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**Launch of the UNDP Asia Pacific Human Development  
Report 2010**

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**Power, Voice and Rights: Do They Still Elude Malaysian Women?**

Keynote Address by

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Distinguished guests,

Ladies and gentlemen, good afternoon.

First of all, let me thank UNDP for inviting me to launch this Asia Pacific Human Development Report here in Kuala Lumpur. I already had the honour of attending the Asian launch of the report in New Delhi last March 8 so I am very pleased to be given the opportunity again to witness this important event.

And this is indeed an important event. This year the Asia Pacific Human Development Report has chosen as its theme, Power, Voice and Rights: A Turning Point for Gender Equality in Asia and the Pacific. There couldn't be a more apt theme right now, especially for our country Malaysia where every day it seems that gender equality is becoming a shadow we keep chasing, where platitudes about equality are mouthed but sadly are rarely followed by action.

Yet Malaysia has made many strides on women's rights over the years since independence in 1957. We now take it for granted that girls should go to school all the way up to tertiary levels and then go out to work. We don't find it unusual that women should be engineers, doctors, scientists, jet pilots and racecar drivers. Nor, that they should head institutions like universities, the Securities Commission or the Central Bank. We do however still have problems with women leading the country, or even a state. Apparently, according to a female state legislator, women cannot be Menteri Besar because it means they would have to deal with the Sultan and attend religious events. I'm glad it's not because they are genetically incompetent.

Indeed everyone interested in the state of our country should read the Asia Pacific Human Development Report 2010 today because it may give us a glance into why there is a listless air around us. Dissatisfaction with our mostly male leaders is at an all-time high, that there is a general fed-upness with politicking and what I call hyper-partisanship. This is where everything that the other side does is wrong simply because they are on the other side. I suspect that this is the old male zero-sum game; either one side wins or loses, there is no in-between.

Yet I also think that if women had more say in the running of this country, we may actually get more things done. Why? Because women want solutions, not new problems. And we want more time for our families and ourselves so the faster we solve problems the better. We want solutions where everybody wins something.

How would we do that if we don't have the power?

Last March I also had the privilege of being in New Delhi when the Rajya Sabha, the Upper House of the Indian Parliament, voted to pass a new law that allocated 33% of all places in Parliament and state legislatures to women. Despite being unable to pass it on International Women's Day and despite the still strong opposition to it, it was clear from media reports that no political party wanted to declare itself anti-women for fear of losing votes. Thus, the reasons for opposing the law had nothing to do with gender but more about allocations for other minorities.

Still the important fact remains that India, a country that is fast emerging as a major power, has taken a giant leap forward by endorsing special allocated places for women in political decision-making. This is in line with the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) that calls for 30% allocations for women in decision-making.

On this issue, Malaysia, which has long thought of itself as far in advanced of India in everything, is a non-starter. While some political parties are already making moves to introduce 30% quotas for women in elections, the main political parties are not only doing very little about this but also not addressing one of the main structural impediments to women attaining greater political power, the existence of women's wings in the party.

Almost all our political parties segregate their members by sex and by age although they do not all operate in the same way. For instance, in Parti Keadilan, all the different wings vote for the same President. And indeed Keadilan had the first ever woman leader even though she is perhaps more in the mold of Cory Aquino than, say, Margaret Thatcher.

It is however UMNO, the largest party, which needs to have the biggest reform, amongst the many other reforms that it needs. UMNO has a structure in which the women's wing is of the same status as the youth wing. In all the years since its formation, the UMNO women's wing was regarded, as Lenore Manderson put it in her book *Women, Politics, and Change*. The Kaum Ibu UMNO Malaysia, 1945-1972, "as a group subordinate to the parent party, as women are to men. The women of the section were nurturers in the public area as in their own homes, they supported rather than led, deferring to the wisdom of the party and the state." The history of Wanita UMNO has been

replete with half-hearted attempts to change the traditional order of things and when faced with demands for more equality, such as it was, “the UMNO leadership generally responded with token gestures, at strategic moments, just sufficient to pre-empt possible agitation and maintain the goodwill of the women’s wing which was a crucial labour force during elections.”

Wanita’s ability to rise up to leadership positions is also limited by policy decisions within the party which the women are often complicit with. For instance, up until the recent party elections, UMNO’s leaders are chosen not by direct elections, but by a delegate system. In this system, instead of one individual having one vote, which would have given women enormous clout, a division of up to 60,000 individual members has only one vote in elections for the party’s leadership. For a party that does not have gender balance to begin with, this system does little to increase leadership opportunities for women.

The delegate system has already been criticized for being undemocratic and there are moves to change it as announced late last year. But while a women’s wing continues to exist and while the female membership continues to accept male dominance as the norm, women will always be relegated to the margins in many important ways. Although technically they can stand for elections to the topmost posts, women cannot muster the nominations to do so, not least because men control the branches. Their ability to even be elected to the Supreme Council is limited; in the last UMNO elections only Datuk Dr. Norraesah Mohamad was able to win a seat on the highest body by election. All other women on it are there by virtue of leading their various wings or are appointed. Recent reports indicate that the reforms will include appointing more women to the Supreme Council. But I would argue that appointments are always perceived as less legitimate than elections and therefore are not the best option.

This segregation is true not just in UMNO but also in PAS. Yet there are virtually no political parties in the world any more that segregate men and women into wings as we do. It is archaic and should be done away with so that those with true leadership talent, male or female, will be able to rise to the top. But this will require a radical change in men and women’s view of male-female dynamics in the party and in society as a whole.

If we truly want to achieve this goal of having more women in decision-making positions, then short-term measures with fast results are necessary. Our ratification of the Convention on the Elimination of Discrimination Against Women (CEDAW) calls for us to increase women’s participation to 30% of all such positions. This would mean affirmative action, where 30% of all elected

positions in political parties and in state and Federal elections have to be reserved for women.

There are many people who dislike affirmative action but given the very slow pace of gender equality in the political sphere, we have no choice. This affirmative action would have a time frame to achieve its goal after which it would become null and void. Indeed already political parties like PKR, DAP, Gerakan and MCA are already pushing to implement this 30% plan and apparently Wanita UMNO is planning to propose the same for UMNO. As I understand it however, currently this is not progressing much.

In case anyone thinks that allocations for women will have bad results, studies have shown that in many countries, this 30% reservation for women has resulted in improved policymaking. In Pakistan, the influx of women MPs making up 21.6% of total parliamentarians has resulted in policies that have benefited women. In a report by the Aurat Foundation on the performance of women MPs in the 15<sup>th</sup> Pakistan National Assembly, women played a key role in raising issues of violence, health, education, and the environment. In 2004, the National Assembly enacted a bill on karo-kari (so-called honour killing) and a Women's Rights bill in 2006. Recently the Pakistan parliament passed a Sexual Harassment Act. Now I realize that Pakistan is not the best example of a women-friendly country but the point I'm trying to make is that when there are more women in Parliament, the topics that get discussed are different. As a case in point, have the issues of child abuse and abandoned babies been discussed in our Parliament lately?

The 30% affirmative action policy should also not be limited to political office but to other areas where decisions affecting women's lives are made. Already in the Malaysian civil service, an organic process is ensuring that the number of women now holding top management posts in the public sector is 23%. This however elicited a negative response from the head of the civil service union, CUEPACS, recently who claimed that more women meant less progress. I'm not sure what his definition of progress is but he should read the Asia Pacific Human Development Report 2010 which says the exact opposite, that more women in the workplace actually lead to more progress.

In the private sector, the number of women holding positions of general manager, president or CEO in companies increased from 13% in 2004 to 26% in 2008. In the same period however, the number of female directors on company boards fell from a low 10% to 6%. So at the top of the corporate field, where the most important decisions are made, women are still unable to penetrate the boys' club largely because the old boys' networks exclude women.

Even in developed countries, gender equality is not always achieved through natural social change. In 2004 Norway passed a law that required all companies to ensure that 40% of their governing board members are women within a year; this was then extended for another three years. Spain has also enacted the same law and Germany is heading in the same direction. Studies in the United States have shown that the more women at the top of a company, the better it performs. It also makes sound national economic sense when so much is poured into educating girls and yet board members are selected from only half the population.

Not having the power thus translates into not also having a voice. There are so many laws these days being made which affect women but where women are rarely consulted. Chief among them are the laws that impact on what matters to women most, her family.

Let me now address an issue that is controversial and sensitive but nevertheless needs to be said. As much as Malaysian women have educational and job opportunities almost as equal as men and are performing well, some of us have been shoved steadily backwards particularly in the area of personal laws. In essence, while different courts decide issues such as marriage, divorce, guardianship and property for citizens differentiated by religion, we cannot hope to have a truly democratic society. More so, when these different courts give different rights to those under their jurisdiction.

Such a system that ostensibly operates under a Federal Constitution that guarantees that everyone is equal under the law and that there can be no discrimination on the basis of race, religion or sex, is simply untenable. It creates an apartheid situation not just between Muslims and non-Muslims but also between Muslim men and Muslim women. A hierarchical system arises. At the top are Muslim men who have privileges not only over Muslim women but also over non-Muslim men and women. Below them are non-Muslim men who still have some privileges over all other women. For instance, they can be employed until retirement age on our national airline while women cannot.

Non-Muslim women come next because they have an advantage over their Muslim sisters since they cannot be divorced so easily, they need not ever consent to polygamous marriages and they are entitled to far more equitable distribution of property. At the bottom of the heap come Muslim women who, regardless of class or income levels, have little power over their marriages (where they can even be divorced by sms), the guardianship of their children or their own property because now men can claim rights over even their wives' own property.

We may think of this system as having always existed in our country. But in fact this is not so. Until only 20 years or so ago, even while the two systems existed, there were great similarities between personal law issues for Muslims and non-Muslims. Polygamy existed in all communities, for instance, and women of all faiths suffered from unequal rights to divorce, guardianship over children and inheritance.

However the Law Reform Act in 1982 gave much better rights to non-Muslim women by outlawing polygamy and giving them equal rights to divorce, guardianship and inheritance. Not to be outdone, the Islamic Family Law Act 1984, while not doing away with many Islamic regulations, amended their application so as to give better protection for women. Polygamy without the permission of the court and divorce by talaq outside the court were made illegal, wives' grounds for applying to the court for fasakh divorce were expanded, and their non-financial contributions in looking after the home and family were expressly recognized in the division of matrimonial property. Indeed the 1984 Islamic Family Law was a progressive one and regarded then as one of the best Muslim Family Laws in the world.

Since then however the situation for Muslim women has regressed. The beginning of this was the Federal Constitution amendment of Article 121a in 1988 that essentially built a Berlin Wall between the jurisdictions of the civil court system and the Syariah Court system. After which, the Islamic Family Laws have been continually amended to the detriment of women under the pretext that this is what the religion demands of us. Today, we have two mutually exclusive and different systems where monogamy, equal rights to divorce, guardianship and inheritance have come to be identified as features of the civil law for people of other faiths, while polygamy, men's greater divorce rights, men's guardianship over children and men's greater inheritance rights are regarded as sacred and unchangeable features of "Islamic" laws.

We can debate as to whether this is what a just God intended. But Muslim women in this country cannot help but look in envy at our non-Muslim sisters and wonder by what stroke of fate did it come to pass that the women who *originally* had better rights and were well-protected are now in a worse-off position while their sisters had progressed in the opposite direction? And more importantly, when we have a Federal Constitution that states that all citizens are equal under the law, can anybody say in all honesty that that notion applies to Malaysian Muslim women?

Not only is this the case in issues surrounding family laws but recently we have seen examples of discrimination against Muslim women in the Syariah Criminal Offenses Acts where women have been punished with caning, illegal

under the Penal Code, for personal transgressions such as drinking and having babies out of wedlock. Although the case of Kartika was solved in Solomonic fashion by the commuting of her sentence to community service, the fact still remains that three other women were caned for having babies out of wedlock and the men who fathered those babies not.

Men of course can be caned for many offences and certainly some people have pointed out that this is also discriminatory. Indeed human rights NGOs are calling for the abolition of all corporal punishment either for men or women. Still, in the same week that the Pahang Chief Syariah Appeal Court judge upheld Kartika's sentence, a businessman found guilty of assaulting his ex-wife was fined all of RM700 by the civil court. Had he been given the maximum sentence, he would have been fined only RM2000.

In another case, a judge reduced the sentence of a rapist by 10 years because it was his first offense, he had cooperated with the police and there was 'no violence' involved in his rape of a minor. Yet Kartika and the three women who were caned, were also first-offenders, had cooperated with the authorities and there was certainly no violence involved. How much clearer a case of discrimination could we present?

Today in the public perception, a woman who insists on obeying the Syariah Court's orders, as Kartika did, is touted as a good Muslim woman. Yet every day, hundreds of Muslim men regularly defy Syariah Court orders to provide for their children and are never named and shamed as irresponsible and bad Muslim men.

Ladies and gentlemen, I would love to be more positive and enthusiastic about the state of women in our country today but recent events have made it difficult. Despite our Domestic Violence Act 1994, the first in any Muslim country in the world, violence against women continues. Only a few days ago a man was jailed six years for throwing acid on his wife for refusing to have sex with him. While some people grumbled about the short jail term, I was just astonished that he was even convicted.

In this day and age, we still have to learn that in the syariah laws 10-year old girls can be married off to adult men, supposedly to emulate the Prophet (peace be upon him) while the Penal Code considers sex with a minor statutory rape. The discussion around these child marriages has largely centered on procedural matters rather than the sheer despicability of marrying off such young children. One really has to wonder what century some of our people live in.

Thus a report such as the Asia Pacific Human Development Report is important because, like the many conventions that countries sign up to, it allows for benchmarking. Standards are set for how a country should be defined as progressive and developed. Apples need to be compared with apples, and oranges with oranges. And not, as some people have ingeniously claimed, that we are apples and therefore cannot be compared with others because they are oranges. In other words, we are special and cannot be compared with anyone.

There is no point in being part of a global community if we are constantly going to consider ourselves different. And on the issue of gender, while we may have been successful in some areas, in the crucial areas of power, voice and rights we are not.

If we want to call ourselves a modern, progressive and democratic Muslim country, this situation must be redressed. Democracy is meaningless without gender equality. To change that, we need firm and decisive political leadership with a far broader and long-term view of where our country is headed. The short-term political gains of today will reap serious repercussions for our country's future as others move forward and we get left behind. When that happens, it will be women, my daughters and yours, who will suffer most.

I don't know about you but I'm not prepared to let that happen.

Thank you.