

## Social Institutions and Gender Index

# Malaysia

## SIGI Country Profile

19 of March 2024

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The information and analysis contained in this profile are based on data from the fifth edition of the Social Institutions and Gender Index (SIGI) published in March 2023. The cut-off date for legal data is 31 August 2022; the cut-off date for quantitative data is 1 January 2023.

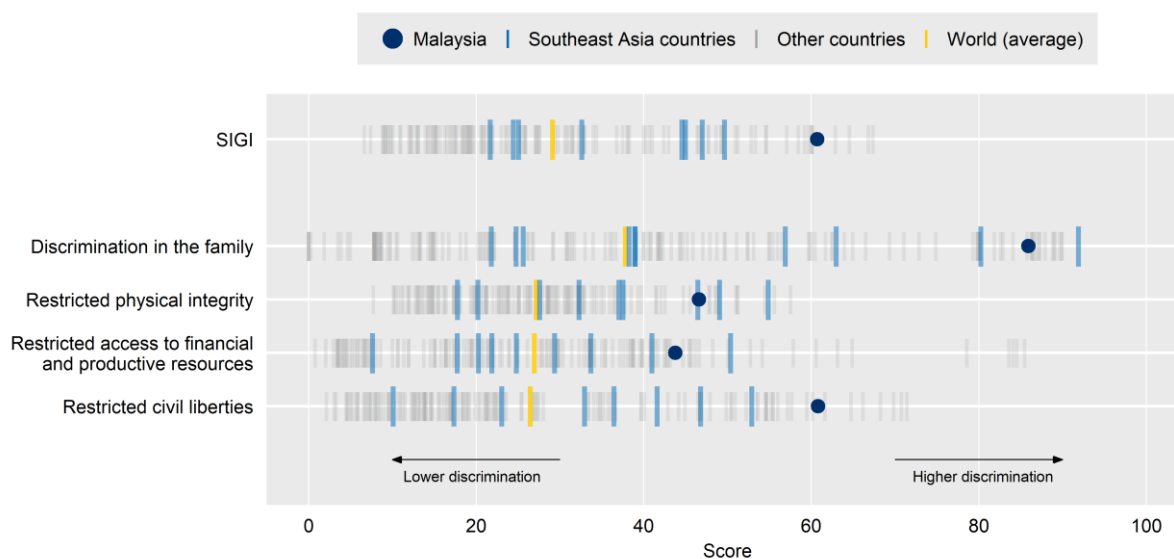
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# Social institutions in Malaysia

## The state of gender equality in Malaysia

The SIGI 2023 profile for Malaysia provides a comprehensive overview of the state of gender equality in the country, as measured by the OECD's Social Institutions and Gender Index (SIGI). The fifth edition of the SIGI, released in 2023, assesses 140 countries based on the level of gender-based discrimination in their social institutions. These discriminatory social institutions encompass both formal and informal laws, as well as social norms and practices that restrict women's and girls' access to rights, justice, empowerment opportunities and resources, thereby undermining their agency and authority.

**Figure 1. SIGI and dimension scores for Malaysia, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The Southeast Asia region covers Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam.

Source: OECD (2023), "Social Institutions and Gender Index (Edition 2023)", *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

In 2023, Malaysia obtained a a SIGI score of 61 denoting very high levels of discrimination, compared to an average score of 39 in Southeast Asia, denoting medium levels of discrimination, and a world average score of 29 (Figure 1).<sup>1</sup> The country obtained a score of 86 in the "Discrimination in the family" dimension,

<sup>1</sup> Levels of discrimination in the SIGI and its dimensions are assessed based on scores as follow: very low [0-20]; low [20-30]; medium [30-40]; high [40-50]; and very high [50-100].

followed by “Restricted civil liberties” (61), “Restricted physical integrity” (47) and “Restricted access to productive and financial resources” (44).

## Legislative framework in Malaysia

The legal system in Malaysia is a dual system based on common law inherited from the British rule and Islamic religious law based on Sharia law (also known as *Syariah* in Malaysia) alongside customary law. Article 3(1) of the Federal Constitution of Malaysia of 1957,<sup>2</sup> which provides the framework for Malaysia’s modern legal system, establishes Islam as the religion of the country, recognising the right of other religion to be practiced. Malaysia’s judicial system is characterised by the co-existence of a dual court system with, on the one hand, a federal secular legal system in the form of the civil courts and, on the other hand, religious courts (*Syariah* courts) for Muslims, which have jurisdictions for all Islamic personal and family matters. Pursuant to Article 121(1A) of the Constitution, civil courts have no jurisdiction in matters that fall within the jurisdiction of *Syariah* courts.<sup>3</sup> Moreover, recognising the existence of Malay customs and other native laws, Article 76(2) of the Constitution prohibits Malaysia’s parliament from enacting any law on the customs of the Malay or on the customs or native laws of the states of Sabah and Sarawak. In this context, customary laws (or *adat*)<sup>4</sup> have the force of law in various matters of personal status (for example land-holding and inheritance).<sup>5</sup>

Article 8(2) of the Constitution recognises and prohibits multiple and intersectional discrimination – which constitutes an essential element to enhance gender equality.<sup>6</sup> Malaysia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>7</sup> in 1995 but maintains reservations to Articles 9(2), 16(1)(a), 16(1)(c), 16(1)(f) and 16(1)(g), and does not consider itself bound by the provisions of these articles.<sup>8</sup> Malaysia considers that its accession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic Sharia law and its Federal Constitution. Malaysia also stipulates that it interprets Article 11 of the Convention as a reference to the prohibition of discrimination on the basis of equality between men and women only.

Gender-disaggregated, gender-relevant and intersectional data and indicators are essential to better identify policy areas that have strong linkages with gender. In Malaysia, there are no applicable legal provisions regulating the production and dissemination of gender statistics.

<sup>2</sup> Malaysia (1957), “Federal Constitution of Malaysia”.

<sup>3</sup> Tew, Y. (2011), “The Malaysian Legal System: A Tale of Two Courts”, *Georgetown Law Faculty Publications and Other Works*, 1922, <https://scholarship.law.georgetown.edu/facpub/1922>.

<sup>4</sup> Customary laws in Malaysia (also known as *adat* in Malay) comprise four main categories: *Adat Papatih*, *Adat Temenggong*, *Iban* customary laws and *Dusun* customary laws. *Adat Papatih* is limited to the state of Negeri Sembilan in West Malaysia. *Adat Temenggong* is based on Islamic principles and is applicable to all states in West Malaysia, except Negeri Sembilan. *Iban* and *Dusun* customary laws are only applicable to the respective states of Sarawak and Sabah in East Malaysia.

<sup>5</sup> LawTeacher (2013), *Founder, History of Native Customary Law in Sabah and Sarawak*, <https://www.lawteacher.net/free-law-essays/equity-law/founder-history-of-native-customary-law-essays.php> (accessed on 1 October 2023).

<sup>6</sup> Malaysia (1957), “Federal Constitution of Malaysia”

<sup>7</sup> United Nations (1979), “Convention on the Elimination of All Forms of Discrimination Against Women”, *Treaties Series*, vol. 1249, United Nations, New York, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

<sup>8</sup> United Nations (2023), “Status of Treaties: Chapter IV - 8. Convention on the Elimination of All Forms of Discrimination against Women”, *Treaty Collection*, United Nations, New York, [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-8&chapter=4](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4).

## Positive highlights and significant challenges since the fourth edition of the SIGI

### Positive highlights

Malaysia's legal framework grants women the same rights as men in terms of access to non-land assets and financial resources. Moreover, women's financial inclusion is very high and they account for 49% of bank account holders. Reforms passed in 2022 have eliminated discriminatory provisions prohibiting the work of women in certain sectors or during the night. The law also guarantees men and women equal rights to access justice.

### Significant challenges

Discriminatory social institutions undermine women's rights and opportunities in many spheres of their lives. In the family sphere, Malaysia's legal framework – notably the Islamic Family Law Act – restricts women's rights to divorce, inherit or being the guardian of their child, and sets the minimum legal age of marriage of girls below 18 years. The law also limits women's control over their own bodies. Although the Penal Code protects women against most forms of violence, abortion remains criminalised and is only permitted to save the pregnant woman's life or if her physical or mental health is in danger. Social norms weaken women's agency in this dimension with 55% of women themselves who consider that domestic violence is acceptable in certain circumstances, compared to an average of 33% in Southeast Asia. Women's economic empowerment is limited by attitudes undermining women's role – 44% of the population believes that men make better business leaders than women. As a result, women only account for 25% of managers and only 33% of Malaysian companies being headed by women. These norms on women's ability to hold decision-making positions are also present in the political sphere with 58% of the population who thinks that men make better political leader than women. Combined with the absence of political quotas at the national and local levels, it translates into women accounting for only 14% of the members of parliament. Finally, the law establishes different rights and requirements for men and women to confer their Malaysian nationality to their spouse or children.

## Summary of results for Malaysia

<b>Discrimination in the family</b>	Unit	Value
Laws on child marriage	Score	100
Girl child marriage rate <sup>1</sup>	%	6
Boy child marriage rate <sup>1</sup>	%	5.1
Laws on household responsibilities	Score	75
Share of the population that agrees or strongly agrees that “if a woman earns more than her husband, it is a problem”	%	29.1
Share of the population that agrees or strongly agrees that “when a mother works for pay, the children will suffer”	%	31.2
Female-to-male ratio of time spent on unpaid care and domestic work	Ratio	3.2
Number of hours spent by men on unpaid care and domestic work in a 24-hour period	Hours	1.4
Number of hours spent by women on unpaid care and domestic work in a 24-hour period	Hours	4.6
Laws on divorce	Score	100
Laws on inheritance	Score	100
<b>Restricted physical integrity</b>	Unit	Value
Laws on violence against women	Score	25
Share of women who consider a husband to be justified in hitting or beating his wife under certain circumstances	%	55.3
Lifetime intimate-partner violence rate <sup>2</sup>	%	19
12-month intimate-partner violence rate <sup>2</sup>	%	-
Laws on female genital mutilation	%	75
Share of the female population who has heard about female genital mutilation and think the practice should continue	%	-
Prevalence of female genital mutilation (% of women aged 15-49 years who have undergone FGM)	%	-
Boy-to-girl ratio at birth (natural = 105) <sup>3</sup>	Ratio	106.6
Laws on reproductive autonomy	Score	75
Unmet needs for family planning <sup>4</sup>	%	14.5
<b>Restricted access to productive and financial resources</b>	Unit	Value
Laws on land assets	Score	50
Share of women among landowners	%	-
Laws on non-land assets	Score	50
Share of women among house owners	%	-
Laws on financial assets	Score	0
Share of women among bank account owners	%	48.6
Laws on workplace rights	Score	75
Share of the population declaring that “when jobs are scarce, men should have more right to a job than women”	%	47.8
Share of the population declaring that “men make better business executives than women do”	%	44.2
Share of women among managers	%	24.9
Share of firms with a woman as top manager	%	33.2
<b>Restricted civil liberties</b>	Unit	Value
Laws on citizenship rights	Score	100
Laws on political voice	Score	50
Share of the population declaring that “men make better political leaders than women do”	%	58.3
Share of women in Parliament (lower chamber)	%	13.6
Laws on freedom of movement	Score	75
Share of women among those who declare not feeling safe walking alone at night in the city or area where they live	%	67.7
Laws on access to justice	Score	0
Share of women among those who declare not having confidence in the judicial system and courts of their country	%	40.3

Note: Scores of legal variables range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.

<sup>1</sup> % of girls/boys aged 15-19 years who have been or are still married, divorced, widowed or in an informal union.

<sup>2</sup> % of ever-partnered women and girls who have experienced physical and/or sexual violence by a current or former intimate partner during their lifetime/over the previous 12 months. Population base for lifetime IPV: 15-49 years. Population base for 12-month IPV: 15 years and older.

<sup>3</sup> A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

<sup>4</sup> % of married or in-union women of reproductive age who want to either stop or delay childbearing but are not using any contraception method.

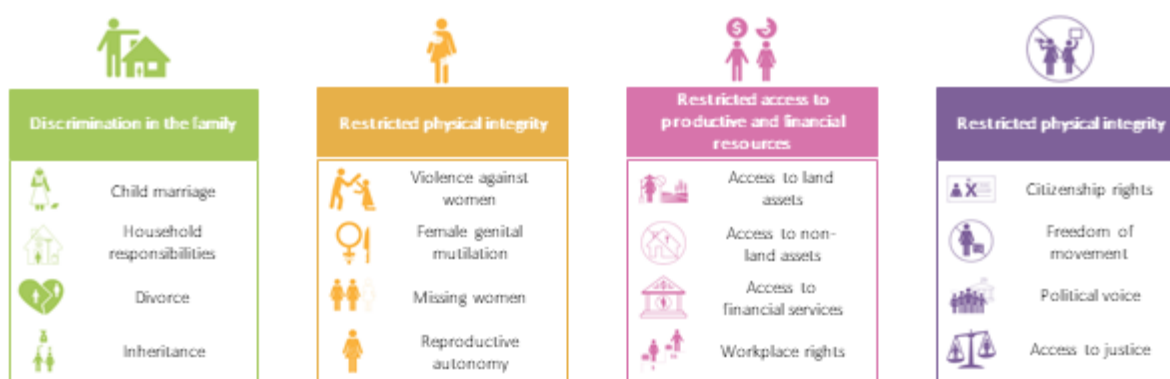
Source: OECD Development Centre/OECD (2023), “Gender, Institutions and Development Database”, <https://doi.org/10.1787/7b0af638-en>.

# Results across the SIGI's four dimensions

The SIGI measures gender-based discrimination across four dimensions covering the major socio-economic areas that affect women and girls throughout their lifetime:



- The **“Discrimination in the family”** dimension captures social institutions that limit women’s decision-making power and weaken their status in the household and the family.
- The **“Restricted physical integrity”** dimension captures social institutions that increase women’s and girls’ vulnerability to multiple forms of violence and limit their control over their reproductive autonomy.
- The **“Restricted access to productive and financial resources”** dimension captures social institutions that limit women’s economic opportunities and rights.
- The **“Restricted civil liberties”** dimension captures social institutions restricting women’s access to, and participation and voice in, the public and political spheres.

Figure 2. Conceptual framework of the fifth edition of the SIGI



Each dimension builds on four indicators which, in turn, build on one to three variables depending on data availability (Figure 2). This section features the results by dimension, examining the pertinent social norms, practices and legal frameworks for each indicator.

The legal information collected through the *SIGI 2023 Legal Survey* covers both formal and codified laws, as well as informal laws. The information is assessed based on whether the law protects women’s rights or not, and is icon-coded as follows:

-  : The legal framework protects women’s rights.
-  : The legal framework does not fully protect women’s rights.

There is no universal agreement on what informal laws refer to, given contextual differences across time and place, as well as distinct disciplinary or theoretical approaches. In the context of the SIGI, informal laws (customary, traditional or religious laws/rules) describe mechanisms that operate outside the formal legal system of state-based laws. Informal laws vary from one community to another and are generally uncodified and unwritten. In some cases, informal laws may reflect unequal power dynamics within a given community and discriminatory social norms, with adverse consequences on women and girls and other vulnerable groups. Informal laws are unsteady and have been adapted over time in response to external factors.

For example, customary laws are laws that are embodied in customs, rules or traditions and accepted by members of the community as binding but remain adaptable, dynamic and flexible.<sup>9</sup> The CEDAW General Recommendation No. 33 also recognises indigenous laws.<sup>10</sup> These are similar to customary laws but are often given a distinct identity in recognition of the specific international standards related to the rights and protections of indigenous peoples and their justice systems. Informal religious laws may refer to norms that are derived from interpretations of codified religious texts and/or longstanding traditions.

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<sup>9</sup> United Nations (2018), "Module 1: The Theory and Practice of Women's Access to Justice Programming", *A Practitioner's Toolkit on Women's Access to Justice Programming*, UN Women, UNDP, UNDOC and OHCHR, New York, Vienna and Geneva, [https://www.ohchr.org/sites/default/files/Documents/Publications/PractitionerToolkit/WA2J\\_Module1.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/PractitionerToolkit/WA2J_Module1.pdf).

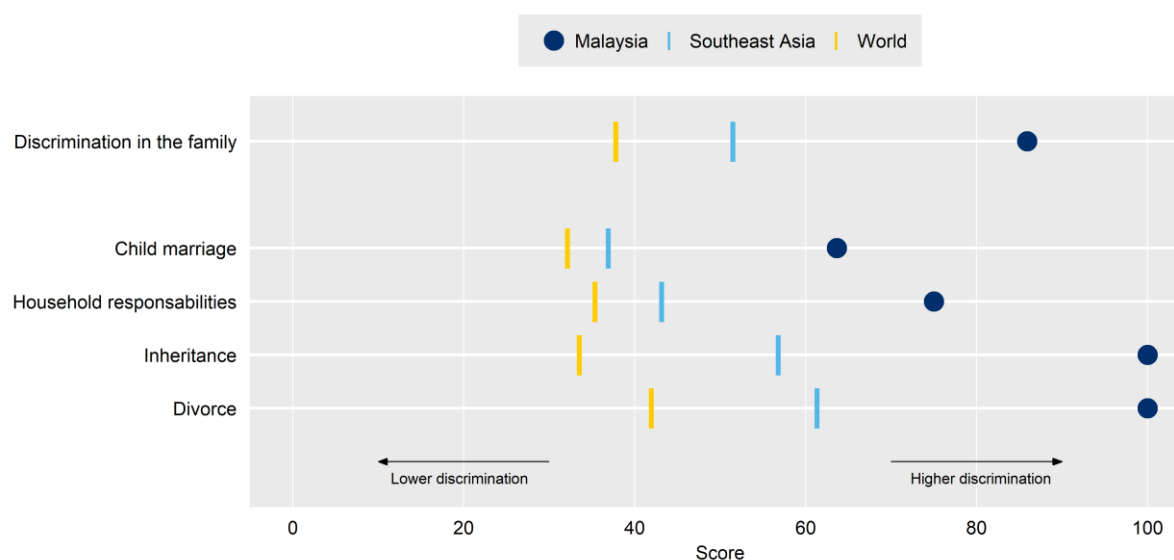
<sup>10</sup> UN Committee on the Elimination of Discrimination against Women (2015), "General recommendation No. 33 on women's access to justice", *CEDAW/C/GC/33*, United Nations, New York, <https://digitallibrary.un.org/record/807253>.

## Discrimination in the family

Malaysia exhibits very high levels of discrimination within the family with a score of 86, compared to a world average of 38 and an average score of 52 in Southeast Asia – based on countries for which scores could be calculated.

In this dimension, women and girls in Malaysia experience the highest levels of discrimination in the “Inheritance” and “Divorce” indicators, with scores of 100 for both, followed by “Household responsibilities” with a score of 75. The lowest levels of discrimination are found in the “Child marriage” indicator with a score of 64, still denoting very high levels of discrimination.

**Figure 3. Discrimination in the family scores for Malaysia, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The Southeast Asia region covers Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

## Child marriage

### Practices related to child marriage

Child marriage remains limited in Malaysia. In 2023, 6% of girls aged 15-19 were or are still married, divorced, widowed or in an informal union, compared to 5% of boys.

### Legal frameworks concerning child marriage

Pursuant to Article 121(1A) of the Constitution,<sup>11</sup> and in line with Section 4 of the Islamic Family Law Act<sup>12</sup> and Section 3 of the Law Reform Act,<sup>13</sup> marriage and family matters are governed by different legislations

<sup>11</sup> Malaysia (1957), “Federal Constitution of Malaysia”.

<sup>12</sup> Malaysia (1984), “Islamic Family Law (Federal Territory) Act 1984 (Act 303)”.

<sup>13</sup> Malaysia (1976), “Law Reform (Marriage and Divorce) Act (Act 164)”.



for Muslim and non-Muslim individuals. Section 8 of the Islamic Family Law Act sets the minimum legal age of marriage for Muslim men at 18 years and for Muslim women at 16 years. Section 8 also outlines that marriage under the minimum legal age is possible in certain circumstances with the written permission of a *Syariah* judge. Pursuant to Section 13(a), a woman must obtain the authorisation of her guardian (*wali*) to get married. For non-Muslim individuals, Section 10 of the Law Reform Act sets the minimum legal age of marriage at 18 years for boys and girls but stipulates that a judge may authorise a girl to marry before the age of 18 years, provided that she is aged at least 16 years and that her parents have given their consent as stipulated in Section 12.

Question	Answer	Assessment
What is the legal age of marriage for men?	18	✓
What is the legal age of marriage for women?	16	!
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of parent and/or legal guardian?	Yes	!
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of judge or court?	Yes	!
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of another person or institution?	Yes	!
Does the legal age of marriage apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that allow or encourage the early marriage of girls?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Household responsibilities

### Practices and social norms related to household responsibilities

In Malaysia, domestic responsibilities disproportionately fall on women's shoulders. On average, women dedicate 4.6 hours per day to unpaid care and domestic tasks – such as caring for household members, preparing food and cleaning – compared to 1.4 hour for men. This translates into women dedicating 3.2 times more time on unpaid care and domestic work than men.<sup>14</sup> In comparison, the world average ratio is 2.6 and the average ratio for Southeast Asia is 3.1 – based on countries for which data are available.

These differences are rooted in discriminatory social norms that confine women to the household. In Malaysia, 29% of the population thinks that if a woman earns more than her husband, it is almost certain to cause problems. Moreover, 31% of the population agrees that children will suffer if the mother has a paid job outside the home, compared to a world average of 56% and an average of 35% in Southeast Asia. Likewise, 63% of the population thinks that being a housewife is just as fulfilling as working for pay.

### Legal frameworks concerning household responsibilities

Pursuant to Article 121(1A) of the Constitution,<sup>15</sup> and in line with Section 4 of the Islamic Family Law Act<sup>16</sup> and Section 3 of the Law Reform Act,<sup>17</sup> marriage and family matters are governed by different legislations for Muslim and non-Muslim individuals. Although the Islamic Family Law, which regulates marriage and family matters for Muslim individuals, does not refer to the concept of head of household or family, Section 59 stipulates that a married woman must obey her spouse in exchange for spousal maintenance. Section 88 of the Islamic Family Law Act also outlines that the guardian of a child is the father. Section 81

<sup>14</sup> This indicator corresponds to SDG indicator 5.4.1

<sup>15</sup> Malaysia (1957), "Federal Constitution of Malaysia".

<sup>16</sup> Malaysia (1984), "Islamic Family Law (Federal Territory) Act 1984 (Act 303)".

<sup>17</sup> Malaysia (1976), "Law Reform (Marriage and Divorce) Act (Act 164)".

establishes that child custody – which is distinct from legal guardianship – is vested in priority in the mother. For non-Muslim individuals, the Law Reform Act does not refer to the concept of guardianship of a child. Section 91 of the Law Reform Act provides that the custody of any child of a marriage deemed void and nullified is vested in the mother.

Question	Answer	Assessment
Does the law provide women with the same rights as men to be “head of household” or “head of family”?	n.a.	n.a.
Does the law provide women with the same rights as men to be the legal guardians of their children during marriage?	No	!
Does the law provide women with the same rights as men to be legal guardians of their children in informal unions?	No	!
Regarding women’s legal rights to be recognised as head of household or head of family, does the law apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being recognised as the head of household?	Yes	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children?	No	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to the choice of where to live?	No	✓

Note: Cut-off date for the legal data is 31 August 2022. The law in Malaysia does not refer to the “head of household” or “head of family”. Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Divorce

### Legal frameworks concerning divorce

Pursuant to Article 121(1A) of the Constitution,<sup>18</sup> and in line with Section 4 of the Islamic Family Law Act<sup>19</sup> and Section 3 of the Law Reform Act,<sup>20</sup> marriage and family matters – including divorce – are governed by different legislations for Muslim and non-Muslim individuals. For non-Muslim individuals, Sections 53 to 63 of the Law Reform Act grant women and men equal rights to file for divorce and finalise it. Conversely, for Muslim individuals, provisions of the Islamic Family Law Act follow the principles of Islamic Sharia. In line with these principles, Sections 45 and 47 of the Islamic Family Law Act grants a married man the right to divorce his spouse at will, without any restrictions (*talaq*). Conversely, a married woman’s rights to obtain a divorce are very limited and precisely specified. Sections 48, 50 and 52 list the grounds under which a woman is allowed to ask for a divorce. Finally, Section 49 grants a married woman the right to seek divorce by *khul’* – the process whereby the woman obtains divorce in exchange of paying her spouse an agreed financial compensation. The Islamic Family Law Act also establish a waiting period (*iddah*) for the Muslim divorced woman until she can remarry. Finally, pursuant to Section 81, the custody of a child belongs to the mother, until the age of 7 years for boys and 9 years for girls (Section 84). Per Section 83, the mother loses the custody if she converts to another religion than Islam or is she remarries with a person considered as non-*mahram* to the child – i.e. any person whom the child would be allowed to marry by law.

Question	Answer	Assessment
Do women and men have the same rights to initiate/file for a divorce?	No	!
Can women and men finalise a divorce or annulment with the same requirements?	No	!
Do women and men have the same rights to child custody following a divorce?	No	!
Regarding divorce, does the law apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to initiating divorce?	No	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children after divorce?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

<sup>18</sup> Malaysia (1957), “Federal Constitution of Malaysia”

<sup>19</sup> Malaysia (1984), “Islamic Family Law (Federal Territory) Act 1984 (Act 303)”.

<sup>20</sup> Malaysia (1976), “Law Reform (Marriage and Divorce) Act (Act 164)”.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Inheritance

### Legal frameworks concerning inheritance rights

Pursuant to Article 121(1A) of the Constitution,<sup>21</sup> inheritance matters are governed by different legislations for Muslim and non-Muslim individuals. Under the Distribution Act,<sup>22</sup> women and men have equal inheritance rights. For Muslim individuals, a *faraid* certificate, which contains the value of the inheritance, the list of heirs and their respective shares, is issued by *Syariah* courts in accordance with the Sharia.<sup>23 24</sup> Rules governing inheritance matters follow the principles of Islamic Sharia, whereby female heirs are entitled to half of the inheritance share of male heirs.<sup>25</sup>

Question	Answer	Assessment
Do daughters and sons have the same rights to inherit?	No	!
Do female and male surviving spouses have the same rights to inherit?	No	!
Regarding inheritance rights of daughters, does the law apply to all groups of women?	No	!
Regarding inheritance rights of female surviving spouses, does the law apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between sons and daughters when it comes to inheritance?	No	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between male and female surviving spouses when it comes to inheritance?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

<sup>21</sup> Malaysia (1957), "Federal Constitution of Malaysia".

<sup>22</sup> Malaysia (1958), "Distribution Act 1958 (Act 300)".

<sup>23</sup> Nasrul, M. A. D. et al. (2021), "An overview of the inheritance legal system in Malaysia and Indonesia: Issues faced by both countries", *Journal of Shariah Law Research*, vol. 6/2, pp. 181-200, <https://ejournal.um.edu.my/index.php/JSLR/article/download/33962/13976/80848>.

<sup>24</sup> Government of Malaysia (2023), *Manage Faraid Applications*, Malaysia Government Portal, <https://www.malaysia.gov.my/portal/content/27709> (accessed on 29 September 2023).

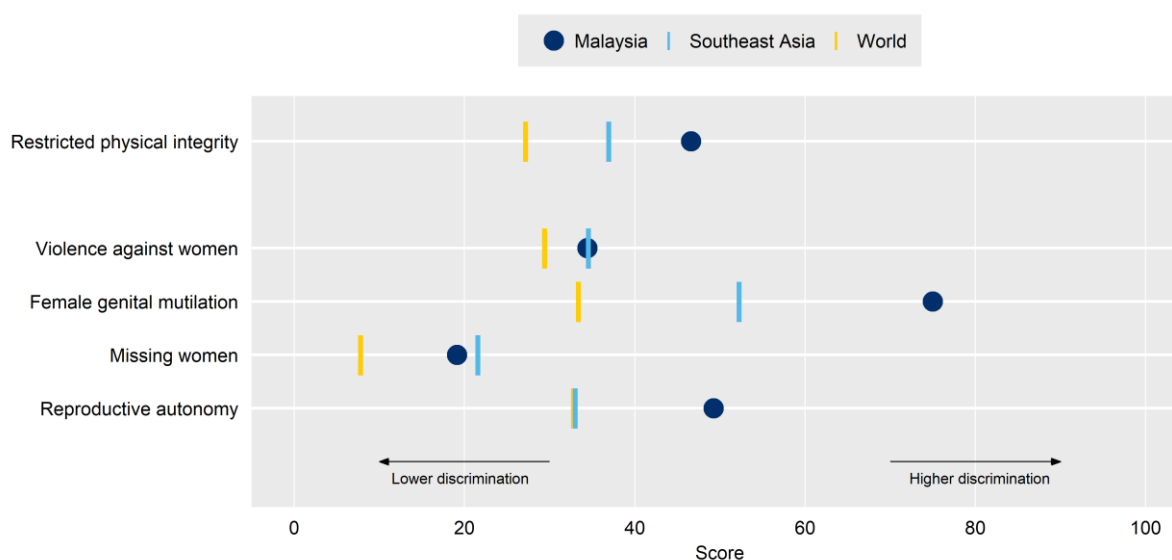
<sup>25</sup> Government of Malaysia (2023), *Managing Islamic Heritage Property*, Malaysia Government Portal, <https://www.malaysia.gov.my/portal/subcategory/164> (accessed on 29 September 2023).

## Restricted physical integrity

Malaysia exhibits high levels of discrimination within the family with a score of 47, compared to a world average of 27 and an average score of 37 in Southeast Asia – based on countries for which scores could be calculated.

In this dimension, women and girls in Malaysia experience the highest levels of discrimination in the “Female genital mutilation” indicator with a score of 75, followed by “Reproductive autonomy” and “Violence against women” with scores of 49 and 34, respectively. The lowest levels of discrimination are found in the “Missing women” indicator, with a score of 19.

**Figure 4. Restricted physical integrity scores for Malaysia, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The Southeast Asia region covers Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

## Violence against women

### Practices and social norms related to violence against women

Violence against women remains a concern in Malaysia. In 2023, 19% of women aged 15-49 have experienced physical and/or sexual violence by a current or former partner at least once during their lifetime. There is no data available as to the prevalence of intimate-partner violence over the last 12 months.

These levels of violence are rooted in its widespread social acceptance. In 2023, 55% of women aged 15-49 think that it is justified for a husband to hit or beat his wife under certain circumstances, such as burning the food, arguing with the spouse, going out without telling him, neglecting the children, or refusing to have sex. In comparison, 30% of women holds these discriminatory attitudes worldwide, and 33% in Southeast Asia – based on countries for which data are available.

## Legal frameworks concerning violence against women

Malaysia does not have a dedicated law addressing all forms of violence against women. Different forms of violence against women are covered in separate or general pieces of legislation. Although Section 375 of the Penal Code<sup>26</sup> as amended, criminalises rape and grounds its definition on the notion of consent, it requires proof of penetration. Section 375A criminalises marital rape but only in case the married man causes hurt to his spouse in order to have sexual intercourse. Grounds upon which marital rape is prohibited and criminalised are therefore more limited than for non-marital rape.

Question	Answer	Assessment
Is there a law specifically addressing violence against women?	No	!
If there is a specific law addressing violence against women, are there specific provisions for investigation, prosecution and punishment of the perpetrator?	n.a.	n.a.
If there is a specific law addressing violence against women, are there specific provisions for protection and support services for victims/survivors?	n.a.	n.a.
Does the law include reduced penalties in case of so-called "honour crimes"?	No	✓
<b>Domestic violence</b>		
Is domestic violence a criminal offence?	Yes	✓
Does domestic violence legislation cover physical abuse?	Yes	✓
Does domestic violence legislation cover sexual abuse?	Yes	✓
Does domestic violence legislation cover psychological abuse?	Yes	✓
Does domestic violence legislation cover economic abuse?	Yes	✓
Are there any exceptions included in informal laws (traditional, religious, and/or customary rules/laws) that reduce penalties for domestic violence?	No	✓
<b>Rape</b>		
Is rape a criminal offence?	Yes	✓
Is the legal definition of rape based on lack of consent?	Yes	✓
If the legal definition of rape is based on lack of consent, does this require proof of physical force?	No	✓
If the legal definition of rape is based on lack of consent, does this require proof of penetration?	Yes	!
Does the legal definition of rape include marital rape?	Yes	✓
Does the law permit the reduction or removal of legal punishment if the perpetrator marries the victim?	No	✓
<b>Sexual harassment</b>		
Does the law prohibit sexual harassment?	Yes	✓
Does the law on sexual harassment include criminal penalties?	Yes	✓
Do legal protections from sexual harassment apply in the workplace?	Yes	✓
Do legal protections from sexual harassment apply in educational establishments?	No	!
Do legal protections from sexual harassment apply in public spaces?	No	!
Do legal protections from sexual harassment apply online / on the internet?	No	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Female genital mutilation

### Practices and social norms related to female genital mutilation and cutting (FGM/C)

Female genital mutilation and cutting (FGM/C) is traditionally concentrated in a limited number of countries that have been well-identified and documented by international organisations at the forefront of the fight against this harmful practice. Yet, evidence highlights that FGM/C takes place across all regions, among indigenous and/or diaspora communities originating from countries where FGM/C is known to be common.





<sup>26</sup> Malaysia (1936), "Penal Code (Act 574)".

In some contexts, girls are taken across national borders to undergo FGM/C in a country where the legislation against the practice is either non-existent or less strict.<sup>27</sup>

There are no available data in Malaysia that are comparable to other countries on practices and social norms related to female genital mutilation and cutting.

### Legal frameworks concerning female genital mutilation and cutting (FGM/C)

Sections 319 and 320 of the Penal Code<sup>28</sup> allow for the prosecution of FGM/C acts on broad grounds, namely under acts causing hurt or grievous hurt. However, the law does not criminalise FGM/C on narrow grounds.

Question	Answer	Assessment
Does the law criminalise FGM/C on broad or narrow grounds?	Yes	
Does the law criminalise FGM/C on narrow grounds only?	No	
Are there informal laws (customary, traditional or religious laws) that allow or encourage FGM/C?	Yes	
Does the law take precedence over informal laws (customary, traditional or religious laws) that allow, condone or prescribe FGM?	No	

Note: The SIGI methodology assesses laws on FGM/C according to two scenarios: (1) criminalisation on narrow grounds includes laws that contain criminal penalties for acts of “female genital mutilation”, “permanent altering/removal of external genitalia”, “female circumcision”, “excision”, “infibulation” and “genital mutilation”; (2) criminalisation on broad grounds includes “mutilation”, “harming of a person’s organs”, “serious bodily injury” and “bodily injury/hurt/assault.” The presence of informal laws that allow or encourage FGM/C is proxied by the existence of nationally representative data on FGM/C or the existence of indirect estimates (usually used in countries where FGM/C is mainly practiced by diaspora communities), small-scale studies, or anecdotal evidence and media reports as reported by Equality Now, the End FGM European Network and the US End FGM/C Network in 2020.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>, and Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

## Missing women

### Practices related to missing women

The “Missing women” indicator captures whether there are any existing imbalances in the natural sex ratio between girls and boys aged 0-4 due to pre- and postnatal gender-biased sex selection. These imbalances can result from sex-selective abortions, female infanticide, and/or inadequate healthcare and nutrition for girls. A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

In Malaysia, the “missing women” phenomenon is an issue. The boy-to-girl sex ratio for children aged 0-4 is estimated at 106.6, which means that there are approximately 106.6 boys aged 0-4 for 100 girls of the same age. This ratio is slightly higher than the natural sex ratio at birth.

## Reproductive autonomy

### Practices related to women’s reproductive autonomy

<sup>27</sup> Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

<sup>28</sup> Malaysia (1936), “Penal Code (Act 574)”.

Unmet needs for family planning are calculated as the proportion of women of reproductive age (15-49 years), married or in union, who wish to interrupt or delay childbearing but do not use any method of contraception.

In Malaysia, the gap between women's reproductive intentions and their contraceptive behaviour exists, with 15% of women aged 15-49 who declare having an unmet need for family planning, compared to a world average of 12% and an average of 11% in Southeast Asia – based on countries for which data are available.

### Legal frameworks concerning women's reproductive autonomy

Women's reproductive autonomy can be restricted by laws that prohibit the access to safe and legal abortion under essential circumstances (in cases of rape, incest, threats to the life or health of the pregnant woman and severe foetal impairment).<sup>29</sup> Evidence shows that the share of unsafe abortions is higher in countries with restrictive abortion laws. Unsafe abortions are a leading but preventable cause of maternal mortality and millions of girls and women are hospitalised every year following complications of unsafe abortion procedures.<sup>30</sup>

Section 312 of the Penal Code,<sup>31</sup> as amended, prohibits and criminalises abortion. However, it introduces legal exceptions and allows doctors to carry out an abortion if it is necessary to save the pregnant woman's life or if the pregnancy poses a severe threat to the physical or mental health of the pregnant woman.

Question	Answer	Assessment
Is abortion illegal under any circumstances?	No	✓
Is abortion legally permitted in cases where: it is essential to save the woman's life?	Yes	✓
Is abortion legally permitted in cases where: it is essential to preserve the physical health of the woman?	Yes	✓
Is abortion legally permitted in cases where: it is essential to preserve the mental health of the woman?	Yes	✓
Is abortion legally permitted in cases where: pregnancy is the result of rape or statutory rape?	No	!
Is abortion legally permitted in cases where: pregnancy is the result of incest?	No	!
Is abortion legally permitted in cases where: social and economic reasons do not allow the mother to sustain a pregnancy?	No	!
Is abortion legally permitted in cases where: foetal impairment?	No	!
Does a woman require the approval of a medical practitioner to seek a legal abortion?	Yes	!
Does the law require the approval of the father of the foetus to seek a legal abortion?	No	✓
Is there any national plan or policy that provide universal access to family planning services?	No	!
Is there any law or national policy that provide free or subsidised access to contraception?	No	!
Does the national school curricula include mandatory and comprehensive sexuality education?	No	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

<sup>29</sup> CEDAW (2022), *Access to safe and legal abortion: Urgent call for United States to adhere to women's rights convention*, <https://www.ohchr.org/en/statements/2022/07/access-safe-and-legal-abortion-urgent-call-united-states-adhere-womens-rights>.

<sup>30</sup> UNFPA (2022), *State of World Population 2022: Seeing the Unseen - The Case for Action in the Neglected Crisis of Unintended Pregnancy*, UNFPA, Geneva, <https://doi.org/10.18356/9789210015004>.

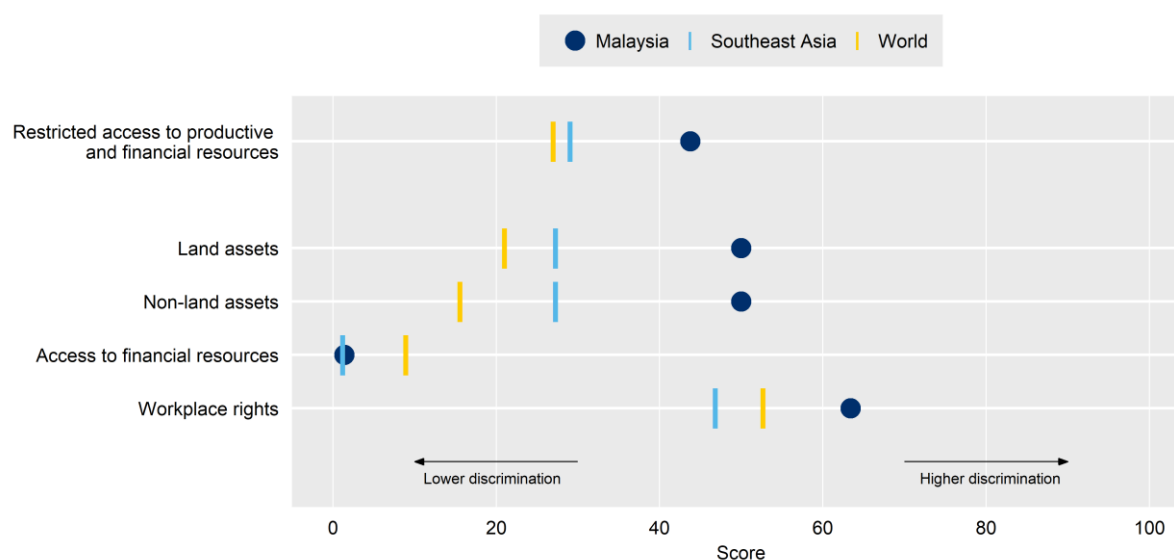
<sup>31</sup> Malaysia (1936), "Penal Code (Act 574)".

## Restricted access to productive and financial resources

Malaysia exhibits high levels of discrimination within the family with a score of 44, compared to a world average of 27 and an average score of 29 in Southeast Asia – based on countries for which scores could be calculated.

In this dimension, women and girls in Malaysia experience the highest levels of discrimination in the “Workplace rights” indicator, with a score of 63, followed by the “Access to land” and “Access to non-land assets” indicators, with a score of 50 for both. The lowest levels of discrimination are found in the “Access to financial services” indicator, with a score of 1.

**Figure 5. Restricted access to productive and financial resources scores for Malaysia, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The Southeast Asia region covers Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

### **Access to land assets**

#### Practices related to women’s access to secure land assets

In Malaysia, there are no available data that are comparable to other countries on practices related to access to land assets.

#### Legal frameworks concerning women’s access to land assets

Distinct laws regulate land ownership across Malaysia. The National Land Code<sup>32</sup> applies for Peninsular Malaysia while customary land codes are applicable in Borneo, such as the Sarawak Land Code (Cap 81)

<sup>32</sup> Malaysia (1965), “Act No. 56 of 1965”.



and the Sabah Land Ordinance (Cap 68).<sup>33</sup> Across ethnic groups and depending on the customary law they follow, gender differences in access to and use of land can exist.<sup>34</sup> For married women, Articles 3, 4, 5, 9 and 11 of the Married Women's Act,<sup>35</sup> as amended, regulate and protect non-Muslim married women's property rights, whereas no gender-discriminatory provisions are located in the Islamic law regarding land ownership.

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to own land?	Yes	✓
Does the law provide married women with the same rights as married men to use land?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to own land?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to use land?	Yes	✓
Regarding land, does the law apply to all groups of women?	No	!
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of land assets?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Access to non-land assets

### Practices related to women's secure access to non-land assets

In Malaysia, there are no available data that are comparable to other countries on practices related to access to non-land assets.

### Legal frameworks concerning women's access to non-land assets

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to own property and other non-land assets?	Yes	✓
Does the law provide married women with the same rights as married men to use property and other non-land assets?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to own property and other non-land assets?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to use property and other non-land assets?	Yes	✓
Regarding property and other non-land assets, does the law apply to all groups of women?	No	!
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of non-land assets?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Access to financial services

### Practices related to women's access to formal financial services

Gender imbalances in terms of access to financial services are limited in Malaysia, and the overall access of the population is very high. In 2023, 88% of women have a bank account at a financial institution,

<sup>33</sup> Sahabat Alam Malaysia – Friends' of the Earth Malaysia (SAM) (2021), *Indigenous customary land rights and the modern legal system*, <https://foe-malaysia.org/articles/indigenous-customary-land-rights-and-the-modern-legal-system-2/> (accessed on 1 October 2023).

<sup>34</sup> Hayward, D. (2021), *Malaysia – Context and Land Governance*, Land Portal, <https://landportal.org/book/narratives/2021/malaysia> (accessed on 1 October 2023).

<sup>35</sup> Malaysia (1957), "Married Women Act".

compared to 89% of men. This translates into women accounting for 49% of bank account holders. In comparison, at the global level, 67% of women have a bank account, compared to 72% of men. Across Southeast Asia, on average, 52% of women have a bank account, compared to 54% of men.

### Legal frameworks concerning women's access to financial services

Question	Answer	Assessment
Does the law provide women with the same rights as men to open a bank account at a formal financial institution?	Yes	✓
Does the law require married women to obtain the signature and authority of their husband to open a bank account at a formal financial institution?	No	✓
Does the law provide women with the same rights as men to obtain credit?	Yes	✓
Regarding access to formal financial services, does the law apply to all groups of women (regardless of race, ethnicity, caste, etc.)?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to opening a bank account?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to obtaining credit?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

### Workplace rights

#### Practices and social norms related to women's workplace rights

Women remain largely excluded from positions with decision-making power in the economic sphere. Women only account for 25% of employees in a managerial position,<sup>36</sup> compared to a world average of 25% and an average of 36% in Southeast Asia – based on countries for which data are available. Likewise, only 33% of companies in the country are headed by women.

These gender gaps are upheld by discriminatory social norms that establish men as the main breadwinners and more fit to hold leadership positions. In Malaysia, 44% of the population believes that men make better business executives than women, compared to a world average of 42% and an average of 53% in Southeast Asia. Likewise, 48% of the population agrees that when jobs are scarce, men should have more right to a job than women. In comparison, 45% of the population holds these discriminatory attitudes worldwide, and 64% of the people across Southeast Asia – based on countries for which data are available.

#### Legal frameworks concerning women's workplace rights

Section 8 of the Constitution<sup>37</sup> and Section 69F of the Employment Act,<sup>38</sup> as amended in 2022,<sup>39</sup> prohibit gender-based discrimination in employment. The Employment (Amendment) Act of 2022 also repealed Sections 34 and 35 of the Employment Act that previously prohibited the employment of women in any underground work, as well as in industrial and agricultural activities if carried out during the night. However, the legislation does not mandate equal remuneration for equal work nor equal pay for work of equal value.

Question	Answer	Assessment
Does the law prohibit discrimination in employment on the basis of sex?	Yes	✓
Does the law mandate equal remuneration for work of equal value?	No	!
Does the law prohibit women from entering certain professions?	No	✓

<sup>36</sup> This indicator corresponds to SDG indicator 5.2.2

<sup>37</sup> Malaysia (1957), "Federal Constitution of Malaysia"

<sup>38</sup> Malaysia (1955), "Employment Act 1955 (Act 265)".

<sup>39</sup> Malaysia (2022), "Employment (Amendment) Act 2022 (Act A1651)".

Question	Answer	Assessment
Does the law allow women to work the same night hours as men?	Yes	✓
Does the law mandate paid maternity leave?	Yes	✓
Does the law mandate paid paternity leave?	Yes	✓
Does the law mandate paid parental leave?	No	!
Does the law require women to have permission from their husband or legal guardian to take a paid job?	No	✓
Does the law require women to have permission from their husband or legal guardian to register a business?	No	✓
Regarding women's legal right to take a paid job or work and/or register a business, does the law apply to all groups of women (regardless of race, ethnicity caste, etc.)?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to entering certain professions?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to take a paid job?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to register a business?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

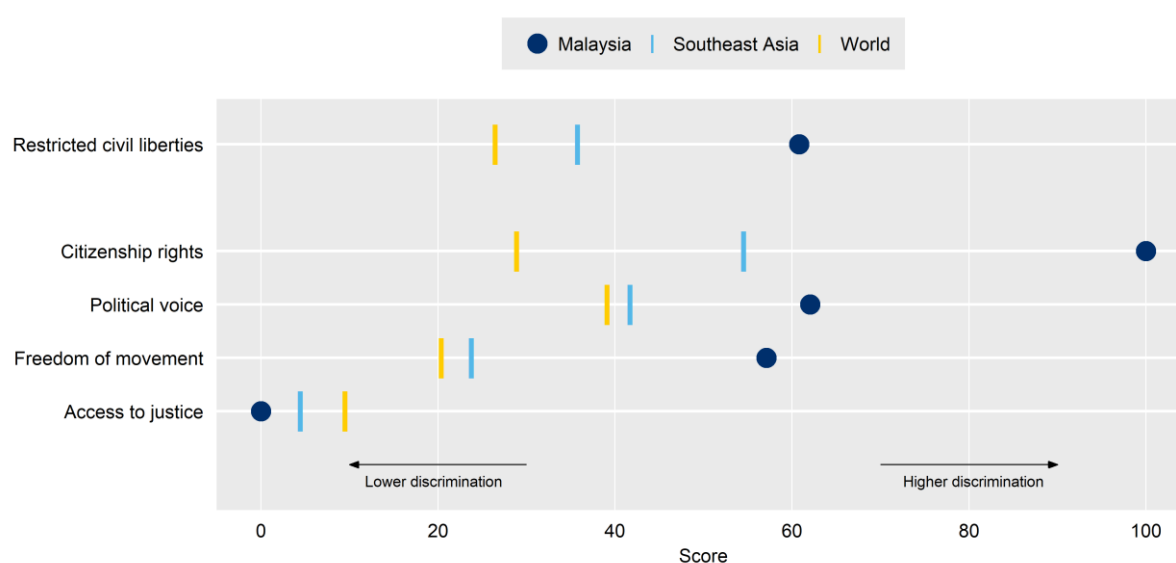
Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Restricted civil liberties

Malaysia exhibits very high levels of discrimination within the family with a score of 61, compared to a world average of 26 and an average score of 36 in Southeast Asia – based on countries for which scores could be calculated.

In this dimension, women and girls in Malaysia experience the highest levels of discrimination in the “Citizenship rights” indicator, with a score of 100, followed by “Political voice” and “Freedom of movement” with scores of 62 and 57, respectively. No discrimination is found in the “Access to justice” indicator, with a score of 0.

Figure 6. Restricted civil liberties scores for Malaysia, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The Southeast Asia region covers Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

## Citizenship rights

### Legal frameworks concerning women’s citizenship rights

Pursuant to Part II of the Second Schedule of the Constitution,<sup>40</sup> any child born within Malaysia from at least one Malaysian parent is Malaysian. However, if the birth occurs outside of Malaysia, a child is only Malaysian if the father is Malaysian. The same provision does not exist for the mother. Moreover, Article 15 of the Constitution provides that a foreign woman married to a Malaysian man can obtain the citizenship after two years of marriage. No similar clause exists for a foreign man married to a Malaysian woman. The foreign spouse of a Malaysian woman must therefore follow the process of naturalisation established by Article 19 of the Constitution, which requires at least 10 years of residency in Malaysia. The law also contains discriminatory provisions that establish distinct rights for married women and married men. For instance, Article 23 of the Constitution stipulates that any individual aged more than 21 years may renounce

<sup>40</sup> Malaysia (1957), “Federal Constitution of Malaysia”.

the Malaysian citizenship if he/she has become citizen of another country. However, Article 23 stipulates that, in the case of a married woman, this clause applies regardless of her age, including if she is less than 21 years. Likewise, Article 24 stipulates that a woman who previously acquired the Malaysian citizenship by virtue of marriage, and acquires another citizenship also by virtue of marriage, loses her Malaysian citizenship. The same clause does not exist for men.

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to acquire nationality?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to acquire nationality?	Yes	✓
Does the law provide married women with the same rights as married men to change their nationality?	No	!
Does the law provide unmarried women with the same rights as unmarried men to change their nationality?	Yes	✓
Does the law provide married women with the same rights as married men to retain their nationality?	No	!
Does the law provide unmarried women with the same rights as unmarried men to retain their nationality?	Yes	✓
Does the law provide married women with the same rights as married men to confer nationality to their spouse?	No	!
Does the law provide married women with the same rights as married men to confer nationality to their children?	No	!
Does the law provide unmarried women with the same rights as unmarried men to confer nationality to their children?	Yes	✓
Regarding women's nationality rights, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)?	Yes	✓
Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to acquiring, changing, or retaining their nationality?	No	✓
Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to conferring nationality to their spouse and/or children?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Freedom of movement

### Practices related to women's freedom of movement

Freedom of movement is recognised as a human right and mobility is essential in everyday life, for instance to reach the workplace or healthcare facilities. In Malaysia, women feel more unsafe than men, and a large part of the overall population, notably women, feels that way. Across the country, 56% of women declare not feeling safe walking alone at night in the city or in the area where they live, compared to 25% of men. This translates into women accounting for 68% of those who do not feel safe walking alone at night.

### Legal frameworks concerning women's freedom of movement

Beyond the challenge of ensuring that everyone feels safe enough to move around in public spaces, laws must guarantee women and men the same rights to obtain identification documents and to travel by themselves within and outside of their country.

Although Article 9 of the Constitution<sup>41</sup> stipulates that every citizen has the right to move freely throughout the country and to reside in any part of it, Section 59(2) of the Islamic Family Law Act<sup>42</sup> restricts married women's ability to leave their homes without their spouse permission. Specifically, a married women can be deemed disobedient when leaving the house without her spouse's consent or refusing to move with him to another home or place, and therefore lose her right to spousal maintenance.

Question	Answer	Assessment
Does the government provide national identity cards?	Yes	✓

<sup>41</sup> Malaysia (1957), "Federal Constitution of Malaysia".

<sup>42</sup> Malaysia (1984), "Islamic Family Law (Federal Territory) Act 1984 (Act 303)".

Question	Answer	Assessment
Can a married woman apply for a national identity card in the same way as a married man? (in terms of rights and procedures)	Yes	✓
Can an unmarried woman apply for a national identity card in the same way as an unmarried man? (in terms of rights and procedures)	Yes	✓
Can a married woman apply for a passport in the same way as a married man (in terms of rights and procedures)?	Yes	✓
Can an unmarried woman apply for a passport in the same way as an unmarried man (in terms of rights and procedures)?	Yes	✓
Regarding identity cards and/or passports, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)?	Yes	✓
Does the law provide married women with the same rights as married men to travel outside the country?	Yes	✓
Does the law provide married women with the same rights as married men to travel outside their homes?	No	!
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to applying for identity cards or passports?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Political voice

### Practices and social norms related to women's political voice

Women's political representation in the country is very low, with women accounting for only 14% of the members of parliament in 2023, compared to a world average of 27% and an average of 22% in Southeast Asia.

Discriminatory attitudes that exclude women from positions of power in the political sphere are common, with 58% of the country's population declaring that men make better political leaders than women.

### Legal frameworks concerning women's political voice

Question	Answer	Assessment
Does the law provide women with the same rights as men to vote?	Yes	✓
Does the law provide women with the same rights as men to hold public and political office in the legislative branch?	Yes	✓
Does the law provide women with the same rights as men to hold public and political office in the executive branch?	Yes	✓
Does the law provide women with the same rights as men to hold public office in the judiciary branch?	Yes	✓
Do constitutional/legislated gender quotas exist to promote women's political representation at the national level?	No	!
Do constitutional/legislated gender quotas exist to promote women's political representation at the local level?	No	!
Does the law provide for special measures other than quotas to promote women's political representation at the national level?	No	!
Does the law provide for special measures other than quotas to promote women's political representation at the local level?	No	!
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to voting?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to holding public office?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Access to justice

### Practices related to women's access to justice

In Malaysia, 21% of women do not trust the judicial system and courts, compared to 29% of men. This translates into women accounting for 40% of those who do not trust the country's judicial system.

### Legal frameworks concerning women's access to justice

Question	Answer	Assessment
Does the law provide women with the same rights as men to sue?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the civil courts?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the criminal courts?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the family courts?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the tribunals?	Yes	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes suing someone?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to providing testimony in court?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to being judges, advocates or other court officers?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.