an increase in the numbers of people aged 65 and above as well as a decline in both the age category percentages of young and working people. Women and girls in Malaysia account for 48.6% of the total population. Even though they represent almost half of the nation's population, they are still facing many forms of gendered injustice through laws and policies that hinder Malaysia's progress towards achieving gender equality.
2. Malaysia has participated in three cycles of the UPR – 2009, 2013 and 2018. In Malaysia's last review, it received 268 recommendations covering a wide range of areas, including international obligations, civil and political rights, discrimination, and human rights education and training. Of these, 147 recommendations were accepted in full, 37 were partially accepted and 84 were noted due to several reasons, which amongst others, state that they are in contradiction to the Federal Constitution or existing laws<sup>ii</sup>.
3. Firstly, it must be noted that there have been strides towards the positive in terms of gender equality in Malaysia. In August 2022, the Anti-Sexual Harassment Act 2022 was passed by the Dewan Negara (the upper house of the Parliament of Malaysia) and was the first of many steps to increase the prevention and awareness of sexual harassment (in addition to the sexual harassment provisions in the Employment Act). In March 2023, several provisions of the Act came into effect, with the rest of the Act coming into effect in stages in the future<sup>iii</sup>. Furthermore, in March 2023, Malaysia passed amendments to the Penal Code making stalking (physically and online) a crime. The new Section 507A was included under the Penal Code to make stalking an offence and the passing of the amendments to the Penal Code and Criminal Procedure Code is a positive step towards improving Malaysia's response to gender-based violence and for survivors to find relief and seek protection<sup>iv</sup>.
4. Furthermore, in February 2023, Malaysia's Cabinet agreed to begin the process of amending the Federal Constitution to enable children born overseas to Malaysian

mothers, who are married to foreigners, to automatically become citizens, a step towards gender equality regarding citizenship for children. The government has mentioned they will be tabling the amendments to the Federal Constitution to resolve the citizenship issue involving children born overseas to Malaysian mothers soon.

5. Though these steps forward are commendable, there are **five main areas in which we would like to focus on for the purposes of this report in terms of gender equality: gender-based violence, access to safe abortion and contraception, child marriage, comprehensive sexuality education, and women's participation in decision-making in top level management (public and private sectors)**. In the third UPR Cycle in particular, Malaysia received several recommendations on gender equality, sexual and reproductive health, access to comprehensive sexuality education and protection of women and girls from violence.
6. During its third cycle review, Malaysia received a number of recommendations with a particular focus on women, children, and gender equality. The recommendations are outlined below in full:
  - a. **151.60** recommended that Malaysia must take effective measures to ensure that civil law and sharia law are in full compliance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women at the local, state and federal levels (**Croatia**) and was **Noted**.
  - b. **151.209** recommended that Malaysia strengthen its legislation to ensure respect for women's and girls' human rights and to fully outlaw gender-based discrimination (**Lithuania**) and was **Noted**.
  - c. **151.212** recommended that Malaysia eliminate all forms of discrimination and violence against women, including by criminalizing all forms of female genital mutilation and marital rape and prohibiting the whipping of women as a form of punishment, as well as child marriages (**Portugal**) and was **Noted**.
  - d. **151.213** recommended that Malaysia continue efforts to effectively protect women and children from human rights violations, including gender-based violence, child marriage and child labour (**Republic of Korea**) and was **Noted**.
  - e. **151.215** recommended that Malaysia criminalize marital rape by amending section 375 of the Penal Code (**Canada**) and was **Noted**.
  - f. **151.217** recommended that Malaysia prohibit all forms of female genital mutilation, as defined by the World Health Organization, in its criminal code, ensuring that the prohibition cannot be overruled by any fatwas or other rulings issued by religious authorities (**Denmark**) and was **Noted**.
  - g. **151.218** recommended that Malaysia prohibit all forms of genital mutilation and redouble its efforts to eradicate early marriages and criminalize spousal rape (**Honduras**) and was **Noted**.
  - h. **151.219** recommended that Malaysia eliminate all forms of discrimination against women and girls and withdraw all remaining reservations to articles 9 and 16 of

the Convention on the Elimination of All Forms of Discrimination against Women (**Sweden**) and was **Noted**.

- i. **151.232** recommended that Malaysia ensure that the legal age for marriage is set at 18 years of age with no exceptions, as established under international human rights standards (**Slovenia**) and was **Noted**.
- j. **151.236** recommended that Malaysia review all relevant laws to set the minimum legal age for marriage for all males and females at 18 years (**Belgium**) and was **Noted**.
- k. **151.237** recommended that Malaysia reviews state and federal laws to raise the minimum age of marriage to 18 for everyone in Malaysia and adopt policies to discourage child marriage (**Canada**) and was **Noted**.
- l. **151.239** recommended that Malaysia review all relevant legislation with a view to setting the minimum legal age for marriage for all persons at 18 years of age (**Germany**) and was **Noted**.
- m. **151.240** recommended that Malaysia ensures that the legal age for marriage is set at 18 years of age and do its utmost to eradicate and prevent child marriage (**Hungary**) and was **Noted**.
- n. **151.242** recommended that Malaysia intensify its efforts to fully eliminate child, early and forced marriages (**Lithuania**) and was **Noted**.

**Following this, we call on Malaysia to** implement the noted recommendations in the previous UPR cycle as we believe this will advance the agenda for gender equality, sexual and reproductive health, access to comprehensive sexuality education and protection of women and girls from violence in the country.

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<sup>i</sup> Malaysia Department of Statistics. 'DEMOGRAPHIC STATISTICS MALAYSIA FIRST QUARTER 2023.' [https://www.dosm.gov.my/uploads/release-content/file\\_20230510164730.pdf](https://www.dosm.gov.my/uploads/release-content/file_20230510164730.pdf)

<sup>ii</sup> Tan beng hui. FRHAM and ARROW. 'Monitoring Report: Gender Equality in Malaysia. '2020. <https://arrow.org.my/wp-content/uploads/2021/01/Gender-Equality-In-Malaysia-.pdf>

<sup>iii</sup> Herk Ying Chew, Eddie Chuah, Trishelea Sandosam And Grace Chai. 'Malaysia: Update to the Anti-Sexual Harassment Act 2022. 'Global Compliance News. April 4 2023. [https://www.globalcompliancenes.com/2023/04/04/https-insightplus-bakermckenzie-com-bm-dispute-resolution-malaysia-update-to-the-anti-sexual-harassment-act-2022\\_03312023/](https://www.globalcompliancenes.com/2023/04/04/https-insightplus-bakermckenzie-com-bm-dispute-resolution-malaysia-update-to-the-anti-sexual-harassment-act-2022_03312023/)

<sup>iv</sup> Women's Aid Organisation. 'Malaysia's Anti-Stalking Law Now Operational. '14 June 2023. <https://wao.org.my/malaysias-anti-stalking-law-now-operational/>