

JUSTICE FOR WOMEN, 25 AUG 2009

The Joint Action Group for Gender Equality (JAG) welcomes the celebration of the national Women's Day on 25 August 2009, and Independence Day on 31 August 2009.

The celebrations this year is bittersweet. JAG was galvanized over the past few weeks in dealing with a seemingly intractable issue: violence against women. In this instance, it was the state sanctioned violence against Kartika Sari Dewi Shukarno. Kartika pleaded guilty to a charge of drinking alcohol – an offence under the Syariah law in Pahang. In an effort to deter other Muslims from drinking, the Syariah Court ordered the maximum sentences to be meted out: RM5,000 fine and 6 lashes of the whip. However, on 24 August 2009, Kartika's sentence was stayed for reasons which are still not clear.

JAG does not support whipping for women or men. It violates a person's human rights to be free from cruel, inhumane, degrading treatment or punishment, and it has not worked as deterrent.

JAG is especially concerned that it is not apparent that general principles of sentencing were applied in Kartika's case: she was a first time offender, she showed remorse and pleaded guilty, and there was no violence in the commission of the offence. Her sentences were completely disproportionate to the offence committed.

Kartika's case also illustrates how Muslim women are discriminated, contrary to the constitutional guarantee in Article 8(2) of the Federal Constitution against discrimination on the grounds of religion and gender. Whipping of women is allowed under Syariah criminal offences but is disallowed by civil law under Section 289 of the Criminal Procedure Code.

JAG has repeatedly lobbied the Government to legislate against discrimination and to make the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which it ratified in 1995, into domestic law. However, the Government has failed women on both counts.

JAG urges the Government to 'Kotakan Kata' – to fulfill their elections promises and legal obligations under CEDAW. The Government must legislate against discrimination: justice for Malaysian women requires nothing less.

24 August 2009

Maria Chin Abdullah

Executive Director

Persatuan Kesedaran Komuniti Selangor (Empower)

for and on behalf of the Joint Action Group for Gender Equality which comprise:

- 1. *Persatuan Kesedaran Komuniti Selangor (Empower)***
- 2. *Women's Aid Organisation (WAO)***
- 3. *Sisters In Islam (SIS)***
- 4. *All Women Action Society (AWAM)***
- 5. *Women's Centre for Change, Penang (WCC)***