

Input for Thematic Report by the Special Rapporteur on Violence against Women, Its Causes and Consequences on Violence against Indigenous Women and Girls

NO.	QUESTION	COMMENT
1.	<p>The different manifestations of violence experienced by indigenous women and girls, whether perpetrated by members of their community or non-members, including but not limited to domestic violence; sexual harassment and violence at the workplace (including domestic work); sexual violence; harmful practices; violence in the context of conflict; trafficking in persons; violence in the context of migration; violence related to land grabbing and violations of land rights; violence against indigenous women human rights defenders or defenders of land rights; obstetric violence and violations of indigenous women and girls sexual and reproductive health and rights.</p>	<p>In Malaysia, rural women, including indigenous women, are deemed socially and economically disadvantaged vis-à-vis their urban counterparts due to their limited access to economic resources and opportunities. These existing inequalities may give rise to the manifestation of violence. However, the data is scarce as only reported cases are recorded and accounted for statistically.</p> <p>The Government has always preserved and protected the rights of the Indigenous Peoples covering political, economic and social spheres, in line with its position as a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007. This commitment was reflected in the implementation of numerous initiatives to align its national policies with international requirements.</p> <p>There are several instances whereby the indigenous peoples in Malaysia had encountered the encroachment of their native land by other parties. In this regard, the Government had demonstrated serious commitment through legal action to recognise and protect the rights of the indigenous peoples. This was reflected in the case whereby the Federal Government had filed a civil suit against the State Government of Kelantan to prevent the private parties from further encroaching and destroying the native land of the Temiar.</p>

2.	<p>Good practices and challenges on increasing indigenous women and girls' access to effective mechanisms to prevent their exposure to violence as well as to assist and protect victims of violence in a comprehensive manner.</p>	<p>The protection of the rights and welfare of the indigenous peoples (<i>Orang Asli</i>) in the Malay Peninsular is guaranteed under the provision of Article 8(5)(c) of the Federal Constitution. Meanwhile, Article 161A of the Federal Constitution provides the Special position of natives of the States of Sabah and Sarawak (East Malaysia).</p> <p>The right to land for the indigenous people is stipulated in the Aboriginal Peoples Act 1954 (Act 134), in accordance with Article 8(5)(C) of the Federal Constitution. Act 134 provides guidelines on administration, areas and reserve lands, compensation and ministerial powers pertaining to <i>Orang Asli</i>. Other legislations that are also related to <i>Orang Asli</i> are the Land Conservation Act 1960 (Act 3), National Land Code 1965 (Act 56), National Parks Act 1980 (Act 226), National Forest Act 1984 (Act 313), Land Acquisition Act 1960 (Act 486) and Protection of Wildlife Act 1972 (Act 716).</p> <p>In accordance with the laws and regulations, the indigenous peoples are guaranteed access to land for settlement areas, farming activities, and forest harvesting for their livelihood. A Department of <i>Orang Asli</i> Development (JAKOA) was established under Act 134 to govern the protection, well-being and advancement of the indigenous peoples in Malaysia.</p> <p>In upholding the special position of the indigenous people in Malaysia and addressing the concern on the right Native Customary Land, JAKOA has been conducting land parameter surveys for the area inhabited by the indigenous peoples for land gazetting application to the states government. JAKOA will also assist the indigenous peoples in finding amicable solutions in any cases of land disputes for all parties involved.</p>
----	---	---

		<p>The Government had established the National Committee on Domestic Violence in November 2019, a multi-stakeholder platform comprised of government agencies and non-governmental organisations (NGOs) to address issues with an effective approach related to domestic violence in Malaysia. Among the initiatives that have been undertaken through this Committee includes:</p> <ul style="list-style-type: none">(i) Intensifying advocacy, campaigns, awareness and promotional activities on domestic violence to government agencies and public as well as promoting the available support services including psychological support to meet the needs of the public;(ii) Facilitating the process of issuing Emergency Protection Order by the Department of Social Welfare (DSW) to rescue victims immediately and also prevent the perpetrators from committing domestic violence against victims;(iii) Coordinating data on cases and complaints received by government agencies and NGOs;(iv) Ensure counselling services are provided to those in need of psychological support either face-to-face or online, especially through <i>Talian Kasih 15999</i> hotline;(v) Building strategic cooperation on issues, programmes and initiatives with the State Government;(vi) Strengthening cooperation between government agencies and NGOs in the preparation of advocacy materials, programmes and domestic violence-related data;
--	--	---

		<p>(vii) Providing continuous capacity building programmes to empower the enforcement officers to provide “first-line response” to cases received; and</p> <p>(viii) Including components of domestic violence in the National Morbidity Health Survey (NHMS) under the Ministry of Health (MOH) to analyse the overall prevalence of domestic violence cases in Malaysia.</p> <p>During the COVID-19 pandemic, the Committee has further introduced several measures to ensure the continuity of services in the new norm so that it can be accessed by the needy such as:</p> <p>(i) Ensuring procedures in handling domestic violence cases are subjected to requirements under the Movement Control Order (MCO) and National Recovery Plan;</p> <p>(ii) Developed more promotional materials to raise awareness on issues, protection rights, and services such as infographics on types of domestic violence, protected groups and services provided under the Domestic Violence Act 1994;</p> <p>(iii) Publicise infographics on domestic violence in social and electronic media such as Facebook, Instagram, billboards and official ministries and agencies’ websites as well as short message service through the National Security Council, which has broader access to urge the victim or public to report incidents;</p> <p>(iv) Ensuring the application for EPO issued by DSW and the Federal Court of Malaysia for Interim Protection Order (IPO) and Protection Order (PO) are accessible to victims;</p>
--	--	--

		<ul style="list-style-type: none"> (v) Facilitating the movement of victims to make a report of the incident during roadblocks with the collaboration of Royal Malaysian Police (PDRM); (vi) Promoted counselling services through <i>Talian Kasih 15999</i> hotline and continuous psychological support to those in need during MCO; (vii) Ensuring continuous operation of a safe place and also optimise <i>Rumah Perlindungan</i> under the Department of Women Development (DWD) in Kelantan and Kota Kinabalu to accommodate the needs of victims; (viii) Set up a temporary transit centre for victims at the mosque with the collaboration of the Department of Islamic Development Malaysia. As of 30 September 2021, two mosques in Kuala Lumpur have been used as transit centres while another 12 mosques serve as complaint centres; (ix) Ensures 24-hour One-Stop Crisis Centre (OSCC) treatment for victims at government hospitals (emergency departments); and (x) Enhanced the community programmes and activities, especially for women, through Squad WAJA Programme. <p>The Government had set up a dedicated helpline (<i>Talian Kasih 15999</i>) in 2007 for members of the public to report any acts or suspicion of acts of domestic violence, human trafficking and child abuse to ensure early intervention, as immediate action can be taken on the reported cases. The <i>Talian Kasih 15999</i> operates 24 hours daily and can also be accessed through a fixed-line and Whatsapp Instant Messaging services. This service has a specific line of action when a call on abuse is received, whereby the complaint is immediately transmitted to the nearest Social</p>
--	--	---

		<p>Welfare Office at the district level. The district office is given 72 hours to provide status reports to the <i>Talian Kasih</i> team, followed by submitting a full report within seven days from the day of the received call.</p> <p>In 2021, the Government had set up four (4) mobile units of the One Stop Social Support Centre (O3SC) in Selangor, Kuala Lumpur and Putrajaya and one O3SC premise in Kuala Lumpur. These centres have recently begun operation in 2022 and provide holistic social services to women, children, families, the elderly, and persons with disabilities facing social issues such as domestic violence, post-divorce, child abuse, and unwed pregnancy. The centre is a solution-oriented approach to whole-of-government and whole-of-society efforts by providing advice and information and immediate response to people in need. The centre provides temporary shelter before further assistance and support services can be extended by the relevant government agencies. Until mid of January 2022, these centres have benefitted up to 3,100 people and solved 1,196 cases related to psychosocial issues.</p>
3.	<p>Good practices and challenges regarding the effective participation of women and girls that are at risk of violence or that have been subjected to violence in processes that affect their lives, including those that seek to protect them against violence.</p>	<p>The Government had established the Women and Family Development Committee, which functions as a discussion platform to identify and discuss current issues related to women and family matters at the grassroots level. It is also a platform for policymakers and programme planners to voice out views on matters related to the best interests of women and families. This Committee will also foresee and monitor programmes for women and families to be done effectively at all levels.</p> <p>This Committee is chaired by the Minister of Women, Family and Community Development and involves the participation of States Governments in the planning and decision-making process for the betterment of women and families.</p>

		<p>In combating violence against women, a squad for women against crime was established in 2021 to unite and empower women against violence. Among the programme's objectives are to make women agents of change against these crimes in the community. The aim is to empower the community through psychosocial support and guidance in related issues and help build a society that can work together to ensure increased harmony. As of 15 November 2021, a total of 100,002 squad members have been trained, and 846 guided cases have been handled involving 6,857 individuals through psychosocial interventions by 44 squad members.</p> <p>Cases received by the squad are referred to the relevant authorities such as registered counsellors and the Investigation Unit of the Royal Malaysia Police when necessary. Among cases that are referred to registered counsellors are those involving mental health (depression etc.), and among cases referred to the police are domestic violence cases. The squad also assists individuals in getting welfare assistance and access to government services.</p>
4.	<p>Good practices and challenges on indigenous women's participation in transitional justice processes that address violence inflicted upon them, or in judicial communal or state systems more generally, as well as their access to effective reparations for past crimes committed against them.</p>	<p>A Parliamentary Special Select Committee on Women and Children Affairs and Social Development was established on 11 November 2020 to review Bills, investigate and provide a report on any matters including proposals, motions, petitions, reports or documents related to women, children, and persons with disabilities, indigenous peoples (<i>Orang Asli</i>) and social development. The Committee consists of 9 members of Parliaments from both the Government and the Opposition.</p>
5.	<p>Disaggregated data on violence against indigenous women and girls, including on the perpetrators and their relationship to the victims.</p>	<p>Currently, there is no dedicated central database for domestic violence related data in Malaysia. The statistic recorded under MWFCDD is based on complaints received from the public through the <i>Talian Kasih</i> helpline. Among complaints received were on financial constraints, marital problems and domestic violence. Details of complaints or applications made through</p>

		<p>the hotline are forwarded to DSW [within the purview of the Child Act 2001 (2017 amendment) and the Domestic Violence Act 1994] and other relevant agencies, including the police.</p> <p>On the other hand, the Royal Malaysia Police (RMP) statistics are based on the reports received and have an investigation paper opened (the victims or any family members have committed an offence). Police investigation commences once a report is formally lodged directly to the police.</p> <p>Data based on calls and complaints are collected periodically from relevant agencies such as RMP, Ministry of Health, DSW, <i>Talian Kasih</i> 15999, Federal Court of Malaysia and NGOs through the Domestic Violence Committee.</p> <p>The Working Committee on Data was established in September 2021 to ensure data on domestic violence is holistic and accessible to relevant government agencies and NGOs. The Government has also developed a data collection template to facilitate the relevant agencies and NGOs in providing their report beginning 2022.</p>
6.	Any other issue of relevance.	No information.