

Turning women into politicians

“There are so many men, but who’s listening to the woman’s voice?” It is the plaintive cry of women who want greater representation in politics in Malaysia because they feel that their voices are being drowned by the male majority.

Statistics suggest that women’s representation in local politics is disproportionate to its size in the national population.

Fifty-one percent of the Malaysian population is female, yet there are only 23 women Members of Parliament out of 222 in the Dewan Rakyat and 18 senators out of 64 in the Dewan Negara. At state level, there are 565 assemblymen and assemblywomen but only 41 or 7.4 percent are women.

A group of women have decided to equalize the balance and work towards increasing the number of women politicians.

Janarthini Arumugam of Persatuan Kesedaran Komuniti Selangor (EMPOWER), who said the above quote, feels that women are under represented in policy making political positions, as a result of which women’s issues are inadequately raised and addressed.

She and seven other women have launched the *Menjana Kuasa Wanita* programme to educate women to play a greater and effective role in politics.

“There is a difference between the way men and women think, and you need to have an inclusion of all these voices,” says Janarthini, who is the programme coordinator for *Menjana Kuasa Wanita*, in explaining the need to train women to actively participate in the decision-making process.

Speaking from her own experiences as a former councillor with the Kuala Langat District Council (MDKL), she says there were many issues and needs that affected women in her constituency but they were not seriously considered because “men and women were unequally represented in the council and there was not a strong enough collective voice to champion for the rights of these women in that male-dominated council”.



Afif ... the community can be represented by anyone, regardless of gender

In the absence of adequate women councillors, Janarthini says “the council was negligent” as it was not sufficiently sensitized to the needs of the community, particularly the women’s.

Janarthini served the district of Kuala Langat for two terms as chairperson of the Subcommittee for Pleasantness and Beautification. Out of four subcommittee chairpersons, she was the only woman.

At that time, there were only four women in the entire council of 24 members. Today, there are three.

Janarthini gives the example of a lack of street lamps in an industrial area where many women worked as a woman’s issue that was not addressed when she was on the council.

There were plenty of trees in the area and it was very dark at night. She had appealed to MDKL many times to increase security in the area by adding street lamps to prevent any danger these women might face.

According to her, the council had considered lighting a non-priority but had other infrastructure matters which they deemed more pressing.

There were other women-related issues such as a recreational park, a bus station with proper bus services to access the rural areas in Kuala Langat and better waste management to curb the increasing pollution of Sungai Langat.

“These matters affected women directly,” says Janarthini. But, she says, with the men being more interested in other matters and the women too few to be heard, nothing was done to rectify the problems.

A journalist from Rawang, who only wants to be known as Chan, concurs. She used to be an active member of the *Persatuan Ibu-Bapa dan Guru* (PIBG or Parent-Teacher Association) in the schools which her children attend.

“My eldest son is in Form Three. Half his class is unable to read English, can you believe that?” she says in disbelief.

Chan adds that gangsterism and truancy are growing problems in Rawang because there are not enough youth initiatives to help the youth spend their time in a healthy way.

She says there are also plenty of single mothers in Rawang, but feels there is a lack of welfare to help these mothers who struggle to make ends meet, let alone help their children with their school work.

Chan and a few other mothers raised these matters with the PIBG but they were not taken up for action. Instead, she says, the mothers’ concerns were pushed aside to make way for less pressing things, like the building of new toilets.

The women within the PIBG were anxious. But there was such an imbalance of voices that the majority male voice that only spoke for things they deemed important eventually drowned out the minority.

Both Janarthini and Chan feel that if more women had spoken up on these women’s issues, those issues would have been addressed.

However, not everyone believes that the answer to these “women’s issues” is by increasing the number of women in politics.

“In fact,” argues Timothy Ho, special assistant to Subang Jaya state assemblywoman, Hannah Yeoh, “they are not ‘women’s issues’ at all. They are issues involving the whole community.”

He refers to the many men who walk into Yeoh’s service centre at Subang Jaya, representing their residential areas to ask for better street lighting in their neighbourhood or better traffic management at their children’s schools.

Ho feels it is not the issue that counts but how effective the representative is, citing his boss as an example because assemblywoman Yeoh is one of the few peoples’ representatives -- whether man or woman -- who push hard to get their constituents’ requests attended to.

The project manager from the Institute for Democracy and Economic Affairs (IDEAS), Afif Abdullah, echoes Ho’s sentiments. “I tend to believe that the (community) can be represented by anyone, regardless of gender.”

Afif believes that the gender proportion of political representation does not matter as much as the merits of the representatives. Both Ho and Afif hold the belief that the real solution to the problems faced by the community is to create awareness among all its members regardless of its demographics.

True, but that does not take into account that men and women are different and that those differences need to be accommodated in policy making so that the outcome of implementation is balanced development.

“Women are naturally more nurturing,” explains Chan “We tend to pay attention to the emotional needs of a person, whereas the men generally see only the physical. As both (emotional and physical) needs are equally as important, there needs to be a balance in the representation of both genders.”

“The priority should be that we work together,” adds Prof Fuziah Kartini Hassan Basri, a gender studies specialist from Universiti Kebangsaan Malaysia.

Using the illustration of male and female paddy-farmers working together on a paddy farm, Fuziah explains the importance in utilizing the man-woman dynamics in nation building.

“The women are meticulous and neat – those are their characteristics, so they do the planting. The men have the physical strength, so they do the physical work (of plowing).”

Fuziah emphasizes that once both men and women are able to respect, embrace and appreciate each others’ differences, see the strengths in them and work together in synergy, the nation will advance.



Ho ... they are issues involving the whole community

“There are things the man can do that the woman cannot do, and there are things the woman can do and the man cannot do. We need to see that and work together.”

Mohana Muniandy, chairperson of the Malaysian Indian Congress’ (MIC) Social and Welfare Bureau, agrees.

Mohana, who heads a women’s welfare centre called Pusat Kebajikan Wanita India in Puchong, recalls an incident which proved to her that women and men leaders needed to work together by capitalizing on the differences as much as the similarities in addressing issues.

“There was a family (a husband, his wife and their two children) who lived with the husband’s parents in a house that belonged to them (the elderly couple). The grandfather of that house had a habit of drinking and repeatedly went home drunk.

“When his son reprimanded him for his drinking habits, he threw a fit and kicked his son and his family out of his house. So the family had no place to go and had to put up at an R&R (highway resthouse).

“They sought the help of the ADUN in that area and he, in turn, called me. He said he didn’t know how to handle this situation and asked if the women’s welfare centre could help.”

So Mohana and some other women from the centre counselled the family and the elderly man, and eventually helped them sort out their problems.

“It is obvious that we need more women leaders, especially in the higher places of authority,” says Mohana.

Gender issues and low women’s representation are not new issues. What is worrying is that despite much public discussion, women’s representation in Malaysian politics has stayed at 10.9 percent in the past 20 years. What could be the cause?



Koh ... cultural forces
back home are too
strong

“It is because in our culture women have always taken a very subservient role (to men), and even if they are highly educated and have been exposed to cultures where men and women are regarded as equals, the cultural forces back home are too strong,” suggests Dr Phillip Koh, director of counselling and teacher trainer for Fairview International School.

He feels these “cultural forces” are the expectations that society places upon women -- to be good mothers and good wives; to cook, clean and rear children; and to forego everything else

Another “force” that has hindered women from entering Malaysian politics are the men, or rather the “fear of men”.

Sooner than having to face sexist and derogatory remarks from chauvinistic men who feel threatened by ambitious women, these women prefer to lend their expertise elsewhere.

“It is very hard to break through the ‘old boys’ network’. It is easier to ‘break through the glass ceiling’ in the corporate world, than to break through the ‘old boys’ network,” Fuziah comments in reference to the network of men in politics who “back each other up” in order to retain their positions of power.

Religion is another factor.

“Among the Malays,” Fuziah says, “many of them (men in politics) use religion against women. They use their own interpretation of the Quran against the women so that the women do not get ahead of them.”

Mohana agrees with Fuziah, “It’s the getting there (to the higher positions) that is hard, because in many cases men seem to not want women to supersede them.”

“Even at the PIBG level, there was gender politicking,” said Chan. “The male leaders within the PIBG felt threatened when the women rise up and start voicing out.”

Both Fuziah and Koh recommend a parallel programme in addition to *Menjana Kuasa Wanita*, to help men appreciate the strengths only a woman possesses and become more open-minded towards equal opportunities for both men and women.

So far, 25 women have participated in the *Menjana Kuasa Wanita* programme which was launched on Dec 9. The aim is to train women towards achieving 30% of women in policy and decision-making positions. The programme is on-going.

The star

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Judging gender parity in court

Should the Judicial Appointments Commission bear in mind the Government's 30% minimum quota in assessing women candidates for appointment and promotion?

WHENEVER there is a discussion on the status of Malaysian women and how the policy for at least 30% women in decision-making positions should be implemented, the focus is invariably on the public and private sectors.

There are debates on the number of women in Cabinet (the Executive arm of the Government) and women lawmakers (Legislative arm) but there is almost never a mention of the third arm – the Judiciary. There have been calls for years to appoint women to the Syariah judiciary and the recent appointment of two in July this year was deemed a breakthrough of sorts.



Maria: 'We should aim for more in the higher tiers as well'

And yet the poor female:male ratio in the civil court system seems to have escaped scrutiny.

Is gender more important in the syariah court?

"Most people perceive the civil court system to be based on laws that have less discriminatory elements with regard to women," says Noraini Othman, who is professor in Sociology and Religion at Ikmas at Universiti Kebangsaan Malaysia.

"In the syariah court, the cases are based on personal law.

“Even the criminal laws are problematic as they don’t reflect the Quranic perspective of justice and mercy,” adds Dr Noraini.

“Look at the Kartika case – she confessed she drank alcohol and it was her first offence but she still got the maximum sentence.”

Sisters in Islam’s Legal Unit manager Ratna Osman says SIS has not focused on the civil court because there were female judges there already unlike the syariah court where “we had to fight for the right for women to even be judges.”

“In 1999, we were told no women could be judges in the syariah court. But in 2006, the authorities passed a *fatwa* saying they could.

Position	Total		Male		Female		% Female	
	2007	2010	2007	2010	2007	2010	2007	2010
Chief Justice of the Federal Court	1	1	1	1	0	0	0.0	0.01
President of the Court of Appeal	1	1	1	1	0	0	0.0	0.0
Chief Judge of the High Court of Malaya	1	1	1	1	0	0	0.0	0.0
Chief Judge of the High Court of Sabah & Sarawak	1	1	1	1	0	0	0.0	0.0
Judges of the Federal Court	8	7	8	6	0	1	0.0	14.0
Judges of the Court of Appeal	21	22	18	19	3	3	14.3	13.6
Judges of the High Courts in Malaya, Sabah & Sarawak	48	57	35	35	13	22	27.1	38.6
Judicial Commissioners in the High Courts of Malaya, Sabah & Sarawak	16	45	11	23	5	22	31.3	48.9

Table 1
Source: 2007 statistics from the Women, Family and Community Development Ministry and 2010 statistics from the Judiciary website

STATISTICS GRAPHICS © 2010

“Even then, it took another four years before they appointed two women this year,” says Ratna.

On Nov 11, de facto Law Minister Datuk Seri Nazri Aziz told Parliament the Executive was looking at setting up a Gender Equality Commission. Maybe it’s time to see how women are doing in the civil court system.

The Judiciary is divided into three categories:

- > JUDGES in the Federal Court, Court of Appeal and High Court –appointed by the King and can only be removed by a tribunal;
- > JUDICIAL commissioners (JCs) – appointed on two-year contracts in the High Court; and
- > REGISTRARS, deputy registrars, senior assistant registrars, Sessions Court judges and Magistrates – are from the judicial and legal service.

The list of female names in the superior courts and the subordinate courts nationwide on the Judiciary website shows it to be clearly bottom heavy (no pun intended) – those in the third category make up about 60% of the judicial officers.

At the High Court, the lowest level of the superior courts (see chart) shows the number of female JCs has increased markedly since 2007 from 31.3% to 48.9%. It's way over the 30% target policy that reappears in the 10th Malaysia Plan. There is also an increase, albeit smaller, in judges from 27.1% in 2007 to 38.6%.

However, women are scraping the barrel in the Court of Appeal (three) and Federal Court (one).

And there are none in the top four positions – Chief Justice of Malaysia, President of the Court of Appeal, Chief Judge of the High Court of Malaya and Chief Judge of the High Court of Sabah and Sarawak.

The last time a woman was in the top echelon was in 2007. For most of her career, until she retired on Jan 5, 2007, Tan Sri Siti Norma Yaakob was a “woman of firsts.”

Appointed a senior assistant registrar of the High Court in 1963, Siti Norma was the first woman High Court judge in 1983 and the only one for many years; the first woman Court of Appeal judge in 1994; the first woman Federal Court judge in 2001; and the first woman Chief Judge of Malaya in 2005.

Since April 2009, a Judicial Appointments Commission (JAC) recommends names of candidates to the Prime Minister who then advises the King. The JAC also oversees the appointment of JCs.

Currently, under Section 23(2) of the JAC Act 2009, the criteria for appointments and promotions include, among others: integrity, experience, impartiality, good moral character, making timely judgments, good legal writing skills, industriousness and good case management.

The increased participation of women is seen as essential to the empowerment of women but perhaps just as important is the equal participation of men and women to strengthen democracy and promote quality development as well as provide a balance that reflects society.

Women's rights activists worldwide are pushing for a gender quota in the Legislature. Should that be extended to the Judiciary?

Several activists here feel that gender is an important issue in appointing judges in the civil court system but it is not a priority.

For Empower executive director Maria Chin Abdullah, a judge “must have intelligence!”

Visiting Professor at the Women's Development Research Centre at Universiti Sains Malaysia Dr Cecilia Ng argues that the “politics of presence is not the same as the politics of ideas.”

“We need to make a distinction between numbers and substantive representation.”

Looking at the gender parity here, she says the numbers will grow naturally.

She suggests, however, that a quota could be looked as a “temporary special measure.”

Member of Parliament for Batang Sadong Nancy Shukri says women may be better in trying some cases but she feels merit tops gender as a priority in selecting a judge.

The chair of the Women’s Caucus in Parliament adds it is essential the Executive ensures it brings about reform so its 30% quota for women is fulfilled in every sector.

The Judicial and Legal Service Commission – which is chaired by Public Service Department director-general Tan Sri Jamaluddin Ahmad Damanhuri and comprises Attorney-General Tan Sri Gani Patail and six judges and is responsible for the appointment of judicial officers – seems to have done its part in appointing more women judicial officers.

It is in the highest tiers the ratio of female:male judges plummets (see chart) (3:19 in the Court of Appeal and 1:6 in the Federal Court).

Should the JAC consider gender?

“I don’t know whether women would make better judges but the 30% quota is a question of representation,” says Maria.

“Yes, there are many female judicial officers and female judges in the lowest tier of the superior courts but we should aim for more in the higher tiers as well,” she adds.

So far, women’s groups have only asked for all judges (male and female) to be gender-sensitised. Should Parliament amend the JAC Act to include gender as a criteria or would that be seen as interference?

Maria and Dr Ng say it would not be interference because Article 8 of the Federal Constitution already guarantees gender equality.

“But I do not see a need for such an amendment. While judges should be appointed on merit the JAC must give some consideration for gender balance,” adds Maria.

“The main thing is to have more women so they can participate in decision-making roles. There are none now in the judiciary.”

Former Malaysian Bar president Datuk Ambiga Sreenevasan agrees.

“If the numbers are there in the lower courts, there’s no reason why there are so few women in the higher tiers.”

Former director of the Centre for Public Policy Studies Tricia Yeoh says that “all things being equal – in terms of qualifications and capabilities – a woman ought to be considered for the job to ensure better gender representation if there is minimal representation.”

“Given Malaysia’s social fabric, it would make a difference because there is an empowering role for women to play.”

While maintaining she would rather have a reliable justice system than one where women just make up the numbers, Noraini says there's nothing wrong in asking the JAC to bear in mind Article 8 and the 30% quota.

As she points out, surely the composition of judges should reflect the principles of modern life, where both men and women take care of the family and contribute to the economy.

The malay mail

Awareness needed on Domestic Violence Act, says NGOs

To know the law is just as important as the amendments to it

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PETALING JAYA: There is need to increase awareness among the public as to what constitutes domestic violence, instead of just amendments to the Domestic Violence Act 1994.

Women, Family and Community Development Minister Datuk Seri Shahrizat Abd Jalil said last week that proposed amendments to the Act were now in the final stages. However, non-governmental organisations (NGOs) are concerned if the authorities' focus would remain on intervention after the fact instead of prevention.

Tenaganita director Irene Fernandez said the whole concept of having the Domestic Violence Act in the first place was to stop or prevent such violence.

"As such, it is vital for this Act to define what qualifies to be treated as domestic violence. Better still, this Act should be able stand on its own without the need for any reference to other legislation like the Penal Code."

She noted the existing Act allowed police to intervene only if a physical assault had occurred.

"But, what about those who have suffered from being isolated or shunned? This should be looked into too."

She also hoped the Act would be extended to cover the responsibilities and roles of all family members, plus domestic workers and stepchildren.

"We need the authorities to have pro-active and objective officers to handle such cases. The amended Act should be further expanded to shelter and protect the victims and those affected in domestic violence cases."

Women's Development Collective executive director Maria Chin Abdullah said it was important for the Act to be well-understood and implemented properly — not only by the people involved and affected by domestic violence, but also the authorities.

"It is very important these amendments be explained to the police, lawyers and judges as this is a sensitive gender-biased issue."

She hoped the Act would offer guarantees for the victim that all their reports would be recorded and accorded due attention, without getting turned down by people in a position to act.

"My concern would be on how it would be implemented. We can have good laws. But, if the implementation is still weak, we might not get anywhere."

Malaysia Child Resource Institute executive director Ruth Liew felt stricter laws and heavier punishments were not sufficient to cover loopholes in the existing Act.

She stressed the amendments to the Act should cover all areas regarding children, from personal rights to labour laws.

"It is important for the Act to focus on educating everyone, be families, authorities, children or senior citizens on what their rights are."

She suggested the subject of children's rights be included in the school curriculum. In kindergartens, it should be made compulsory for the child's parents or guardians to attend classes on children's rights.

"Many cases of child abuse happen because the victim does not even know in the first place that there are laws to protect them."

"If possible, it should require residents' associations to be more active in protecting their residents from domestic violence while at the same time, alerting the authorities should suspicions arise of such cases in their community."

The amendments to the Domestic Violence Act 1994 is in the final stages and would involve expanding the definition of domestic violence to include emotional injury and mental torture or psychology, to facilitate application of an interim protection order (IPO).

Shahrizat said IPOs could be filed in another district and three attempts should be made to deliver copies of such orders to offenders.