

RESPONSE FROM THE GOVERNMENT OF MALAYSIA TO THE LETTER SUBMITTED BY THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES ON FEMICIDE

The Government of Malaysia (“Government”) presents the following information in response to the letter submitted by the Special Rapporteur on Violence against Women, its Causes and Consequences (“SRVAW”) dated 3 November 2021 (“Letter”) regarding the continuation of SRVAW’s work on femicide. The Government noted that the Letter is premised on calling States to provide updated information on the implementation of the Femicide Watch initiative.

2. This response provides explanation on the Government’s action to address femicide and violence against women in Malaysia, as follows:

(i) **Additional steps taken to create a national femicide watch and/or femicide observatory and/or observatory on violence against women with a femicide watch role; observatories at Ombudspersons’ office or Equality Bodies; academic institutions and/or NGOs, or any plans to create one, as applicable.**

3. The issue of femicide is least prevalent in Malaysia. The term ‘femicide’ is not defined in any laws in Malaysia including the Penal Code [Act 574]. Nonetheless, as part of the Government’s commitment to uphold the principles enshrined in Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Beijing Declaration and Platform for Action, as well as Sustainable Development Goals, several initiatives have been undertaken to protect women against all forms of violence including femicide.

4. The Domestic Violence Act 1994 had been amended in 2011 and 2017 to introduce new elements such as immediate protection for victims of violence at home to supplement the offences under the Penal Code, expanded definition of domestic

violence to include emotional, mental and psychological abuse, recognition of victims' rights, the right of exclusive occupation¹, and rehabilitation programme.

5. A Parliamentary Special Select Committee on Women and Children Affairs and Social Development was established on 11 November 2020 to review Bills, investigate and provide a report on any matters including proposals, motions, petitions, reports or documents related to women, children, and persons with disabilities, Orang Asli and social development. The Committee consists of 9 members of Parliaments from both the Government and the Opposition.

6. The Government had set up a dedicated helpline (*Talian Kasih* 15999) in 2007 for members of the public to report any acts or suspicion of acts of domestic violence, human trafficking and child abuse to ensure early intervention, as well as immediate action can be taken on the reported cases. The *Talian Kasih* 15999 operates 24 hours daily and can also be accessed through a fixed-line and Whatsapp Instant Messaging services. *Talian Kasih* 15999 is a centralised communication centre that links the public to the relevant government agencies that provide emergency assistance. *Talian Kasih* 15999 had also been extended to include tele-counselling.

7. The Government is also working towards establishing One Stop Social Support Centre (O3SC) in the first quarter of 2022 to provide holistic social services to women, children, families, the elderly and persons with disabilities in facing social issues such as domestic violence, post-divorce, child abuse and unwed pregnancy. The centre is a solution-oriented approach to whole-of-government and whole-of-society efforts by providing advice and information, as well as immediate response to people in need. The centre provides temporary shelter before further assistance and support services can be extended by the relevant government agencies.

8. Earlier this year, the Government had established a special squad for women to combat violence against women. The programme appoints women as agents of change against crime in the community. The programme focuses on empowering the community by giving psychosocial support and guidance in related issues.

¹ The term right to exclusive occupation means domestic violence victim is given the privilege to remain in the place of dwelling even if the place of dwelling was obtained by sharing with the person against whom the order is made. The term also prevents the person against whom the order is made from entering the property.

9. Squad members were exposed with Basic Psychological First Aid (PFA) training using the E.A.R.S (Empathy, Attention, Response, Support). The squad shall be equipped with knowledge on issues relating to violence, crime against women (including sexual crimes, cyber-crimes, trafficking, rape, harassment and domestic violence). Reports received by the squad will be channelled to the relevant authorities such as registered counsellors and the Investigation Unit of the Royal Malaysia Police when necessary.

10. The Government took the initiative to collaborate with ministries and agencies to establish transit centres at selected mosques for domestic violence victims. These mosques function as immediate shelter for victims where they will be given access to psychosocial support. This project is still in its pilot testing. At the moment, 2 mosques in Kuala Lumpur had been assigned as shelter, whilst 12 other mosques serve as walk-in complaint centres availing counselling services.

(ii) Recent jurisprudence or case law on femicide.

11. Since there is neither statutory definition nor case laws that provide definition to the term 'femicide', reference can be made to section 301 of Act 574 as it could provide the nearest definition to the word femicide. Section 301 of Act 574 provides the offence of culpable homicide by causing the death of a person other than the person whose death was intended. However, Act 574 does not distinguish the punishment for culpable homicide according to gender.

12. The Government requests the foregoing responses be submitted to the kind attention of the Special Rapporteur on Violence against Women, its Causes and Consequences.

The Government of Malaysia

6 December 2021