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**STRATEGIES FOR CHANGE – THE WOMEN’S MOVEMENT IN MALAYSIA**

**Expert paper prepared by:**

**Zarizana Abdul Aziz  
Women’s Centre for Change, Penang**

Most activist women's groups in Malaysia can trace their beginnings to the early to mid 1980's when there was a convergence of interest on the issues of violence against women. Drawing from then existing NGO's like the Consumers' Association and Trade Unions, a small group of women began organizing as a new forum to look at issues on violence against women.

Thus women activists and activist women's groups had either by design or accident of history, since its early days, lobbied and campaigned together as an integrated voice for change.

The strategy to lobby as a platform (informal coalition) called the Joint Action Group Against Violence Against Women (JAG) rather than individually certainly has had its advantages. JAG has become a visible platform and to a certain extent, synonymous with the campaign for women's rights.

The platform which was established in early 1980's, was no more than an ad hoc coalition for NGO's and individual women to discuss the "woman question". JAG covered the issues of labour, media portrayal of women and violence against women, namely wife battery, rape and prostitution.

Arising from JAG's campaigns, new women NGO's were formed, amongst them, the Women's Crisis Centre (WCC) based in Penang and the All Action Women's Society (AWAM) in Kuala Lumpur. From its early days JAG concentrated on legal reform as a strategy for change.

This paper will focus on the legal campaign by JAG as well participation in the electoral process by women's group either through JAG or acting in coalition with other groups.

### **JAG's Early Campaign**

As a new coalition proposing to undertake up a legal campaign on the issue of violence against women, it was important to first assess the present laws to identify laws that were discriminatory towards women.

Noting that the State has the ultimate responsibility in ensuring that society is governed by laws based on the principles of human rights and justice JAG together with National Council for Women's Organisations (an umbrella body of women's organisations set up by the State), undertook an audit of the then existing laws and identified laws that were discriminatory towards women. In 1985, the result of the audit of the then discriminatory laws was presented to the State.

Some of the laws were gradually amended without much further campaign whilst others require more lobbying. The campaign on 3 of the issues identified by JAG are discussed below.

This paper will also discuss the multi-prong strategy utilised by JAG, its members as well as NCWO to achieve change, namely:-

- (a) lobbying the State for reform of the law;
- (b) responding to incidences against violence against women;
- (c) undertaking training of the State service sectors including the police and medical sectors to enhance service delivery and compliment the legal reform being sought;
- (d) raising public awareness on the issues;
- (e) liaising with the state; and
- (f) addressing competing interests challenging the reform lobby.

#### (a) Rape Amendments

On 23<sup>rd</sup> - 24<sup>th</sup> March 1985, JAG organised a major campaign. A moot rape trial was conducted with a woman's sexual history critically examined in the mot court in order to highlight the trauma faced by women survivors and to demonstrate how a victim's/survivor's sexual history was used by defence counsels to attack and humiliate a victim. There was also a stage performance called "Arise", a positive dance about women surviving and overcoming violence. Workshops, exhibitions and poem recitations were organised and the campaign spread throughout Malaysia.

JAG published a paper on the reforms it was seeking to the *Penal Code* and the *Evidence Act* which included widening the definition of rape, minimum rape sentences, increasing the age for statutory rape age, increasing penalties and prohibiting the defence from adducing evidence of sexual history of the complainant.

JAG printed pamphlets in 4 languages and the campaign was to get signatures, as many as possible, to push for amendments to the rape laws.

It was also at this time that there were a few rape incidences that were so horrific as to capture public outrage. This included the rape of a 9 year old girl who went out one morning to buy breakfast and never came back. She was found brutalised, raped and murdered with a pole inserted into her vagina.

A demonstration which was held outside the coffee-shop where the child lived attracted media and swell public attention given the already existing outrage over this case. Thus members of JAG were able to organise public voices to generate what was hoped to be a sufficient force for change<sup>1</sup>.

Discussions were held with the Attorney-General and the government on the proposed rape reform. A series of negotiations resulted in the amendments that we brought in 1989.

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<sup>1</sup> The campaign on "Citizens against Rape"

The widening of the definition of rape to include use of objects as well as marital rape was refused. The age for statutory rape was increased from 14 to 16 years and the penalty for rape increased to a minimum of 5 and maximum of 20 years. The rape shield provisions were added into the *Evidence Act* prohibiting the defence from introducing into court the sexual history of the victim except where it relates to the consent the accused alleges was given by the victim (what is now commonly called “the rape shield” provisions)<sup>2</sup>.

This heralded the first successful campaign for legal reform by JAG.

Simultaneously with the campaign for legal reform, the women’s groups were conscious of the need for the police and medical personnel to collect forensic evidence for use in court proceedings. The manner of collection and type of evidence collected had to be streamlined and made efficient to ensure that the evidence collected was sufficient for the prosecution of the accused. Trainers were invited from the United Kingdom and Canada to assist in the compilation of a rape kit for this purpose.

#### (b) Domestic Violence

Simultaneously with the rape campaign, JAG also lobbied for a *Domestic Violence Act* (DVA). The Association of Women Lawyers (AWL) was at that time in the process of drafting the proposed *Domestic Violence Act*. In 1985, the draft proposed Domestic Violence Act was ready for public discussion and the JAG took the opportunity to solicit feedback from the public and embarking on a roadshow to raise public awareness of domestic violence and need for legislation.

The draft *Domestic Violence Act* which was initially proposed to the government was a legislation providing for civil remedies. Experience of some of JAG’s members from working with battered women indicated that women who were battered primarily required the abuse to stop immediately. As a significant, if not majority of battered wives were dependant on their spouses for financial support, many did not want their spouses to be put into gaol nor have a criminal record.

However during further discussions with the then relevant Minister and her then deputy, JAG realised that any civil legislation would be mired with the problem of separation of jurisdiction between the civil and syariah personal laws as entrenched in the Federal Constitution. This provided that the jurisdiction over personal laws including family law of persons professing the religion of Islam were to be administered in accordance with syariah laws while those of non-Muslims, in accordance with civil laws respectively<sup>3</sup>.

Domestic violence, by virtue of it having occurred within the family, arguably, would be subject to this separation. Having 2 separate courts applying 2 separate legislations on

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<sup>2</sup> See S146A of the *Evidence Act 1950*

<sup>3</sup> The Federal Constitution provides for a separation of jurisdiction in relation to family laws and succession. The syariah courts shall have exclusive jurisdiction over Muslims in matters pertaining to family and succession. As domestic violence can be deemed to be a matter relating to family law, the jurisdiction of the civil courts may be ousted if the parties (or one of the parties?) are Muslims.

domestic violence which are determined by 2 separate systems of laws would have been wholly unsatisfactory.

In every custom, tradition and religion, there are vestiges of the perception that a husband has a right to “guide” “discipline” and “chastise” his wife and those within his household. Allowing Judges to interpret such concepts within their own understanding and social / religious bias would generate different standards of behaviour within the different communities in Malaysia.

Addressing the social, cultural and religious bias was particularly important to ensure that the relationship between the perpetrator of violence and the victim could not be used as an excuse to allow the perpetrator to continue abusing the victim with impunity. The basic right to be free from violence whether occurring within the home or in public cannot be subjected to these biases.

Domestic violence is further complicated by a second perception – that a woman cannot deny her husband her society as long as the couple is married. Any domestic violence law must have as its central theme, the protection of the victim of violence. As the law then stood, the remedy to restrain a husband from forcing his society on his wife was only available to women who have applied or undertaken to apply for divorce. The High Court under the *Law Reform (Marriage and Divorce) Act 1975* compels a woman to file or undertakes to files for divorce when attempting to access this remedy. This provision is replicated in the different syariah Family Law Enactments<sup>4</sup>.

The remedy was not only unsatisfactory in that it forced women to take the final step of dissolving the marriage (particularly difficult with the complication of financial dependence and children) in order to seek protection, it was also expensive (requiring the assistance of lawyers) and only available mainly in the capital cities (where High Courts are situated).

Thus JAG agreed that the domestic violence legislation, which was initially proposed as a civil legislation, be converted into a criminal legislation. After all the criminal provisions of assault, battery, false imprisonment, hurt and even murder, did not provide allowances for the relationship between the parties in determining whether the action was wrongful or otherwise.

Linking the *Domestic Violence Act* to the *Penal Code* also emphasised the fact that domestic violence was not merely a marital wrong but a crime where the State had an interest and therefore would intervene to prosecute the offender.

Throughout the lobby for the *Domestic Violence Act* there was vehement opposition from specific groups. The objection drew from the perceived threat the *Domestic Violence Act* would cause to the harmony within a marriage, ignoring for the most part, that marital harmony was shattered upon the perpetrator introducing violence into the marriage.

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<sup>4</sup> The different states (provinces) in Malaysia administer their own syariah laws. Therefore there a multiple Family Law Enactments in Malaysia each different from the other.

The strong opposition from certain religious authorities had to be addressed by JAG and to some extent the connection between the Act and the *Penal Code* was a resilient point used to factor in the universality of intolerance for violence.

To counter the arguments from the religious quarter that any proposed legislation would contravene religious teachings and would contribute to the rising breakdown of the family, comprehensive arguments on religion's abhorrence of violence, particularly violence against women had to be prepared and disseminated widely.

Another JAG member, Sisters-in-Islam issued 2 booklets which were distributed widely at all functions advocating for domestic violence legislation. These booklets entitled, "Are Muslim Men Allowed to Beat their Wives" and "Are Men and Women Equal before Allah" were published in simple easy to read form and quoted extensively from the Qur'an as well as the traditions of the Holy Prophet to support its arguments.

Indeed before during and after the passing of the domestic violence legislation, the opposition by those who purport to speak in the name of Islam was the most serious. In fact these voices very nearly successfully prevented the passing of the legislation and thereafter, it was believed, contributed to the *Domestic Violence Act* which was passed in 1994 languished in the law books for another 3 years before its implementation after JAG held a demonstration demanding its enforcement.

### The Reform Process

Malaysia has not had a change of government since its independence and the possibility of any change, then and now, does not appear real<sup>5</sup>. Thus early in its campaign, JAG adopted an approach of working with the government whilst maintaining its independence<sup>6</sup>.

For a proposed law to survive up to tabling in Parliament, it was crucial that the support of the government and in particular of the relevant sponsoring ministry be garnered early in its formulation. Indeed the *Domestic Violence Act* was made possible by the determined perseverance of the then sponsoring Minister, Napsiah Omar in tabling the bill in Parliament despite the strong opposition from UMNO backbenchers, up to the very last night of the parliamentary session.

Secondly, in order to achieve legislative reform, a lot of energy was invested in raising public awareness on the issues as well as the campaign for legislative reform. Whilst this awareness created a certain level of public support for and later anticipation of

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<sup>5</sup> Malaysia is ruled by a coalition government comprising the Malay-based political party, UMNO, the Chinese-based, the Malaysian Chinese Association, the Indian based party, the Malaysian Indian Congress, and several other parties. The ruling coalition, possibly faced one of its greatest challenge in the 1999 elections following the sacking of the then Deputy Prime Minister, Anwar Ibrahim where its problem was to convince voters why they should not support the opposition rather than why the party should be returned. See Maznah Mohamad, *New Politics in Malaysia*.

<sup>6</sup> This strategy has so far ensured that JAG is given the opportunity to address its concerns to the government including private audience with the Prime Minister. JAG is consciously also aware of the need to maintain independence in that it cannot have its members co-opted as part of the government apparatus. See below.

the reform, the campaigning body must be conscious of the expectation of the public after the passing of the much lobbied reform.

In the case the *Domestic Violence Act 1994*, soon after its passing, women started attempting to obtain protection under the legislation. Unfortunately, due to its delayed enforcement, women who had drawn enough courage to seek protection under the legislation prior to its implementation were denied any protection. It was thus important to continue the initial campaign after the passing of the legislation up to the effective implementation of the legislation.

Further, any legislation finally accepted and passed by the government, would at best be, the negotiated and compromised version of the envisioned legislation. Consequently, despite both reform to the rape laws and the Domestic Violence Act had by then been passed, JAG had to return to the drawing board to address the problematic implementation of these amendments.

### Revisiting the Campaign

#### 1. Domestic Violence as a Crime

Attaching the *Domestic Violence Act* to the *Penal Code* may have simplified the acceptance process during the initial stages but it was later to prove problematic<sup>7</sup>. Whilst the Act provides that an interim protection order may be applied for pending investigation, the *Criminal Procedure Code* prohibits any investigation of a complaint unless the criminal act complained of is a “seizable offence”. The police could only investigate non-seizable offences upon receipt of an order to investigate from the Public Prosecutor’s office.

Seizable offences are identified under the *Criminal Procedure Code*. Essentially seizable offences are only those offences that are of a certain level or gravity / seriousness e.g. causing grievous hurt (but not causing hurt), assault with a dangerous weapon (but not simple assault).

On the other hand, domestic violence often takes the form of repetitive assault and battery rather than one single assault resulting in grievous injury. The *Penal Code*, which was formulated to address non-repetitive crimes was ill-catered to adequately deal with domestic violence.

After its implementation for a few years, it was obvious that the *Domestic Violence Act* required review and amendments. Partially, those problems were brought about by poor implementation when the *Domestic Violence Act* was enforced without proper exposure of Magistrates and training of the police and social welfare officers, the latter two designated as “enforcement officers” under the Act. Partially, those problems were brought about by the inherent shortcomings of the *Domestic Violence Act* itself which requires legislative amendments, including the creation of domestic violence as a

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<sup>7</sup> The DVA is essentially a legislation providing for protection of victims of violence which occurs in a domestic setting. Domestic violence itself, although defined in the legislation, does not constitute a separate crime. Protection is only triggered if a crime as provided under the *Penal Code* is committed. Compensation and counselling may also be ordered.

separate seizable offence either under the *Penal Code* or in the *Domestic Violence Act*.

## 2. Rape

Similarly, the amendments of rape laws did not stand up well to the test of implementation. Amongst others, rape with the use of objects was not acknowledged as the grave crime that it is<sup>8</sup>. Marital rape remains an burning issue<sup>9</sup>.

Further while the sentences for rape was increased, the offence of carnal knowledge under the *Women and Girls' Protection Act 1973* was left intact. This Act was formulated to protect girls and young unmarried women from "moral danger". So when young women and girls were raped, instead of preferring charges under the *Penal Code*, the police continued to charge the accused with carnal knowledge under the *Women and Girls' Protection Act* which carried a maximum sentence of 5 years and the courts may also order the detention of the women and girls to protect them from "moral danger". Thus a further lobby was launched to repeal the *Women and Girls' Protection Act*<sup>10</sup>.

Similarly, victims of rape continue to be subjected to insensitive reporting by the media. In one instance, a child victim of incest refused to attend her school anymore after a newspaper clipping of the incident which published in a vernacular newspaper was placed on her desk upon her return to school<sup>11</sup>. The lobby to restrict media reporting of the crime, which would tend to identify the victim resulted in media restrictions only in relation to child victims<sup>12</sup>.

## 3. Services

In the meantime, it was apparent to members of JAG that the services received by women victims of violence were far from satisfactory. Complaints of domestic violence victims being asked to lodge their report at the police station nearest to the incident (and hence the perpetrator) caused difficulties when a victim had left the place of incident.

Similarly rape victims were being shuttled between the police station and hospitals to lodge complaints and to attend medical examination. At the hospitals, distraught victims, accompanied by a police officer, had to wait in the accident and emergency (casualty) together with patients seeking treatment for all manner of complaints thus drawing speculation and subjected to whispers.

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<sup>8</sup> The perpetrator of these acts may be charged under assault or using criminal force to outrage the modesty of a person which carries a maximum sentence of 10 years.

<sup>9</sup> Marital rape again became a topic of public debate in 2004 when the issue was raised by a Human Rights Commissioner, *New Straits Times* 23 and 24 August 2004. Muslim intellectuals and politicians appeared to acknowledge or at least not deny that in reality, husbands do abuse their wives including raping them. However they were content to advise such wives to seek their remedy by asking for divorce. Alternatively, according to some, if marital rape were to be legislated, it should only be applicable to non-Muslims.

<sup>10</sup> The Act was finally repealed by the *Child Act 2001* which came into force on 1<sup>st</sup> August 2002

<sup>11</sup> The victim, then aged 14, was a client of the WCC.

<sup>12</sup> Section 41 of the *Child Protection Act 1991* prohibited the publication of any material which would tend to identify the child, or his/her address or school. This Act was later replaced by the *Child Act 2001*



Therefore discussions were held with the State for separate consultation rooms for victims of violence. It was also suggested that a police beat be set up at the hospitals so that victims could be rushed immediately to the hospitals where they could lodge police complaints and be examined by qualified medical personnel in privacy. A direct line could also be established with relevant NGOs providing emotional and psychological support.

The discussions resulted in the successful establishment of an integrated service centre at public hospitals (otherwise called one stop centres). Training of doctors and nurses would ensure that both have special expertise to handle victim survivors of violence.

In relation to police services, sexual assault units were set up to assist victims women of violence. Part of the duties of the police officers of these units was effecting service of the protection order against the perpetrators of violence<sup>13</sup> which had previously proved difficult.

### **JAG's Present Campaign**

In 1999 the WCC received complaints of sexual harassment from 6 women working in a resort hotel in Penang. Due to the inability of the women to obtain redress under the law<sup>14</sup>, in 2000 the WCC requested that another JAG be reconvened to petition for legislation on sexual harassment at the workplace<sup>15</sup>. For a period to 6 weeks, WCC and other women's groups and unions / worker's association collected 12,800 signatures from individuals and the endorsement of 64 organisations comprising civil, professional, health, workers, social, political and other interest groups.

On 30th June 2000, the Minister for Human Resources was invited to accept the petitions. Extensive public campaigns were undertaken.

Subsequently and learning from past mistakes where the draft legislation was not prepared by JAG, this time, JAG drafted and submitted a full draft legislation on sexual harassment. An international round table discussion was held where international experts, with participants from the International Labour organisation, New Zealand Human Rights Commission and Hong Kong University, and local government officers including those from the Attorney General's Chambers, Labour Office and NGOs was unanimous in calling for legislation on sexual harassment. The draft Bill, was also studied and critiqued with amendments made thereafter and the amended bill resubmitted to the government.

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<sup>13</sup> Unfortunately sexual assault units are only established in each police station.

<sup>14</sup> They complained that they were sexually harassed at work by their general manager. Two of them had resigned and four were afraid that they would be suspended after the New Year holidays. One by one they were all dismissed as the labour officer and women's groups realised there was no redress to stop the dismissals.

<sup>15</sup> JAG's composition changes depending on what issues are taken up. JAG on sexual harassment comprise the WCC, Women's Development Collective, AWAM, WAO, Sisters in Islam, Women's Candidacy Initiative and Persatuan Sahabat Wanita and MTUC Women's Wing. JAG on sexual harassment is chaired by the WCC.

An extensive campaign was conducted which received good media coverage. Meetings with the relevant ministries were sought but yet, in 2005, still there is no sight of any legislation being tabled in Parliament.

During this time also, 2 of JAG's members independently decided to revisit both the *Domestic Violence Act* as well as amendments to the rape laws<sup>16</sup>. Again extensive discussions were held and in the case of legislative reform to criminal provisions, a special select committee of parliament was convened to study the laws. In relation to domestic violence, the Women's Ministry convened a technical working group to study the memorandum and call for meetings with the relevant agencies to facilitate implementation of the *Act*. A report on the shortcomings of the *Act* and its implementation was released. Unfortunately to date, such lobby has yet to result in further amendments to the laws.

### **Electoral Politics – The Women's Agenda for Change and Women's Candidacy Initiative**

1999 was an election year for Malaysia. The women's groups participated in this election in 2 ways. The first is the Women's Agenda for Change and the second is the Women's Candidacy Initiative.

#### 1. Women's Agenda for Change

The initiative called the Women's Agenda for Change (WAC) was launched in 1999. 11 issues were identified. The position document was originally drafted by 34 women's groups and NGOs. These issues included development, participatory democracy, culture, religion, violence, health services, land, AIDS, environment and sexuality. The introduction to the WAC document stated that "The recent political (and economic) development in Malaysia have added the impetus and urgency to strengthen women's participation in the cultural, economic and political life of the nation. We deplore the manipulation of ethnicity and religion, as well as the use of force and oppressive forces to divide us. We want to contribute towards the building of a just, democratic and peaceful society for ourselves and future generations."

WAC went beyond "women's issues" and drew support from wide ranging groups. It was used in the 1999 general election. A WAC working committee was set up to organise the campaign and particularly to draw public attention to particular issues as set out in the WAC document, raise public awareness on the position of Malaysian women, strengthen political participation and networking towards advancing the rights and status of women<sup>17</sup>.

<sup>16</sup> Memorandum on the Domestic Violence Act: Review and Proposals for Reform was initiated by the WCC and the anti-rape campaign was initiated by the All Women's Action Society. Both initiatives were later adopted by JAG as part of its campaign. The WCC memorandum can be obtained at its website at [www.wccpenang.org](http://www.wccpenang.org)

<sup>17</sup> Tan Beng Hui and Cecilia Ng, *Embracing the Challenge of Representation : The Women's Movement and Electoral Politics in Malaysia in New Politics in Malaysia*, Francis Loh and Johan Savaranamuttu editors, Institute of South East Asian Studies

WAC was however not the first foray by the women's groups into electoral politics. In 1990, the Women's Manifesto was launched with the support of 11 organisations. Unfortunately the Women's manifesto did not make an impact on the general election, having been endorsed only by the Opposition but not the ruling government.

In contrast, the WAC initiative generated a lot of interest. Within days, members of WAC organising committee were approached by the components of the ruling government coalition. Meetings were held with the Deputy Prime Minister and women leaders from the parties. Unfortunately after the election, no action was taken to fulfil the promises made.

The Women's Agenda was distributed to all Members of Parliaments who were invited to issue a commitment to advancing the position of Malaysian women. The aim was to monitor the members of parliament on their positions. Only 13 members of parliaments endorsed the Women's Agenda out of which 4 were from the government and 9 from the opposition. None of the female Members of Parliament replied.

## 2. Women's Candidacy Initiative (WCI)

The idea of a women's issue candidate was put to the test in the 1999 general election. Women's groups had little experience in running such a campaign and actually going through the process of putting up an election candidate. The WCI was initiated on the belief amongst others that women's political participation was vital at all levels of decision makings. It was also hoped that the WCI would prove that women can participate in the formal electoral process without aligning themselves to any one party and thereby giving them the independence to critique both the government and opposition positions.

The search for a suitable candidate who was willing to have herself put up as a candidate was in itself a task. After finally convincing a candidate, the debate centred around the question of how to field that candidate.

Opinion was split between putting up the candidate as an independent candidate or as part of a political party, and if a political party, which party. Secondly the issue of standing as a candidate of a political party was in itself problematic as there were already party stalwarts vying for each and every nomination. After all unless it could be said that the women's candidate has something to offer the political party, the negotiations would not go well for the candidate.

All these negotiations was conducted against the backdrop of the sacking of the then Deputy Prime Minister and the weakened political credibility of UMNO, the ruling Malay based political party to which both Anwar (the sacked Deputy) and Dr Mahathir (the Prime Minister) belonged. It was hotly anticipated that UMNO would loose ground in the elections and the opposition parties consolidated their positions by coming together as a coalition, setting itself up as "the Alternative Front" to the government's "National Front". The opposition parties also agreed the Alternative Front would field only one candidate for each seat, thus drawing the government to a one to one straight contest.

Given this scenario, the WCI opted to stand under the banner of one of the opposition parties. Although the women's candidate lost to the government candidate, the experience was extremely important to women's groups. The WCI was the "bridge between political participation as party members and social activism through non-governmental organisations".

### 3. Women Monitoring Election Candidates (WoMEC)

The monitoring of election candidates continued in the 2004 election with JAG again taking up the challenge through the institution of a loose group called WoMEC. Although the initiatives of the 1999 elections generated a lot of interest, it did not have any impact or follow through from politicians after the elections.

The issues of the 2004 election were different. The political battle within UMNO between the Prime Minister and his then Deputy in the late 90s and early 2000's exposed the weaknesses of the system and the level of corruption as each side flung accusations at the other, to the consternation of the Malaysian public<sup>18</sup>.

Independence of the Judiciary, the rule of law, and political will and commitment of the government in addressing the burning issues and to deliver on election promises became issues of concern. Women's support and votes which proved crucial in returning the government in 1999 was not translated into real headway on the advancement of the status of women despite the setting up of the Ministry for Women and Family Development.

The objective of WoMEC was to hold electoral candidates accountable and to monitor their performance in advancing and upholding social justice and equality goals<sup>19</sup>. This was also to avoid any use of the gender card merely to garner votes every 5 years.

WoMEC undertook this monitoring process by firstly evaluating the political parties' manifestos and responses of candidates and secondly to solicit responses from candidates on their commitment to the key issues of WoMEC. This time however, no response was returned to WoMEC by the candidates and elected representatives.

Still, the media coverage and wide publicity of WoMEC's demands had the effect of raising public consciousness on what the public should expect from their candidates and their candidates' commitment to issues.

## **EVALUATING JAG's STRATEGIES**

JAG has come a long way from the formative years since the early 1980s. With its first foray into legislative reform, successes were clocked but lessons were similarly learned.

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<sup>18</sup> This battle was continued in the courts of law when Anwar was charged with corruption and sodomy.

<sup>19</sup> Maria Chin Abdullah, *Expanding Democracy, Enlarging Women's Spaces in Ten Years After Beijing – Gaining Ground?*

The choice of JAG to work with the State to expedite change in advancing the status of women and bringing about political reform has so far proved successful. However, like any negotiations with a stronger party, the pitfalls of this mode of strategising is real. During the 1988 political instability, a few of JAG's members were actually arrested and charged<sup>20</sup>.

JAG is also conscious of its bargaining position and inability to control the outcome of any negotiations with the government. On several occasions, JAG was left to cope and remedy the unintended and incidental result of this form of negotiations. For example, the government took the opportunity in its reform of the rape laws, to re-phrase and "modernise the language" of the prohibition against "carnal intercourse against the order of nature" to "introduction of the penis into the mouth or anus of the other person". Although both refer to anal intercourse, the rephrasing of the provision has drawn ire from some who accused JAG of being instrumental in "criminalising" homosexual sex".

JAG's relentless campaign and lobby has gained it recognition from the government and the public. On a few occasions, JAG or individual members of JAG were specifically invited to participate in government initiatives but had to decline for fear of compromising its independence.

The campaign for legal reform had been long and still unfinished. Subsequently, members of JAG had to re-strategise to look into other areas such as electoral participation and demanding accountability of elected representatives and candidates. This experience has similarly proved satisfying for the women's movement albeit fraught with difficulties.

However, the next challenge which JAG must embark on is the challenge of working with the judiciary. The WCC had submitted a proposal to the Judiciary for a colloquium. For some time now, the WCC had also advocated a strong court challenges programme through public interest intervention and JAG had in a few cases recently, retained watching brief / amicus curiae brief counsels to appear in court cases that have had wider impact on the advancement of women's rights and status. This infant programme must be grown and expanded in due course.

Last week, the Prime Minister of Malaysia, in his keynote address at the Non-Aligned Movement Ministerial Meeting<sup>21</sup> had laid down his vision on and commitment to gender equality. A new space has presented itself. Fortunately for JAG, we can henceforth refer to this vision and commitment as a benchmark in our continued campaign and lobby endeavours to bring about change in advancing women's rights and status.

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<sup>20</sup> The women were charged for being Marxists, allegedly mobilising workers and women to overthrow the government

<sup>21</sup> The Non-Aligned Movement Ministerial Meeting on the Advancement of Women 7<sup>th</sup> – 10<sup>th</sup> May 2005, Kuala Lumpur. Keynote address by Abdullah Ahmad Badawi, Prime Minister of Malaysia on 9<sup>th</sup> May 2005. See *the Star*, 10<sup>th</sup> May 2005

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