

VIOLENCE AGAINST WOMEN CLAUSES MUST BE IMPROVED, WITHDRAW BILL AND CONSULT PUBLIC, 23 OCT 2013

This morning, the government withdrew two problematic clauses in the Penal Code (Amendment) Bill, on vandalism and insulting the national flag. This is not enough – the Bill should be withdrawn in its entirety.

Bad bill

Extremely dangerous clauses remain, including the proposed section 203A, under which someone can be fined up to one million ringgit for disclosing information obtained under any written law.

The proposed amendments on domestic violence also fall short, and must be improved. The proposed section 326A penalises certain types of abuse between married spouses with specific punitive measures. But this section should be made consistent with the Domestic Violence Act 1994.

The proposed section 326A should recognise abuse by former spouses and other family members for example siblings and siblings in-law, which in 2012 accounted for 54 per cent of reported domestic violence cases. The section should also be amended to apply to all types of violence recognised in the Domestic Violence Act, including sexual and psychological violence. Judges should maintain discretion in deciding the length of imprisonment term and the type of punishment given to those convicted of domestic violence.

Numerous amendments to sexual offenses have been proposed, including increasing jail terms for various offences. But important amendments have been left out. Nothing has been proposed to penalise rape within a marriage, an act criminalised in 104 countries according to the United Nations Secretary General, and something the expert Committee on the Elimination of Discrimination Against Women (CEDAW Committee) has asked the Malaysian government to do.

Bad process

The manner in which the Bill, and the ten other bills, was drafted and introduced has not only been secretive but rushed.

No consultations were held in drafting the bills, and no prior notice was given on its introduction, to civil society, opposition Members of Parliament, or the Malaysian Bar, the Sabah Law Association, and the Advocates Association of Sarawak.

Members of Parliament have described how they arrived in their offices in the morning to discover a stack of amendment bills on their desks. A week later, at

nearly one in the morning, the Prevention of Crime (Amendment) Bill was passed by the Dewan Rakyat. The Penal Code (Amendment) Bill looks set to follow.

Without proper consultation, flaws in the Bill will remain unaddressed. This is now seen in the numerous concerns raised by various parties.

Withdraw the bill

The good news is that there have been signs of support from both sides of the political divide for the withdrawal and revision of the Bill. This, combined with the public pressure it generated, has led to two problematic clauses being removed.

But we need to go further and demand that the Penal Code (Amendment) Bill be withdrawn fully, and for meaningful consultation to be held before the Bill can be reintroduced.

Ask Members of Parliament to support withdrawing the Bill. Email or call them. Send them a Tweet or post a note on their Facebook wall.

We should not accept bad laws that are drafted in secret and rushed through Parliament hastily.

***The Joint Action Group for Gender Equality (JAG) press statement
22 October 2013***